TABLE OF CONTENTS

1  The Spirituality of Physicality: The Importance of Place and Object in the Pueblo World
   Abigail Clarke

8  Homoeroticism and Genderfluidity and their Connection to the Carnivalesque in As You Like It
   Getty Hesse

16 Environmental Injustice and Structural Violence in Brazil’s Belo Monte Dam
    Eleanor Mendelson

20 The Creation and Revision of the Kangaroo Court: Juveniles’ Evolving Rights in the United States Before and After Gault
    Lucy Kates

28 The People We Serve: Latinos and the U.S. Catholic Church
    Laura Pott

38 Nonvocal Communication Methods for the Verbal Autistic Population
    Molly Macke

48 An Overview of Clinical Discrimination
    Carson Schlittler

60 Seeds of Change: Genetic Modification and the New Direction of Farming
    Eleanor Mendelson

68 The Influence of Women Within the Spread of Christianity
    Spencer Kunz

74 The Students of Oklahoma’s Virtual Charter Schools
    Matthew Lugibihl
The Spirituality of Physicality: The Importance of Place and Object In the Pueblo World

Abigail Clarke

At Pojoaque Pueblo in New Mexico, standing on a hill covered in grass, rocks, and pottery shards, we look down to see rocks laid out in a circular formation and others forming a line across several feet of the ground. Dr. Bruce Bernstein warns us not to sit on them and, of course, not move them because these rocks are shrines. In fact, all of Pojoaque Pueblo is sacred land. This was a village; it was a home. With that, life still emanates from this land. Rocks have been worn smooth by people’s hands connecting with them, feeling the earth’s sediments and even sometimes taking some of it into their mouths, to return a bit of the earth into themselves, to ground themselves with what they were created from in the first place. The land is life, even if we as researchers and students do not immediately recognize it.

Looking upon the great kiva site, the largest of its kind north of the Rio Grande, and looking up at the shrine Buffalo Thunder, we would not have seen anything but a wide indentation in the ground and an imposingly large rock formation without the guidance of the tribe officials and researchers leading the trip. The people of Pojoaque know the history and spirituality that the landscape holds, and as we stood on it, it required the greatest respect, and it still does today, long after we have left. Other people have already disrespected the sites, marring them irrevocably and stealing pottery shards from the earth they were intended to return to that can never be replaced. People may not live there today, but there is life in the land that we must recognize and respect. The maintenance of place and tangible objects enables the Pueblo people’s history and spirituality to be embodied and live on. As a result, archaeologists and cultural anthropologists must work to regard these seemingly unassuming or even abandoned places as full of life and meaning that the Pueblo people have held since the beginning of time.

For context, the Pueblo people live primarily in the state of New Mexico in the United States and have lived there before the state ever existed, having survived centuries of colonizers attempting to wipe away their homes and cultures. A Pueblo is a tribal nation under a tribal governmental structure but also a community of people who share certain beliefs and lifestyles. There are nineteen different Pueblos in New Mexico, including Pojoaque, San Ildefonso, Santa Clara, Taos, Zuni, and Acoma. Five different language dialects are recognized and spoken within the Pueblos: Zuni, Keres, Tiwa, Towa, and Tewa. The Pueblo people continue to thrive, actively maintaining a balance between preserving their ancestral villages and traditions and adapting to modern ways of life.¹

Place is vital to all Pueblo being. The physical landscape that one stands on is the same one that one’s ancestors have stood on and one’s future brethren will stand on. With this, the Pueblo world consists of natural landforms, old uninhabited pueblo sites, and the currently inhabited pueblos. The Rio Grande valley has

provided life to the Pueblo people, and they have followed their path to becoming—
to maturing in experience and understanding of life as a people—within it. Their
world is bounded by the sacred mountains. Within those bounds, closer to the
villages, sacred mesas stand in each of the cardinal directions, housing supernatural
beings in their tunnels and caves. Also, bodies of water are held as sacred—Sandy
Place Lake to the north for Tewa-speaking Pueblo people and Blue Lake for the
Tiwa-speaking people of Taos Pueblo. Within their natural world lies the villages
the Pueblo people both previously lived in and still live in today. Now uninhabited
villages were built by Pueblo ancestors, and those ancestors still dwell in them, and
that must be honored. According to Aguilar, people even still tell stories of the old
village of Nake’muu within his community of the Pueblo of San Ildefonso. No
archaeological site has an end date in Pueblo history; it simply continues to live
through memory and meaning.

Then, of course, the centers for daily life are the currently inhabited
pueblos. The community lives and breathes in the pueblos—talking, cooking,
learning, celebrating, growing. These places are the hearts of the Pueblo people
while their souls extend out into the ruins of abandoned villages and the mountains
that still stand. Mediating tradition with new advancements from the outside must
be faced within the spaces of their homes, but in knowing and visiting where they
come from, there is a balance held in place, a melding of past, present, and future.
Physical place, the ground upon which one stands, allows the Pueblo people to
continue on their path to becoming without becoming lost.

One cannot remove the spiritual aspect from these physical places that the
Pueblo people hold as their own. From the beginning of time, from the beginning
of human life, they have lived as part of this earth. In fact, their creation story tells
of how they came up from the earth, rising from a place of emergence and then
proceeding to traverse the earth on a journey to find their middle place. Ortiz tells
this story not within the parameters of dates and centuries because those do not
matter to the Tewa like they matter to archaeologists. The journey relies solely
on place, spots one can point toward in order to prove that the journey occurred.
This journey began in a lake in the north. They were living beneath Sandy Place
Lake until they had been accepted onto the land, beginning like the corn plant that
grows from the earth and continues to sustain them today. From there, they moved
southward until they found a center place, a place of balance, to settle. This center
place was and still is able to move, and the Tewa must follow, allowing natural
and cultural changes to push them in steady movement until they achieve a feeling
of balance and completeness once again. Their story began in migration, and it
simply continues, allowing them to be tied to many places that they have traversed
and called home for some length of time, these places being imbued with life and
memory that is never forgotten. The Tewa creation story and places of emergence
are as legitimate as the Book of Genesis and the Garden of Eden, except they were
not placed on the earth and then expelled from paradise, forever hoping and working
forward toward returning to it after death. In coming from the earth and choosing to move
through it and with it, there is a peace. Their spirituality is held here, within reach,
within the mesas and lakes and shrines. They are of their place and never separated
from it. They know these places and are still connected to them, telling stories and
making pilgrimages, moving but never lost.

These connections between the Pueblo people and their landscape exist
as cosmological strategy in order to conceptualize their lives within a place both
spiritually and physically. Upon emergence and the beginning of migration, Damian
Garcia and Kurt F. Anschuetz tell of how the Acoma people plotted their landscape
as it “ripened.” Using cardinal directions and the landforms around them, they built
order from a chaotic, new world, drawing “maps in the mind” as they traveled and
searched for a middle place on their path to becoming. The control of ordering
their landscape allowed for the Acoma themselves to mature and ripen as people as
well. However, this mapping was much less subjective than Western archaeologists
wanted to believe. The ancient Pueblo people both understood their space on a scale
of their own bodily experience and charted their space linearly. With the guidance
of spirits like a water spider who stretched his legs in the cardinal directions and
pronounced the space measured and the center located, Zuni priests and chiefs
knew where to build their village. Able to consider the landscape as larger than
themselves, through the location of shrines, the people even conceptualize layers
of tetrads surrounding their village with each tetrad demarcated by a different type
of shrine. With this, their landscapes are bounded by a clearly structured system
but a system which draws upon the power of the spiritually-charged shrines.
Cosmologically, each village is held in the grips of something much greater
than simple physical boundaries. With spirits residing within some of these shrines, they
work to keep watch over the villages of Tiwa-speaking people, providing protection
and even surveillance, possibly imposing an aspect of social control upon the
village. This spiritual landscape builds a relationship between the Pueblo people
and their place through the movement of energy from the living people residing
in the village center out to the edge where supernatural beings exist, creating an
“ensouled place.” The Pueblo people have successfully ordered their world and under
stand it by placing their spirituality within the physical, within the great swaths of the
landscape. Here, they find the center places they call home, surrounded by

---

8 Ortiz, “Through Tewa Eyes.”
13 Ibid, 462-463.
shrines and spirits, surrounded by the sacred.

However, shrines do not solely exist for the purpose of establishing a designated place for a village—something that would insist upon stagnation for the Pueblo people. In addition to serving as bounds within the Pueblo landscape, shrines serve as tangible points of living memory and myth. This is a broad classification, as many pieces of the Pueblo world do indeed fit under the description of a shrine. Natural landmarks such as specific mountain peaks and springs that already stood during people’s emergence or even as places of emergence themselves hold power as testaments to the earth’s simultaneous permanence and constant transformations.\(^{15}\)

Another type of shrine from the beginning of time, the remains of the giant who lived on top of Tunyo Pin, the primary mesa of the north, still rest there after he was defeated in a battle with the Twin War Gods, according to San Ildefonso Pueblo lore as told by Aguilar. Serving as a connection to a less mythical but just as spiritual history, previously inhabited villages are also shrines. As mentioned earlier, since Pueblo ancestors built and lived in these pueblos, they must be honored out of respect to those whose spirits still dwell there.\(^{16}\) Around and within these pueblos, there are smaller shrines, both affected by people and entirely naturally formed. Dr. Samuel Duwe has investigated the numerous cupules that can be found in Tewa Pueblos where people had pounded on rocks to create round indentations without any apparent practical purpose. He argues that the creation of these cupules, called kayé, is just as important as the cupules themselves, the intentional pounding being an act of prayer.\(^{17}\) Other fingerprints of people of the past can be extraordinarily difficult for archaeologists to identify such as rock piles and stone circle shrines as referenced by Fowles in his research on Taos Pueblo. He also investigates naturally occurring shrines—boulders and rock clusters—that surround the pueblo, learning that in their origin story they were previous inhabitants of the earth who were turned to stone during a Great Flood long ago.\(^{18}\) Similarly, at the center of Tewa villages, the “Earth mother navel middle place” stands as deeply sacred but can be marked by something as unremarkable as a simple flat stone.\(^{19}\) All in all, these shrines of greatly varying size and permanence hold deep meaning. They are not simply rocks, old villages, or bodies of water. They stand as physical pieces of the past, of the Pueblo people’s history and spirituality, drawing the past into the present and holding it still into the future.

As a result, these shrines serve as constant connections to the Pueblo people’s spirituality. The ties between currently inhabited villages and ancestral sites are even described as “umbilical cords,” continually giving life to the Pueblo people.\(^{20}\) With this, they ritually embark on pilgrimages to these sites and other shrines and spirits, surrounded by the sacred.

Advancements have taken place within the academy. Theories and perspectives are expanding to accept more subjectivity along with the traditional Western hard science approaches, allowing for spirituality and myth to be considered as viable explanations for events of the past. Additionally, the Native American Graves Protection and Repatriation Act mandates that objects and remains taken from tribes be returned. In acknowledging that these physical objects hold power and meaning, it has opened the doors to better efforts toward collaboration and respectful representation by museums and research institutions. Lastly, Native scholars are being more actively included in the studies of archaeology and cultural anthropology. In knowing their own people and beliefs, they provide deep insight while also knowing the bounds of what is to be kept from the eyes and minds of those who are not Native.\(^{21}\) For example, Joseph Aguilar of the Pueblo of San Ildefonso studied the sacred Tunyo Pin without disturbing the ground surface on the mesa by using drones to survey the area which, in result, did not change or damage the landscape. Along with that, having grown up in the Pueblo of San Ildefonso, he also knows the stories of Black Mesa that are told by his people, understanding a fuller spiritual meaning of this sacred place.\(^{22}\) Even still, the archaeology of the physical Pueblo world is not fixed entirely. Pottery sherd, corn mothers, and other objects and shrines are meant to stay where they belong, whether that is in the midden piles in which they were left or kivas where they were supposed to have never been seen by people outside the pueblo. Nevertheless, they are still picked up and stolen from sites, kept in shoeboxes and displayed in museums. Additionally, the study of shrines can be particularly difficult as they were not always constructed to be long-lasting or identifiable. Piles of rocks fall down.

---

\(^{15}\) Preucel and Duwe, “Introduction,” 14.


\(^{19}\) Ibid, 451-452.


\(^{21}\) Garcia and Anschuetz, “Movement.”


\(^{23}\) Ortiz, “Through Tewa Eyes,” 7.

\(^{24}\) Preucel and Duwe, “Introduction,” 18.

\(^{25}\) Ibid.

Earth navels are nothing but a flat rock. Ultimately, this is where the knowledge of Native scholars should be called for even more. They know what is sacred. They know their physical and spiritual world.

For the Pueblo people, tangibility is vital to spirituality. The physical allows for the mythical to be real, for it to be embodied, seen, touched, felt. So much of human life is invisible and fleeting or at least mutable and ever-changing. However, human connection, history, and community can be held within these places and shrines with which the Pueblos are so irrevocably connected. Life flourishes from this. The act of becoming involves the physical traversing of land, the physical touch of visiting shrines, and the physical living upon the earth from which everyone was created. The past, present, and future meld together in this physicality. These shrines have no dates. These abandoned villages still hold the spirits of ancestors. These mountaintops never move. The earth is continuous. The path to becoming never ends, but that also means it stretches on forever, connecting every Pueblo person who has journeyed on it and will journey on it. However, not all archaeologists and cultural anthropologists are also following this path. In result, they must work to respect both the physical and spiritual even without the whole conceptual understanding of the gravity these places and objects hold. Walking through these sites and laying my eyes upon these shrines and sacred objects, I felt something—awe, incredulousness, respect. Nevertheless, I know I will never understand the true depth of what I saw and experienced in the Rio Grande valley. The Pueblo world is not my own. The Pueblo people are not my people. Therefore, with firsthand experience, I can confidently posit that in working with Native people who are walking on the path to becoming, researchers will produce truly better research that privileges the history and spirituality that lives within the physical world of the Pueblo people. Their hands and feet have knowledge we will never have, and we can all grow because of this. The journey must continue.

Bibliography


---

Fowles, “The Enshrined Pueblo.”
Homoeroticism and Genderfluidity and their Connection to the Carnivalesque In As You Like It

Getty Hesse

In Shakespeare’s As You Like It, the beautiful Rosalind and her friend and cousin Celia dress as men to flee into the Forest of Arden in the face of banishment. At the same time, unbeknownst to them, Rosalind’s love, the handsome Orlando, flees his murderous older brother into the same forest. What proceeds is a playful game of identity and passion.

It would be tempting to tie the green world of the Forest of Arden to the notion of the carnivalesque as posited by Bakhtin, but such a comparison would elide over the distinctions between the two. According to Northrop Frye, “the green world has analogies, not only to the fertile world of ritual, but to the dream world that we create out of our own desires.” Likewise, the carnival as described by Bakhtin is a world of liberatory ritual, tied intimately with the dreams and desires of the people. As he argues, “carnival celebrated temporary liberation from the prevailing truth and from the established order; it marked the suspension of all hierarchical rank, privileges, norms, and prohibitions.”

One can certainly see ties between the two, between the carnivalesque of Bakhtin and the green world of Frye: “liberation from the prevailing truth and from the established order” is an intimate desire of any peasantry, and thus the carnival can be said to be a temporary realization of the peasantry’s “green world.” However, the green world of Shakespeare is hardly the complete (if temporary) liberation of the carnivalesque: the reversals of the Forest of Arden are far from complete. One sees this in particular in the maintenance of Duke Senior’s court. As Hager notes, “Duke Senior has largely moved the court into the country and has pronounced the dangerous mix pastoral leisure.”

Ignoring for the moment Hager’s suggestion that court-and-country is a “dangerous mix” (this is related mostly to his argument that any return to nature, as demonstrated through the pastoral, is invariably characterized by a violence humanity commits against the natural world, as represented by Duke Senior’s hunting parties and Orlando’s carving of Rosalind’s name into the poor trees), his point that Duke Senior’s court still exists in the Forest of Arden is salient one. Likewise, Erickson points out that “we are apt to assume that the green world is more free than it actually is. In the case of As You Like It, the green world cannot be seen as a youthful rebellion against the older generation. The Forest of Arden includes a strong parental presence: Duke Senior’s is the first voice we hear in the forest. Moreover the green world has a clear political structure.”

Certainly Duke Senior can call his fellow lords “co-mates and brothers in exile,” a statement of equality that one would not imagine him being able to use in the actual court usurped by Duke Frederick. Amiens nonetheless calls Duke Senior “your grace” and an unnamed royal courtier refers to him as “my lord,” indicating that the hierarchy of the court, while perhaps softened, nonetheless exerts itself somewhat among these lords in exile. Thus, the Forest of Arden cannot be considered a true example of the carnivalesque, and the concept of the green world is not necessarily equivalent to the carnival.

However, the green world of the Forest of Arden does exhibit a significant reversal of norms, in a manner similar to that of the carnival, in the arenas of gender and sexuality. The first instance of possible same-sex attraction is the relationship between Celia and Rosalind, specifically attraction on Celia’s part for Rosalind. Traci asserts that “it is far-fetched to see homosexual intention” in Charles’ claim that “never two ladies loved as [Rosalind and Celia] do,” or, for that matter, in Le Beau’s claim that their “loves/Are dearer than the natural bond of sisters.” In my estimation, he is half-correct. Both of these seem to be merely instances of hyperbole to stress their platonic or familial closeness. However, there are suggestions that Celia holds something more than platonic feelings for Rosalind (though there is no indication that the feelings are reciprocated). From the very beginning, their relationship is characterized by a disproportionate level of dedication on Celia’s part: “Herein I see thou lov’st me not with the full weight that I love thee” Celia says to Rosalind, claiming that, were their situations reversed (that is, that Celia’s father had been banished by Rosalind’s), she would be happy so long as she were still with Rosalind. Later, when Celia’s father decides to banish Rosalind, Celia determines that she will join Rosalind in banishment. There is no indication that Rosalind would do the same. Of course, these statements and actions on Celia’s part are not necessarily indicative of romantic feelings—they could merely be representative of their particular circumstances, in which Celia feels the need to make up for the injustices her father has inflicted upon Rosalind by usurping and exiling her father and later exiling Rosalind herself. Rosalind, meanwhile, of course feels no need to make up for any injustices inflicted on Celia (since there are none) and is understandably concerned with her father’s and her own fortunes. However, Celia’s romantic affections for Rosalind become more apparent as she exhibits jealousy regarding Rosalind’s infatuation with Orlando. This jealousy, when first presented, is debatable. For instance, one could read this exchange in several different ways:

**CEILIA.** ...Is it possible on such a sudden you should fall into so strong a liking with old Sir Roland's youngest son?

**ROSALIND.** The Duke my father loved his father dearly,

**CEILIA.** Doth it therefore ensue that you should love his son dearly? By this kind of chase I should hate him, for my father hated his father dearly; yet I hate not Orlando.

---


6 Shakespeare, 2.1.1.
One could interpret Celia’s rejoinder, that by Rosalind’s logic she should hate Orlando, as suggesting an annoyance elicited by jealousy; alternatively, it could be merely an example of the playful flouting that often characterizes their relationship. One could imagine dramatic versions of this scene playing up either of these interpretations. Likewise, when Celia later taunts Rosalind by drawing out the reveal of who is carving Rosalind’s name into the trees, one can interpret her outburst, “Oh, wonderful, wonderful, and most wonderful—wonderful and yet again wonderful, and after that out of all hooping!” and her final reveal, “It is young Orlando, that tripped up the wrestler’s heels and your heart both in an instant” either as suggesting a delighted mischievousness, or a resentment that Rosalind’s male obsession has against all odds made it into the Forest of Arden, just as they have. Celia expresses annoyance at Rosalind’s constant interruptions of her explanations of how she discovered Orlando, such as in this exchange:

CELIA. . . . I found him under a tree, like a dropped acorn—
ROSALIND. It may well be called Jove’s tree, when it drops forth fruit.

This annoyance becomes progressively more pronounced, as suggested in Celia’s statements such as, “Cry ‘holla’ to the tongue, I prithee; it curvets unseasonably” and later “I would sing my song without a burden. Thou bring’st me out of tune.”

Of course, this annoyance can be interpreted as being at least partially playful, and even if genuine the annoyance may be entirely due to the fact that Rosalind is interrupting her.

However, Celia’s resentment regarding Rosalind’s feelings for Orlando becomes more unambiguous when Orlando is late to meet with Rosalind (dressed as Ganymede). Celia’s pronouncements against Orlando seem unreasonably harsh, considering the relatively minor circumstances:

CELIA. He hath bought a pair of cast lips of Diana. A nun of winter’s sisterhood kisses not more religiously: the very ice of chastity is in them.
ROSALIND. But why did he swear he would come this morning and comes not?
CELIA. Nay, certainly there is no truth in him.
ROSALIND. Do you think so?
CELIA. Yes, I think he is not a pickpurse nor a horse-stealer, but for his verity in love—I do think him as conceave as a covered goblet or a worm-eaten nut.
ROSALIND. Not true in love?
CELIA. Yes, when he is in, but I think he is not in.

The harshness of Celia’s judgement is striking, considering that, as revealed later, Orlando is not even an hour late. She claims he is as lacking in love as a nun or Diana, the Roman goddess of chastity, as empty of love as a “covered goblet or a worm-eaten nut.” While she claims that “he is not a pickpurse nor a horse-stealer,” by making that very statement she implicitly compares him to them, suggesting he is as bad as such criminals: just as a pickpurse steals from your person and a horse-stealer steals a horse, so did Orlando steal Rosalind’s heart. Celia goes on to say of Orlando, with acrid sarcasm, “Oh, that’s a brave man: he writes brave verses, speaks brave words, swears brave oaths, and breaks them bravely.”

The harshness of such statements, and the harm one imagines they must inflict on Rosalind, who by all accounts needs reassurance that Orlando will be along soon, or that there must be some extenuating circumstance to explain why he is not present when he said he would be, suggests that Celia has reason to want the affair between Rosalind and Orlando to fall apart. The resentment that she feels towards this relationship becomes apparent, and one is left with the notion that Celia harbors romantic feelings for Rosalind. However, these feelings do not seem to qualify as suggestive of the carnivalesque (or, for that matter, the green world) in that they are never reciprocated; if Rosalind returned Celia’s feelings, such an instance may be representative of a reversal of the societal norms. However, since this is not the case, Celia’s desires remain unrealized and as of such she finds herself trapped in the dominant heteronormative power structure. Furthermore, Celia’s romantic feelings originate outside the green world, in the world of Duke Frederick’s court, and only continue into the green world of the Forest of Arden.

The other major homoerotic element is the attraction Orlando feels for Rosalind-as-Ganymede. This is, of course, intimately tied to the element of gender subversion in As You Like It that I will go into in more depth later. The name Ganymede, of course, as the name of Jupiter’s cupbearer and boy lover, “remained above all, as it had been in antiquity, the symbol of pederasty.” Thus, the relationship between Ganymede and Orlando is explicitly compared to one of the most famous mythological same-sex relationships, a comparison made even more explicit in a conversation between Celia and Rosalind, quoted above, when Celia tells Rosalind she saw Orlando sitting under a tree, and Rosalind exclaims, “It may well be called Jove’s tree.” Additionally, while, as Traci argues, “Orlando’s love for Ganymede mostly of the time seems but an unrealized or immature heterosexuality...” It never occurs to him to have sex with Ganymede... His attraction to the boy is occasioned only as a last resort, inadequate substitute, or even cure, for Rosalind,” the homoerotic element to their dialogue is hard to deny. When they first meet, before they begin their charade in which Rosalind-as-Ganymede “pretends” to be Rosalind, Orlando asks, “Where dwell you, pretty youth?” Whether or not one accepts the ambiguous come-on of “Where dwell you?” (Orlando could be asking to take Ganymede to bed; he could also be merely engaging in pleasantries), the homoerotic bent of calling a fellow man “pretty youth” is hard to deny. Later, once the charade of Rosalind-as-Ganymede-as-Rosalind is underway, their flirtation can be seen in exchanges such as this:

23 Ibid, 3.4.35-6.
24 Of course, this resentment could be interpreted as being not homoerotic in nature: it could be that Celia, who is so used to being the center of attention as the heir to the Duke’s throne, resents the sudden attention being lavished on Rosalind by Orlando, by all accounts a very attractive young man. There is no suggestion that Celia holds any feelings for Orlando, but that he ignores her in favor of Rosalind may nonetheless annoy her. That Rosalind is attracting attention from men, when she (that is, Celia) is used to being the one that has everything, may be the source of any resentment. However, the other homoerotic elements of the play suggest that this is not the case.
25 Kott, qtd in Traci, 92.
26 Shakespeare, 3.2.218.
27 Traci, 92.
28 Shakespeare, 3.2.308.
The charade enables Orlando to imagine Ganymede as Rosalind, but he would nonetheless be very aware that he is still speaking to (he thinks) a young man. The flirtation behind such statements as “I would kiss before I spoke” is undeniable, and one wonders how eagerly he hopes Ganymede would take him up on his offer. As their flirtation escalates to their mock-marriage, not just Rosalind, but Orlando also urges Celia (dressed as Aliena) to marry them:

ROSALIND. …Come, sister, you shall be the priest and marry us. — Give me your hand, Orlando. What do you say, sister?

ORLANDO. Pray thee, marry us.

Of course, this is not really a marriage; Celia is not a priest; Ganymede, as far as Orlando knows, is not really Rosalind. But the play they are partaking in seems unnecessary from the perspective of trying to teach Orlando the ways of love (as Ganymede claims). This suggests that Orlando indeed holds some feelings for Ganymede, however much they may be merely a stopgap for his feelings for Rosalind.

Additionally, the homoerotic drive of Orlando and Ganymede’s flirtation is compounded once one takes into account that, in Shakespeare’s time, the character of Rosalind would have actually been played by a young man, “in the dalliance of ‘Orlando’ and ‘Rosalind’ [the Elizabethan audience] would have witnessed in literal fact what Orlando and Rosalind were playing out in fiction: a man and a boy flirting with abandon and getting away with it.”31 While, as Bulman notes, some critics have suggested that “acceptance of male actors as women was such a long-standing stage convention... that it would have passed unnoticed”32 on the Elizabethan stage, one feels as if the in-narrative gender play, in which a female character plays a man who then plays a woman, would likely have worked to undo this unnoticing; it would likely have drawn attention, even among the Elizabethan theatre-goers, to the stage practice of using young men to play women, and thus made all but the most obtuse viewer conscious of the fact that they are witnessing “a man and a boy flirting with abandon.”33 In this manner, the relationship between Ganymede and Orlando becomes a truer representation of the carnivalesque as suggested by Bakhtin than Celia’s feelings for Rosalind—in part because the feelings are reciprocated and played out in the flirtation between the two, and furthermore in the realization among the audience that, whatever the narrative’s claims about Ganymede’s gender, they are in fact viewing a pair of men flirting, in essence flaunting their disregard for heterosexual norms. Furthermore, this relationship originates in the green world of Arden, and is representative of the green world’s connection to dreams and desires; thus, it becomes a point of overlap between the green world and the carnivalesque.

As noted before, the carnivalesque is expressed in As You Like It not only in the homoerotic elements of the play but in the questioning of gender boundaries. This can be seen, in part, through the very act of using boys or young men to play women, as discussed above. Stage convention or not, the usage of men or boys to play women is a carnivalesque reversal, and a reversal pointed out in the in-narrative carnivalesque of Rosalind playing or becoming Ganymede. Through most of the play, Shakespeare maintains a distinction, as pointed out by Erickson, between “exterior (male) and interior (female),”34 which seems at first to somewhat undercut the carnivalesque nature of this reversal. Rosalind makes a number of claims insisting that she is a woman: “Dost thou think though I am caprisoned like a man I have a doublet and a hose in my disposition? One inch of delay more is a South Sea of discovery,”35 she exclaims when Celia draws out the reveal of who has been carving Rosalind’s name in the trees. “Do you not know I am a woman?”36 she later says, as an excuse for her continual interruptions of Celia’s narration. Later on, she faints when Oliver explains how Orlando saved him from a liones—this is meant to reveal her femaleness,37 as suggested by Oliver’s joking, “Be of good cheer, youth. You a man?/You lack a man’s heart.”38 Thus, the play seems to suggest, Rosalind may be dressed as a man, but she is most definitely a woman.

However, the Epilogue seems to undercut this assertion of Rosalind’s “femaleness,” in her crucial statement, “If I were a woman.”39 This is, in part, a winking acknowledgement that the actor playing Rosalind is not a woman. However, one cannot help but imagine it to also be an undercutting of her previous proclamations to womanhood, and her ultimate discarding of her disguise as Ganymede in the final act. One might go back to the joy exhibited by Rosalind/Ganymede when entering into the Forest of Arden: “O Jupiter, how merry are my spirits!”40 While the clown Touchstone and Celia/Aliena are both lamenting their weariness, Rosalind is rejoicing. The subject of this rejoicing is, of course, ambiguous: she could be excited to be close to seeing her father, or to be away from her uncle. However, one can also imagine that she is relishing in the freedom of dressing as a man—of dressing, perhaps, the way she (he?) imagines herself (herself?). This is further supported by the fact that it is she who originally suggests dressing herself as a man,41 with the explanation that it would be safer for one of them to be a man, but even after she and Celia enlist Touchstone, she continues with her “disguise.” This might suggest that it is not a disguise at all. The fact that, as Ganymede, she brings up her femaleness might suggest merely that she has not fully acknowledged her own maleness. That, in the epilogue, she addresses the audience, and suggests an awareness that all that has just gone on is a play, enables her to

35 Shakespeare, 3.2.178-81.
36 Ibid, 3.2.230.
37 I use the term “femaleness” as opposed to “femininity” because a man can be feminine; as opposed to “womanhood” because I nonetheless want to suggest “femininity” as being an element that Shakespeare ties to Rosalind’s gender. Fainting at the telling of a harrowing story is a stereotypically “feminine” action, but it is also meant to imply that Rosalind is in fact female.
38 Ibid, 4.3.162-3.
39 Ibid, 5.4.204-5.
40 Ibid, 2.4.1.
41 Ibid, 1.3.110-2.
address a reality that she may not, in-narrative, be aware of—*her own maleness*.

The epilogue further enables Shakespeare, through Rosalind/Ganymede, to subvert the return to normalcy of the last act. At the end of the play, Ganymede reveals himself to have been Rosalind, removes his “disguise” (though, as I argued above, it may have been anything but), and joins Orlando in a presumably heterosexual marriage. The court of Duke Senior returns to the land he was exiled from, and most of the characters exit the green world of the Forest of Arden. This can be tied to a major criticism of the carnivalesque, as voiced by Barber: “the release... was understood to be a temporary license, a ‘misrule’ which implied rule.” It is unlikely that Barber knew of Bakhtin’s formulation of the carnivalesque, since he wrote in 1959, or nine years before *Rabelais and His World* was translated into English. However, in this quote he is referring to the folk holidays of the medieval and Renaissance worlds, which Bakhtin argued the carnivalesque is derived from; as of such, Barber’s statement can be taken to apply to the carnivalesque. This return to the norm is likewise considered by Frye to be integral to the narrative structures that revolve around the green world; the green world exists as a haven, but a temporary one, that one must eventually exit. Without the Epilogue, *As You Like It* would seem to fully meet these expectations: the exit from the green world to return to the court; the return from the carnivalesque homoeroticism and genderplay to the land of cisgender heteronormativity. However, through the Epilogue the character of Rosalind/Ganymede manages to subvert this. Let us look at the last portion of the Epilogue:

I charge you, O women, for the love you bear to men, to like as much of this play as please you.
And I charge you, O men, for the love you bear to women—as I perceive by your simpering,
none of you hates them—that between you and the women, the play may please. If I were a woman
I would kiss as many of you as had beards that pleased me, complexions that liked me,
and breaths that I defied not, And I am sure, as many as have good beards or good faces or
sweet breaths will for my kind offer, when I make curtsey, bid me farewell.42

At first, as Rosalind/Ganymede charges the men and women, in the name of the
love they bear for the opposite gender, “to like as much of this play as please” them,
suggesting a heterosexual norm. However, one must note that, while it assumes an
attraction for the opposite gender, it does not necessarily assume a lack of attraction
for the same gender, and, as Traci notes, “it does not imply that either the boy actor
or Ganymede shares that preference.”43 Additionally, the crucial phrase “If I were a
woman” makes it clear that Rosalind/Ganymede is not a woman—that they are more
Ganymede than Rosalind. Thus, rather than a return to the heterosexual, cisgender
norm, the marriage between Rosalind/Ganymede and Orlando becomes a marriage
between two men. The play finally concludes with a young man flirtatiously offering
to kiss “as many of [the audience] as had beards that pleased me, complexions that liked me,
and breaths that I defied not” before curtsying farewell. Thus, the play ends with an affirmation of gender fluidity and gay sexuality, and thus subverts the return to the norm that often characterizes the carnivalesque, ultimately affirming Ganymede’s maleness and concluding with a homoerotic flirtation with the audience.

Bibliography


43 Shakespeare, 5.4.280-9.
44 Traci, 104.
Environmental Injustice and Structural Violence in Brazil’s Belo Monte Dam
Eleanor Mendelson

“When on the river, I was king,” says Raimundo Braga Gomes, one of more than twenty thousand people displaced by the construction of Brazil’s Belo Monte hydroelectric dam. Like most of the displaced, Gomes comes from a community of ribeirinhos, “river people,” who have lived along the Xingu River for centuries. He now lives in the impoverished and violent outskirts of Altamira, the city nearest the dam, stripped of his traditional way of life and without access to many of the basic resources necessary for survival. Stories like his are not uncommon. The Belo Monte dam, like many other major development projects, has an outsized impact on vulnerable populations, particularly indigenous communities. And though these inequalities generate backlash and opposition, they very often are not only permitted but created by the same government institutions that should be tasked with preventing them.

On the surface, projects like the Belo Monte dam appear to be cause for optimism. Brazil’s energy output needs to increase dramatically by 2022 in order to meet demand, and Belo Monte alone has the capacity to produce up to twenty percent of the additional energy required. It also represents a significant investment in renewable energy, part of the Brazilian government’s plan for pursuing sustainable development. However, although eighteen million people will have their homes lit by Belo Monte’s power, those most impacted by the dam’s construction will not be among them. For the people of Altamira, electricity access has actually become less reliable. Built mostly in the 1970s and 1980s, Altamira’s electricity network cannot support an increased load, and surges from Belo Monte have caused repeated outages. Despite this, Altamira residents are facing a tax increase, in order to fund the very project that is causing them so much disruption and indigenous people so much pain. “And this is what they call clean, cheap energy,” lamented a professor at the University of São Paulo’s Electrotechnical Energy Institute.

That Altamira’s indigenous and urban poor are the ones bearing Belo Monte’s enormous costs is not coincidental. Instead it is part of a much larger pattern of environmental injustice, where manufacturing and resource extraction take place in the middle of the communities with the least political power and perceived social value. In keeping with this pattern, Belo Monte exposes “the most profound structural distortions of modern Brazilian democracy,” particularly Brazil’s disregard for its indigenous citizens. In cases like this one, people expect that they should be able to turn to their government for protection. But Brazilian institutions have not only routinely ignored the protests of indigenous and environmentalist groups, but also taken an active role in the dam’s construction, “focusing their efforts on the dam’s materialization instead of ensuring its legality.”

Though no definitive link has been confirmed, there is a general understanding that this government support for the dam is intended to reward Brazil’s construction industry for its enormous campaign contributions, a strong parallel to the American government’s own relationship with oil. There is also speculation that displacement of the ribeirinhos is part of a deliberate political strategy. As a constitutionally protected “traditional people,” they could only make industrial development of the Amazon more difficult; once part of the urban poor, though, they have no choice but to support major construction projects regardless of the impacts, because those projects offer their only opportunities for employment.

The Brazilian government has made gestures toward alleviating the negative impacts of Belo Monte, but not surprisingly, these have overwhelmingly been symbolic rather than concretely changing anything. In 1989, for example, when discussions about the possibility of a dam at Altamira first began, the government heard input from over six hundred indigenous leaders, but rather than addressing any of their more significant concerns, they only changed name of the dam from Kararaô (considered offensive because it is a battle cry of the Kayapó people, who opposed the dam) to Belo Monte. More recently, the Brazilian Development Bank, a government-owned institution that contributes significantly to Belo Monte’s financing, claimed to have sent representatives to construction sites for inspection and consultation as required by its Social and Environmental Responsibility Policy. However, at Belo Monte—as at several other dam projects—affected communities and the civil society organizations representing them reported never having been contacted directly. The Brazilian Development Bank’s efforts at working with instead of against indigenous populations were superficial at best and, at worst, falsified entirely. The Public Prosecutor’s Office, another government agency tasked with defending human rights, has to date filed fourteen lawsuits against Belo Monte, but the cases, heard by judges with vested corporate interests, have never been successful.

Even agreements about compensation for affected people have been undermined by corporate interests. In a move supported and encouraged by the

---

2 Brum, “They Owned an Island.”
5 Leite, “The Battle of Belo Monte.”
6 Leite, “The Battle of Belo Monte.”
7 Leite, “The Battle of Belo Monte.”
10 Magalhães de Oliveira, “On the Margins of the River.”
12 Brum, “They Owned an Island.”
Brazilian government’s environmental agency, the private construction company building the dam handed out cars, gasoline, packaged food, and other consumer items to the indigenous people whose livelihoods were being destroyed. Most of these goods never reached their intended recipients, but perhaps more damaging were the ones that did. Rather than reacting as reparations, they only accelerated the coerced dependency on modern Brazilian capitalism against which indigenous groups had been fighting.

Just as Brazil exploits the powerlessness and perceived disposability of its indigenous people to build dams on their land, that same dynamic, replicated on a global scale, explains why the dams are found in Brazil in the first place. Though highly developed nations certainly have the resources for hydroelectric projects—arguably more so than the countries in which they are actually built—the social and environmental consequences of their construction are deemed much more prohibitive when the people impacted are the white and relatively affluent inhabitants of the global north. In addition to being a dumping ground of sorts for the projects that wealthier nations do not want to confront, Brazil and other newly-industrialized countries face extreme pressure to develop their economies as quickly as possible in order to secure global power and influence. As a result of this pressure, expansion of industry is such a priority that many governments of the global south support it even through means that more developed countries might reject for their unacceptably high negative externalities. This is particularly true in the context of energy production; whether hydroelectric power or the more traditional example of oil, exchanges of energy play a significant role in the political relationships between countries. Belo Monte is just one of dozens of examples of less-developed nations expanding their energy output in order to gain political credibility, coerced by a global economic system centered around never-ceasing expansion.

The greatest irony is that Belo Monte, for all its promise of high returns, is not actually likely to achieve its purpose either in power generation or in sustainability. Though it has enormous generation potential, it will operate at full capacity only four months out of each year, severely limiting the amount of electricity it can produce. The cost of its construction is well on its way to being three times higher than originally anticipated. The re-routing of the river has devastated local ecosystems, making them even more vulnerable to the impacts of climate change. And the deforestation the dam necessitates has been so severe that it threatens Brazil’s Paris commitments. In light of these failures, utilitarian calculations about the value of indigenous life versus renewable energy and economic development begin to break down.

Destruction of indigenous land and communities for the sake of energy is nothing new. But most examples focus on the devastation wrought by oil—the Dakota Access Pipeline, for example, threatens water sources at Standing Rock, and Canada’s Lubicon Cree have had their livelihoods destroyed by drilling and spills. What is so significant about the Belo Monte case is that it demonstrates how even “clean” energy production is deeply entangled with environmental racism and injustice. The question, then, is how the transition toward renewable energy can be undertaken in a way that is peaceful, equitable, and consistent with broader environmental goals. There can be no doubt that the transition is necessary. But as the case of Belo Monte demonstrates, if that transition is led by corporate interests and does not center human rights and genuine sustainability, it is a poor substitute for the deeper shift in priorities that needs to occur.

Bibliography


18 Anderson and Elkaïm, “Belo Monte Legacy.”
22 Leite, “The Battle of Belo Monte.”
25 Anderson and Elkaïm, “Belo Monte Legacy.”

18
The Creation and Revision of the Kangaroo Court: Juveniles’ Evolving Rights in the United States Before and After Gault

Lucy Kates

In the roughly 4,500 words of the United States Constitution, “child,” “youth,” or “juvenile” does not appear a single time. Just as America’s founding charter ignores women and people of color, so too does it exclude a portion of the population that is fundamental to the nation’s future: children. While Constitutional amendments have extended rights to adults other than white males, they have done nothing to define if and how the Constitution applies to juveniles, leaving these questions up to the courts. In Powell v. Alabama (1932), more than 150 years after the Constitution came into effect, the Supreme Court ruled that youth do indeed have constitutional rights, though it was not until In re Gault v. United States (1967) that the Court enumerated children’s rights to due process. It is the central thesis of this study that, while Gault combatted the arbitrary and subjective nature of the juvenile justice system by affording children basic procedural protections, the ruling effectively diminished important distinctions between juvenile offenders and adult criminals. In the decades since Gault, the Supreme Court has begun incrementally reestablishing juveniles’ unique capacities and limitations that necessitate giving them additional protections under the law.

Virtually all scholars agree that Gault, while imperfect, improved upon the subjective and chaotic nature of the existing juvenile justice system. They do not, however, evaluate the success of this case and those it inspired such as Thompson v. Oklahoma (1988) and Graham v. Florida (2010) in the context of the original goals of the juvenile justice system, as is the purpose of this study.

According to Donna Bishop and Hillary Farber, Gault was groundbreaking “in its day” as it “catapulted juvenile delinquency proceedings from an arbitrary and informal setting into a procedural system that offers process and predictability.” Additionally, Buss writes that “Gault should be celebrated for its recognition that children, too, have constitutional rights.”

Yet some scholars also contend that the Supreme Court’s vision in Gault never fully came to fruition, as juveniles have proved unable to exercise their rights in the same way as adults. Mae Quinn goes so far as to say that the decision effectively reverted the adjudication of youth back to the way it was before the establishment of the juvenile justice system, with “criminal-court-like processes and features.”

Scholars agree that recent cases since Gault such as Thompson and Graham have marked positive movement in acknowledging juvenile development and psychology, yet they fail to place these cases in conversation with the intention of the original juvenile justice system. I argue that these cases are fulfilling the founding vision of the juvenile justice system by affording kids additional rights and protections, not just equal ones as adults.

When individual states began implementing juvenile courts at the turn of the twentieth century, they acknowledged that children differ significantly from adults, and thus deserve different legal proceedings. According to Judge Julian Mack, who led one of the first juvenile courts in the country, the judge should act “as a wise and merciful father” as it deals with a delinquent youth. Rather than merely determining if he is guilty, Judge Mack said the state should strive to “find out what he is, physically, mentally, [and] morally,” and help make him “a worthy citizen.” In meeting this aim of the state acting in place of a parent, the juvenile justice system closed its chambers to the public, discouraged the use of lawyers, and asked children to talk openly. These early criminal justice reformers believed that adjudicating juveniles by the same standards as adults and imprisoning them with other criminals were so contrary to the best interest of the children and the state, they created a juvenile justice system that operated under entirely different procedures.

Despite the founding intentions of the juvenile justice system, the state failed in its role as parent, and young offenders underwent arbitrary and informal court proceedings that offered them even less protection and rehabilitation than adults. In 1964, Gerald Gault, a 15-year-old African American boy, was accused of making remarks “of the irritatingly offensive, adolescent, sex variety” over the telephone by his elderly neighbor, Mrs. Cook. A police officer arrested Gault without making any effort to notify his parents, and took him to a group home. Once his mother discovered her son was in police custody, she was able to attend his private hearing with a judge several days later. No record of this meeting was kept, and at subsequent hearing, the judge and Gault disputed whether Gault had admitted to making the lewd phone calls. Despite the Gaults’ requests, Mrs. Cook was not present to identify him as the caller or discuss what had happened, and the judge never spoke to her. Ultimately, he deemed Gault a delinquent and sentenced him to the state industrial school until he turned 21, though the punishment for an adult who violated the same statute was a fine of “$5 to $50, or imprisonment of not more

---


---

11 Ibid.
than two months.”13 Gault and his parents appealed this decision, citing that the proceedings “constituted a denial of due process of law.”14

The Supreme Court’s ruling in In re Gault v. United States (1967) diminished the distinction between juvenile delinquents and adult criminals, challenging the original vision of the juvenile justice system. In the majority opinion, Justice Fortas wrote that the “traditional ideas of Juvenile Court procedure, indeed, contemplated that time would be available and care would be used to establish precisely what the juvenile did and why he did it,” considerations which the judge evidently had not made. Further, the Court decided that “under our Constitution, the condition of being a boy does not justify a kangaroo court.”15 The very structure of the juvenile justice system had harmed Gault, as “safeguards available to adults were discarded” simply because he was below the age of 18.16

Thus, the Supreme Court established that 14th Amendment rights to due process do apply to juveniles, including notice of charges, right to counsel, and protection against self-incrimination, all of which the juvenile system had originally denied Gault.

While Gault afforded juvenile offenders many of the same rights as adults, the Supreme Court’s ruling hinged on youth’s need for more protection than the juvenile justice system had been providing, leaving their similarity to or difference from adults unconsidered.17 The majority opinion thoroughly examined the juvenile court’s opaque and illogical procedures in dealing with Gault, but did not discuss in detail how his age has special bearing on the case. Justice Forbras quoted the Court’s previous ruling in Halsey v. Ohio (1948) which contrasted the 15-year-old plaintiff, a “mere child” of a “tender and difficult age,” with an adult man, saying, “that which would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens.”18 Despite this reference to children’s significantly lower capacities, Gault made little practical distinction between children and adults, granting them adult rights due to process without evaluating if they have the ability to exercise them.19

Juveniles’ inability to understand or use their newly given Miranda rights to their advantage illustrates Gault’s failure to meaningfully distinguish between adults and children.20 In extending adult standards of due process to children, the Supreme Court erred in assuming that those same rights would afford children equal legal protection as adults. According to the American Bar Association, “Juveniles waive their rights at extremely high rates.... Yet it’s not clear that these kids understand what they’re giving up.”21 The majority of Miranda warnings that police use around the country require at least an eighth-grade reading level to understand, yet juveniles who are involved in the justice system tend to have lower IQs than their peers, and stress can significantly lower one’s comprehension. 22 Without understanding what the advantages of remaining silent or having legal counsel are, children often eagerly cooperate with police and talk freely in hopes that they will be allowed to go home.23 Thus, Gault succeeded in giving due process rights to children, but failed in its goal of offering them equal constitutional protection as adults.

In recent decades since Gault, the Supreme Court has begun reestablishing the ways in which children and adults differ, returning to the original vision of the juvenile justice system. In Thompson v. Oklahoma (1988), the justices considered the case of Willie Wayne Thompson, who had helped commit a brutal murder at the age of 15, was tried as an adult, and sentenced to death. The Court ruled that the death penalty qualified as a cruel and unusual punishment in violation of the Eighth Amendment for defendants under the age of 16.24 In the plurality opinion, Justice Stevens cited “evolving standards of decency” across the country and internationally that opposed executing juveniles under the age of 16. He also relied on historical evidence to demonstrate that sentencing youth to death is exceptionally rare, even where legal. While the ruling depended largely on these evolving standards of decency, Stevens also expanded on something Justice Forbras had only alluded to in Gault: juveniles have diminished culpability because they are less able to evaluate the consequences of their actions and more prone to succumbing to peer pressure than adults.25 The language of Thompson harkened back to the framing of the juvenile justice system, and signaled the Court’s newfound willingness to engage with the distinctions between children and adults.

The Supreme Court strengthened its recognition of juveniles’ lesser culpability than adults in Roper v. Simmons (2005). Again relying on evolving standards of decency, the justices ruled in a five-to-four decision that capital punishment for anyone under the age of 18 is unconstitutional.26 While the rhetoric in the ruling is similar to that of Thompson, the Court also used newly emerging psychological and developmental research to provide a scientific basis for sentencing juveniles differently than adults.27 In the majority opinion, Justice Kennedy drew upon this research to outline three areas in which juveniles are so distinct from adults that “juvenile offenders cannot with reliability be classified among the worst offenders,” those who are deserving of the death penalty. He described juveniles’ “lack of maturity and an underdeveloped sense of responsibility,” their susceptibility to “influence and psychological damage,” and the “more transitory, less fixed nature” of their character.28 While this research did not exist a century before when the juvenile justice system arose, Roper spoke to juveniles’ malleability and capacity for reform in similar terms as Judge Julian Mack did while presiding over one of the

14 In re Gault 387 U.S. 10 (1967).
18 In re Gault 387 U.S. 45 (1967).
23 Ibid.
The justices further distinguished juvenile offenders from adult criminals in Graham v. Florida (2010), offering juveniles protection from life without parole for non-homicide offenses as well as capital punishment. Drawing on briefs from the American Medical Association and the American Psychological Association, Justice Kennedy noted that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds.”

The Court not only considered how youth differ from adults while committing crimes, but also how the same punishment of life without parole has a disproportionate effect on juvenile offenders, as “a 16-year-old and a 75-year-old each sentenced to life without parole receive the same punishment in name only.”

While life without parole is not as severe a punishment as the death penalty, it has the similarly harsh consequence of denying an offender the opportunity for rehabilitation, and depriving him of liberty for the rest of his life. Juveniles are less culpable for their crimes than adults, and sentencing them to life without parole for crimes other than homicide constitutes cruel and unusual punishment.

While the Supreme Court has made significant progress in reestablishing juveniles’ unique capacities since Gault, its decision in Miller v. Alabama (2012) demonstrates that juveniles can still receive sentences like those of adult criminals. Under Arkansas law, two 14-year-old boys who had committed felony murder had to receive the mandatory sentence of life in prison without parole. Such was the law that the judge or jury could not alter one of their sentences, even if they “thought that his youth and its attendant characteristics, along with the nature of his crime, made a lesser sentence (for example, life with the possibility of parole) more appropriate.”

The Supreme Court referenced Graham in its decision to illustrate the importance of considering an offender’s age in sentencing him, and drew upon Roper and Graham to conclude that “the imposition of a State’s most severe penalties on juvenile offenders cannot proceed as though they were not children.”

The Court took into account that Miller was abused as a child, suffered from drug addiction despite his young age, and had attempted to commit suicide four times in deciding that a mandatory sentence of life without parole was not an appropriate punishment.

Though the justices ruled in Miller’s favor, his case differs from Graham in a very significant way. While Graham states that it is unconstitutional for a juvenile to ever receive life without parole for a nonhomicide offense, Miller says that it is unconstitutional for life without parole to be a mandatory sentence for juveniles convicted of homicide; that is, a judge and jury still have the right to decide if some children should die in prison.

While these cases since Gault have drastically improved the fate of children accused of crimes, the Court’s ruling in Miller did not provide as extensive of distinctions between adult and juvenile offenders nor as many protections for juveniles as advocates hoped. Rather than taking the opportunity to categorically ban all sentences of life without parole for juveniles, the Court granted that it was still permissible to offer such a punishment to a child who seemed incapable of reform. In Justice Kagan’s majority opinion, she acknowledged the “great difficulty” of determining with any certainty whether a youth’s crime “reflects irreparable corruption,” yet set judges and juries to this very task.

The Court naively assumed that “appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon,” given the extensive evidence presented in Roper and Graham about juveniles’ diminished culpability and increased capacity for change. According to the Campaign for the Fair sentencing of Youth, the number of people serving life sentences for crimes they committed as juveniles has decreased by 60% since Miller; yet there are still jurisdictions that continue to sentence children to life without parole at high rates. The state of Louisiana alone is responsible for about one-third of the roughly 70 new sentences that have been given since 2012. The disparity between life-without-parole sentencing rates in different counties and states alarmingly demonstrates that jurisdiction is the greatest determinant of whether a person will die in prison for a crime he committed as a child, rather than the unique circumstances of the crime and the child’s capacity for reform. Thus, the nation has failed to actualize the Supreme Court’s vision of only the most incorrigible children receiving such a harsh sentence, as well as the founding vision of the juvenile justice system.

Despite the progress that Thompson, Roper, Graham, and Miller have made in offering juveniles special protections under the law, the United States’ work reforming the juvenile justice system is far from finished. These cases reformulated how courts should consider the crimes of children and limited the severity of punishments, but they neglected to address the glaring practical challenge which the Gault decision originally created: many children remain incapable of understanding and meaningfully exercising their Miranda rights when police officers read them. While it is certainly beneficial that these youthful offenders are now constitutionally protected from receiving the death penalty and mandatory sentences of life without the possibility of parole, the courts have done little to ensure children are protected throughout the proceedings leading up to sentencing. The first moments after a juvenile’s arrest can ultimately prove the most pivotal—whether he understands that it is in his best interest to remain silent can shape the entire trajectory of his case. Individual states have begun tackling the challenge of making Miranda rights effective for juveniles. New York, for example, recently passed a bill which requires police officers to use simpler, more straight-forward language when mirandizing juveniles. Confessions elicited from youth under the ordinary phrasing rather than the adapted version would be inadmissible in court. Alternatively, Illinois has

31 Ibid.
33 Ibid
38 Ibid.
40 Ibid, 7
established that a child’s confession is not admissible in court unless the child gave it in the presence of his attorney.\textsuperscript{42} These states have created legislation that acknowledges what \textit{Gault} failed to realize: the rights that protect adults do not necessarily help children. Yet New York and Illinois are outliers as there is evidence of few other states adjusting how police officers and courts use Miranda rights in regard to children, a practice that must change on a federal level in order to truly give juveniles due process rights.

In the 120 years since the first juvenile court emerged, the Supreme Court has evolved in its treatment and perception of children as distinct from adults. In \textit{Gault}, the justices attempted to correct the arbitrary and subjective nature of the juvenile justice system by extending due process rights to juveniles. While they intended to offer children additional constitutional protections, they failed to consider children’s developmental limitations that prohibit them from meaningfully exercising these rights. Since \textit{Gault}, the Supreme Court has begun reestablishing children’s limitations that necessitate additional protection from capital punishment and life without parole. One can judge the morality of a society by how it treats its most vulnerable people, and in the United States these have long been children. \textit{Thompson, Roper, Graham,} and \textit{Miller} have proven to be landmark cases in ensuring that children’s vulnerability and impressionability cannot weigh against them in a court of law. In these rulings, the Court has called back to the founding vision of the juvenile justice system, one of viewing children as deserving of unique considerations and protections.

The United States has made tremendous progress in the decades since \textit{Gault} in shaping the juvenile justice system to truly protect children. Yet in the international sphere, America stands out from other nations for its still relatively archaic criminal justice system. Today the United States is the only nation in the world which allows for children to be sentenced to life in prison without the possibility of parole.\textsuperscript{43} In many other nations, people may serve life sentences for crimes they committed as juveniles, but all of these countries allow for a chance of release. America’s harsh stance on this issue is not an anomaly in an otherwise progressive juvenile justice system. Rather, it is illustrative of a larger national failure to prioritize children’s rights, as the United States is also the only country in the UN that has not signed on to the United Nations Convention on the Rights of the Child, which outlines broad protections for children and condemns, among other things, sentencing juveniles to life without parole.\textsuperscript{44} As a nation, we may celebrate recent expansions of juvenile rights that the Supreme Court has offered since \textit{Gault}, but we must fight to keep pace with evolving standards of decency around the world to ensure that one day the founding vision of the juvenile justice system can be made a reality.

\textsuperscript{42} Ibid.
The People We Serve: Latinos In the U.S. Catholic Church
Laura Pott

I. Introduction

The fourth major wave of immigration reached the shores of the United States in 1965. Immigrants from Latin America constituted about half of this wave, whipping anti-immigration rhetoric into a frenzy of catastrophic predictions—reminiscent of the biblical Great Flood—about the negative consequences of this surge. Even prominent Catholic theologian Hosffman Ospino referred to the “more than 20 million immigrants” streaming in from Latin America as a “tsunami.”

Journalist David Shariatmadari would slot this description of immigrants under the broader metaphor of “Migration is inundation,” which links immigrants to natural disasters driven by water, including floods and tidal waves. This metaphor, which often dominates arguments against immigration, harnesses the power of negative connotation; the phrase “tsunami of immigrants” suggests they are wreaking great destruction upon the United States. But this metaphor has its flaws. As Shariatmadari points out, immigrants do not “wreck property and drown people.” Tsunamis do, however, possess an otherworldly power to fundamentally reshape a landscape. It is this aspect of tsunamis that Ospino references when he chose the word “tsunami” to emphasize the transformative power of Latinos, particularly in the U.S. Catholic Church.

Immigration from Latin America has reshaped the landscape of U.S. Catholicism. According to a 2017 Public Religion Research Institute report, immigrants from “predominantly Catholic countries in Latin America” have a long history of settling in the Southwest, with enormous implications for the population center and demographic profile of American Catholics. The Catholic Church is transforming from a predominantly white institution centered in the Northeast and Midwest into a more diverse church concentrated in the South and West. In 1972, almost 70% of U.S. Catholics lived in northeastern or midwestern states. In 2016, 54% of Catholics lived in the South and West, leaving only 46% of Catholics in the Northeast and Midwest. The Catholic population is also increasingly weighted toward Latinos, both native-born and immigrant. In 1991, nearly 90% of U.S. Catholics were white, a figure that fell to only 55% by 2017. Today, Latinos make up about 40% of Catholics, a percentage that will only grow. Although Latinos are certainly not all Catholics, they are increasingly important to the future of the Church because it has experienced a net loss of adherents in recent years. Latino Catholics represent an astounding 71% of the Church’s growth, and represent 60% of Catholics under the age of 18.

Like other immigrant communities, Latinos have felt the tension between calls to assimilate into mainstream society and their desire to stay true to their ethnic cores. Several models have been proposed to describe an “ideal type of assimilation,” such as that of the melting pot. According to this paradigm, immigrants “melt” into “homogenous Anglo conformity” over time. The shortcomings of this model are obvious, given doubts about whether this melting process actually occurred as well as the implication that immigrants should sacrifice their ethnic core to conform to mainstream society. This focus on immigrants’ perceived need to assimilate into their social, economic, or religious surroundings overshadows the significance of their active role in reshaping those surroundings. Historian Reed Ueda proposes an alternative model that suggests immigrants have both shaped and been shaped by the melting pot, a model that better describes the sociocultural forces at work in the melting pot of U.S. Catholicism. Although the mainstream Church has undoubtedly exerted its own influence on Latinos’ religious practices, Latino immigrants and their descendants have catalyzed change in the Catholic Church in return—in often-overlooked ways.

Church officials and Ospino’s “tsunami” of Latinos have acted in tandem to develop Latino ministry, induce changes in the ways Catholics worship, and revitalize immigration activism. As growing numbers of Latinos have asserted their role in shaping Catholic ministry, the Church has become more eager to prioritize Latino issues and integrate their traditions into mainstream Catholic worship; this dynamic process of change with U.S. Catholicism acts as a testament to a surprising flexibility within a religion that is so often assumed to be rigidly hierarchical and molded in the past.

II. Latino Ministry

Latino ministry was in a deplorable state during the early years of the American Catholic Church. According to historian Moises Sandoval, Catholic priests believed the Spanish-speaking Latino population in the Southwest was on the decline during most of the 19th century, so they viewed their work as merely a temporary distraction. As the Spanish-speaking population of the Southwest grew and began to spread to other regions of the country through the 1940s, the Church responded by banning Mexican religious traditions, such as the feast held for Our Lady of Guadalupe and processions of the Blessed Sacrament, that might be “threatening to Anglo-Americans.”

During the 1960s, however, large streams of immigration from Spanish-speaking countries in Latin America made the need for Latino ministry more pressing, and a growing number of Latinos advocated for ministries that would serve their needs.

8 Reed Ueda, Postwar Immigrant America: A Social History (Boston: Bedford/St. Martin’s Press, 1994), 83.
9 Ibid., 84.
11 Ibid., 55-6, 77.
During the latter half of the 20th century, Latinos and the Church have acted together to elevate Latino voices in Catholic ministry at the parish and national levels. Spanish is the most widely-spoken language in Latin America, so higher immigration rates from countries Puerto Rico and Cuba in the past few decades acted as a catalyst for the Church to improve Spanish-speaking services in churches and schools. Between 1950 and 1970, the population of Puerto Ricans living on the mainland U.S. increased from 300,000 to 1.4 million. In response, the Church sent 400 English-speaking priests to Ponce, Puerto Rico to learn Spanish and familiarize themselves with Puerto Rican culture during the 1960s. The Church also improved its Spanish-speaking ministry in response to the Cuban exodus. 100,000 Cubans arrived in the United States between 1960 and 1961, with many more close behind. By the end of 1962, the Church established seven parishes with sermons in Spanish, and by 1966, eight Spanish-speaking priests served at 16 parishes that offered the full Mass in Spanish. The Church recognized that priests needed Spanish-language skills and cultural competency in order to best serve these immigrants, who had not previously formed a large constituency in the pews. This willingness to become fluent in the language and cultural background of a new people it must serve speaks to the Church’s responsiveness to laypeople.

The sheer number of immigrants who would benefit from Church services provided to them in Spanish encouraged the Church to develop local Latino ministries in parishes located in majority-immigrant areas, but this pool of immigrants—as well as U.S.-born Latinos—increasingly asserted their right to guide Church policies on Latino ministry at a national level. Latinos formed organizations to address issues of concern to Latino parishes. For example, Latino religious sisters who wished to dedicate themselves exclusively to Latino parishes established Las Hermanas, and PADRES (Priests Associated for Religious, Educational, and Social Rights) formed in order to protest the lack of representation of Latino priests in the Church. These organizations achieved an astounding feat in the creation of one of the most important institutional champions of Latino voices in the Church. In response to pressure from these groups, the U.S. Conference of Catholic Bishops (USCCB) created the Secretariat for Hispanic Affairs in 1974, recognizing the need for an office dedicated entirely to the goals of Latino ministry within the wider Church. When its people have demonstrated the need to dedicate new resources to Latino-specific ministry, even those in the top rungs of the Church hierarchy have listened.

Without a doubt, Latinos’ most important achievement in revitalizing national Latino ministry was—and is—the Encuentro movement. In 1972, the Primer Encuentro Hispano de Pastoral (First Hispanic Pastoral Encounter) convened in Washington D.C. to develop a national plan for Latino ministry. Keynote speaker Bishop Patricio Flores, the first Mexican-American bishop and a PADRES member, charged the Church with turning a blind eye while Latinos suffered “oppression, discrimination, and attempts to dispossess them of their lands,” To rectify this neglect, Flores demanded that the Church change the “attitudes and structures” of its ministry. His words are an example of the reformist spirit of the conference, and his ambitions did indeed meet with action from the Church. After this conference, the USCCB approved requests for more “offices for Hispanic ministry, Spanish-speaking personnel in church agencies, training in Hispanic cultures in the Spanish language for seminarians and Priests…Spanish sections of diocesan newspapers…and greater funding for Hispanic ministry” in parishes across the country. Latino Catholic organizations like Las Hermanas and PADRES maintained this momentum by convening the Second Encuentro in 1977, and the USCCB themselves initiated the Third Encuentro in 1985.

The importance of the first three encuentros in solidifying Latinos as a central focus of the Church cannot be overstated. The Encuentros served as the “symbolic center of a wide-ranging Hispanic ministry movement” and heightened “recognition of and respect” for Catholic Latinos in parishes that had long been culturally dominated by parishioners of European descent. Latinos felt the results of the encuentros more tangibly as the Church dedicated more resources to their ministry. According to statistics from the USCCB, more than 80% of the dioceses in the United States now have diocesan staff dedicated to Latino ministry, and “diocesan-level Hispanic ministry is the most frequent” type of ministry in the entire Church hierarchy.

Latinos initiated the encuentros with the goal of proving that Catholic Latinos wanted forms of ministry that affirm the value of their cultural backgrounds. The Church has in turn officially recognized the great value and meaning Catholic Latinos find in Latino ministry. A key aspect of this process has been grassroots organizing by Latinos, who pushed the Church to fill the gaps in Latino ministry and advocate for the greater inclusion of Latino concerns. The Church is often criticized for its inflexible hierarchy, but it has displayed a remarkable degree of plasticity by integrating the concerns of Latino lay members into its national plan to develop Latino ministry.

III. Styles of Worship
Latinos have also influenced styles of worship through cursillo, music, and celebratory practices at the parish level through a process of cultural diffusion. The Church has worked in tandem to integrate these new traditions into mainstream Catholic practice, demonstrating the room for innovation and elasticity in Catholic worship.

Latinos have brought a new focus to retreat movements through cursillo, which has diffused into the practices of the mainstream Catholic Church due to the presence of Latinos who regularly participate in such programs. The “premier apostolic movement” among Latinos in the United States is Cursillo de Cristiandad (Short Course in Christianity), which began during the 1940s. During this three-day retreat, participants watch short presentations called rollos about principles of Catholic faith. Cursillo makes use of charismatic and group activities with an

12 Sandoval, 133, 135-6.
13 Ibid., 74, 85.
14 Ibid., 88.
16 Sandoval, 101.
17 Matovina, 77.
18 Ibid., 78-83.
19 Ibid., 95-7.
20 Matovina, 109-10.
IV. Public Catholicism and Immigration

Catholics Latino are also changing the public face of the Catholic Church through “public Catholicism,” or the Church’s involvement in explicitly political arenas. The most prominent example of the Church’s flexibility in the sphere of public Catholicism is its evolving stance on immigration reform. Currently, the U.S. Conference of Catholic Bishops “supports comprehensive immigration reform” and opposes strict “enforcement only” policies. According to cultural studies scholar Olivia Ruiz Marrujo, this support springs quite naturally from traditional Catholic social teaching. Likewise, the Church explains its commitment to immigration reform by referencing its traditional social teachings. In 2003, the USCCB released Strangers No Longer, a pastoral letter that examines immigration as a “long-standing concern in the Bible and Catholic Social teaching.” This document explains that the Catholic Catechism instructs governments to balance the duty to “welcome the foreigner out of charity and respect for the human person” with the right to “secure one’s border.” Based on these considerations, the Church strongly supports immigrants’ right to leave their home countries when they cannot find employment. Because “[s]overeign nations should provide ways to accommodate this right,” the bishops have outlined a plan for immigration reform that supports an earned legalization program as a path to citizenship, a foreign-born worker program, an increase in the number of family visas, a reduction in family reunification waiting times, and efforts to make improvements in the economies of source countries. Ruiz Marrujo claims that Latinos find a “spiritual home” in the U.S. Catholic Church, yet that spiritual home has not always extended such a hearty welcome to them.

Although the Church may be able to retroactively read a pro-immigration stance into its social teachings, its growing solidarity with immigrants is rather new. The Church remained largely silent in the face of widespread discrimination against both Latino citizens and immigrants during the Depression years of the 1930s and the unlawful deportation of 3.8 million Mexican-Americans during Operation Wetback in the 1950s. The Church also opposed the bracero program, which brought temporary laborers in the United States during World War II, on the grounds that the influx of new immigrants might encourage farm workers to organize. In direct opposition to the ideas expressed in Strangers No Longer, the Church “more often voiced the view that the nation had a right to sovereignty over its border,” discounting governments’ supposed duty to welcome the foreigner. In the context of this history, the ideas the bishops expressed in Strangers No Longer are all the more remarkable. Catholic social teaching can certainly be interpreted to justify a compassionate stance toward immigration, but the Church’s history of indifference demonstrates that practical considerations—not the particulars of doctrine—are behind its changing stance on immigration. Since the middle of the 1900s, the

21 Sandoval, 105.
22 Matovina, 130.
23 Ibid., 131.
24 Ibid., 180.
25 Ibid., 188.
26 Matovina, 191.

29 Matovina, 200.
30 USCCB, “Catholic Church’s Position.”
32 USCCB, “Catholic Church’s Position.”
33 Ruiz Marrujo, 73.
34 Matovina, 199.
35 Sandoval, 137-8.
36 Ibid., 139.
Church has reinterpreted and augmented the importance of its role in immigration activism in the context of its growing Latino flock, whose advocacy for immigrant rights has infused it with more energy and urgency.

The growing presence and activism of Latinos has effectively pushed the Church hierarchy to acknowledge the importance of immigration as a “profoundly Catholic issue.” Many Latino lay members lobby for immigration reform at the parish and grassroots levels. In 2006, the Pew Latino Religion Survey found that more than 25% of Latino Catholics said their congregation was involved in an immigration rights protest, boycott, or demonstration during the previous year. By connecting their faith with public action, Latinos have refocused the Church’s attention on the relevance of Catholic faith to politics as well as directed their fellow parishioners toward new forms of political activism. These parishioners are increasingly backed up by Latino members of the Church hierarchy who can lend their activism official force. For example, Father Luis Olivares, Bishop Gabino Zavala, and Archbishop Jose Gomez have “long been advocates for their immigrant sisters and brothers” and have encouraged the wiser Catholic community to embrace their convictions. Once lay members themselves, these men rose to positions of power that they then used to guide Church policy in a more sympathetic direction, based on their personal knowledge of the needs of their flock.

Non-Latino Church leaders have taken up the same banner; Latino Catholics are more likely than Latino Protestants to report that their parish priest had recently spoken out in favor of immigration. Bishops have also increasingly defended immigrants’ rights through their Justice for Immigrants campaign and lobbying for “comprehensive immigration reform.” Many religious congregations have declared themselves sanctuaries for undocumented immigrants, and the USCCB runs numerous efforts for immigration outreach, including the Migration and Refugee Services Office and the Catholic Legal Immigration Network.

The current demographics of Catholicism in the U.S. would make a hardline stance on immigration untenable, especially given Latinos’ advocacy for the Church to take up the public banner of immigration reform. Latinos have proved that together, they can galvanize their priest or bishop to action in order to advocate for a more humane immigration policy. These efforts to advocate for the rights of their lay members themselves or their family members have come a long way from the Church’s earlier apathy and speak to Latinos’ power to completely reverse the Church’s stance on a political issue. Latinos would not have this power if not for the Church’s ability to adapt its doctrine to current conditions.

V. Conclusion

Over the long term, Latinos have catalyzed change in the American Catholic Church in many ways. Latinos constitute an ever-growing percentage of Catholic adherents in the United States, so the Catholic Church has grown more eager to integrate the traditions of Latino Catholicism into mainstream Catholic practice. They have taught their non-Latino church members to worship the same God in new ways through Marian piety, *cursillo,* and Spanish liturgical music. In addition to this process of cultural and religious diffusion, Latinos have actively advocated for the Church to prioritize issues such as immigration and Latino ministry. The need to adapt to the sociopolitical climate of the day has inserted a surprising degree of flexibility in Catholic teaching and the ways in which the Church serves its members.

But this dynamic process is not over. Immigration is only a prelude to the transformations Latinos have in store for the Church, particularly in politics. While most Catholic leaders have treated “non-negotiable moral issues such as abortion, stem cell research, and same-sex marriage” as a litmus test for Catholic voters, many Latinos place more weight on issues like education and health care in addition to immigration. In addition, the relationship between the Church and Portuguese-speaking Latin Americans is an open question moving into the future.

Since the middle of the 20th century, the Church has undergone relatively rapid changes in demographics and chosen to adapt rather than to hold onto more familiar, orthodox ground. The shifting demographics of the Church have shown priests, bishops, and cardinals that their message must shift as well if they hope to make their message relevant to the Latinos who populate their pews. These changes have primed the Church to continue to align its message with the attitudes of its members, which hints at perhaps the most groundbreaking facet of the Church’s transformation yet—a narrowing of the ideological gap between official Catholic doctrine and the beliefs of ordinary, and increasingly Latino, churchgoers. As Latinos continue to grow in numbers and express their faith in dynamic ways, they will continue to make and remake U.S. Catholicism to better embody the people of the Church.

Bibliography


Nonvocal Communication Methods for the Verbal Autistic Population

Molly Macke

I. Introduction

Nonvocal communication, such as signed English, American Sign Language, computerized speech alternatives, and a variety of other gestural, visual, or technological programs, have evolved over the years as a means for individuals with disabilities to express themselves. Some electronic options include text to speech computer programs and eye movement trackers, while low-tech options can include picture cards or communication boards. Historically in the case of autistic people, such methods have been reserved for those who are incapable of speech or have very limited use of speech. This is typically due to a prevalent fear that teaching alternative communication methods will eliminate the incentive to use vocal speech. However, this paper will propose that having access to alternative communication methods alongside learning to use vocal speech can significantly decrease stress for those with language impairments related to autism.

II. What is Autism?

The 5th Edition of the Diagnostic and Statistical Manual of Mental Disorders (hereafter referred to as the DSM-5) is a diagnostic tool published by the American Psychiatric Association and is considered the principal authority for diagnosis of mental disorders. Patients must meet the majority of the symptoms listed in order to be diagnosed with any disorder. As with many conditions, there are disagreements regarding some terminology including whether to use the “person first” terminology in reference to an individual (person with autism) versus the disorder as a descriptive adjective (autistic person). This paper will align with the school of thought that autism is an integral part of the person to the extent that the individual would not be the same person in the absence of autism, and therefore the terminology autistic person is more appropriate. Those who ascribe to this terminology do not view autism in terms of negative or positive connotations and consider person-first terminology to inherently imply that autism is a negative, because of the desire to separate person from the condition. Many autistic people prefer identity first language rather than person first, so that is what will be used in this paper. With regards to autism, the DSM-5 has several communicative difficulties listed as symptoms including:

“A. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history (examples are illustrative, not exhaustive; see text):
1. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
2. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
3. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers……
C. Symptoms must be present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life).
D. Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning…..”

These are criteria for language and social interactions which are considered when deliberating an autism diagnosis. Among people on the autism spectrum, there is also wide variation in the ability to use vocal speech both to communicate in general and to achieve such goals as noted above. This is typically referred to as being ‘verbal’ or ‘non-verbal’2. According to some studies, “approximately 25-50% of children with Autism Spectrum Disorder (ASD) do not develop functional verbal communication”3. However according to summary studies by the CDC of data from 2008, only 38% of children with ASD have a comorbid diagnosis of intellectual disability, and further notes that lack of verbal capability does not correlate to a lack of intelligence in nonverbal autistic children4. There is a pervasive misconception that nonverbal autistic people are lacking in intelligence and can’t comprehend language at all, which often leads to discrimination and infantilization. In reality, autistic people often show higher levels of neurological activity in language comprehension areas, they may just not have the ability to use speech themselves.

III. Autism and Language Impairments

Neurologically, IMRI studies have shown that there is variance in language area connectivity that may help explain some of the difficulty autistic people have when processing and using language. A 2004 study showed that one of the main divergences was a “large systematic difference between the autistic and control groups in the distribution of their brain activation among the key cortical components of the language network, namely Wernicke’s and Broca’s areas”5. While these combined with other areas of the brain all work in tandem to allow for the complex language abilities of human beings, countless studies have come to the conclusion that Broca’s area is more involved in syntactic and semantic processing,
working memory, and speech production. Wernicke’s area is more involved in sentence comprehension and lexical processing. In a study comparing a group of high functioning autistic people with a group of high functioning allistic6 people, researchers found that the autistic group had higher levels of activity in Wernicke’s area, but lower activity in Broca’s area. The degree of functional connectivity (synchronization) across all cortical areas was lower all around in the autistic group7.

Figure 1. The circled area in the left of the image represents Broca’s area, while the area circled on the right of the image represents Wernicke’s area.

Just’s study was used to present a hypothesis of underconnectivity as the primary cause of disordered language processing in autistic people. However, it also invites further question about whether or not the low level of function in Broca’s area is a predictor or cause of the difficulty in verbalization associated with nonverbal autistic people. This would be a similar question for those autistic individuals with limited verbal abilities. Patients with disorders such as Broca’s aphasia characterized by difficulty producing sentences and laborious speech, which is a symptom also experienced by autistic people with difficulty vocalizing8. For those autistic people who are verbal, there is a subgroup who are typically verbal but may lose language processing abilities in certain social or stressful situations. This has many similarities with Selective Mutism, a complex disorder characterized by a child’s inability to speak effectively in select social settings (most notably school or social situations such as parties, lessons, playgrounds, etc.), despite being able to speak perfectly well at home or in situations where they are comfortable. According to personal accounts of what nonverbal periods feel like from both those diagnosed with autism and selective mutism, it appears that there are many overlaps and similarities between the two disorders, but that autistic mutism can relate more to stress shutdown than social or situational phobia.

IV. Language Intervention

In order to facilitate communication and social relationships with nonverbal autistic children, Augmentative and Alternative Communication methods (referred to as AAC methods) are often utilized. Types of AAC include AAC devices, which are “computer and non-computer based electronic devices that provide individuals whose natural speech is not functional with a means of communication”10. They also include AAC boards, or “non-electronic and non-computer based displays that provide individuals whose natural speech is not functional with a means of communication using a manual board...they may employ graphic picture symbols and/or alphabet-based methods to generate messages using direct selection, eye gaze and/or partner-assisted scanning techniques”11. However, AAC is not often used with verbal or situationally nonverbal autistic people. Rather, speech therapy insisting on vocalization and barring nonvocal communication is typically the intervention of choice.

Nonvocal communication forms are often seen as inferior and less preferable to vocal speech. Many guides for therapists suggest speech training and only using AAC if the child is incapable of full or partial vocalization. An example of these guides can be seen in Figure 2, where the “author conceptualized “the Decision Making Process” through analyzing and integrating information from the books referenced12.”

Figure 2.

6 The term allistic is used to refer to someone who does not have autism.
7 Just et. al., “Cortical Activation…”, 1811-21
8 Just et. al., “Cortical Activation…”, 1811-21
11 AAC Institute, “What is AAC?”
While AAC methods may be listed as an intervention, they are usually last on the list and seen as a last resort for children who do not show any progress with other oral interventions. There is a general misconception amongst many parents or family of autistic children that allowing AAC will provide a crutch and prevent language-limited children from attempting to communicate orally, but this has been disproven in studies across the past few decades. Some have even reported that “total communication [use of simultaneous speech and sign] was more effective for teaching receptive and expressive vocabulary than speech alone methods (Barrera, Lobato-Barrera & Sulzer-Azaroff, 1980; Barrera & Sulzer-Azaroff, 1983; Yoder & Layton, 1988)”13. A thesis study in 2006 by Ines Ramos suggested that total communication may even facilitate and increase the rate and quality of speech acquisition14. They found that while the total impact of various speech training methods tended to vary a bit depending on the child’s personal characteristics, “total communication may be the most promising of the three language training techniques for teaching expressive language skills to autistic children”15. The concept of using sign language for autistic people arose from many aligning theoretical perspectives. These include “the assumption that manual communication would be easier to generalize to non-treatment settings (Bonvillian, Nelson & Rhyne, 1981); that signs were more iconic and therefore required less symbolic processing than spoken language (Mirenda & Erickson, 2000); that signs were easily molded/prompted and could be shaped in the absence of other social skills (Rotholz, Berkowitz & Burberry, 1989); and that the use of a visual-motor mode of communication would bypass the auditory-vocal processing difficulties observed in this population (Wong & Wong, 1991)”16.

V. Benefits of AAC Use

Beyond its potential benefits in promoting speech, using AAC methods such as sign language with autistic people may also provide a way of communicating during emotional distress. Many autistic people experience ‘meltdowns,’ or intense responses to overwhelming situations. This overload of response can result in loss of control and manifest as extreme behavior (yelling, kicking, etc.). The opposite can also occur and is termed a ‘shutdown.’ In these cases, autistic people may become unresponsive and may even appear immobile as a response to outside stress triggers. This is sometimes thought of as the autistic individual’s brain going into a protective mode in order to disconnect from an overwhelming stimulus or trigger17. This is an example of a situation where an autistic person who is typically verbal may become situationally nonverbal. In these cases, a person may become partially or completely unresponsive, in which case, communication may be limited or even impossible.

One of the most common causes of meltdowns and shutdowns is sensory overload. Whether or not there is comorbidity with a Sensory Processing Disorder (SPD), autistic people are generally noted to have higher sensitivity to general sensory stimulus. A person with higher sensitivity may over respond to a stimulus that does not cause problems for a person with more typical sensitivity. For example, the background music at a restaurant may seem acceptable to an allistic person but seem unbearably loud and distracting to someone with autism or an SPD. Another common sensitivity for autistic people is tactile in nature, with certain textures or fabrics being excessively uncomfortable or unusually satisfying. When an individual’s attention is wrapped up in overactive sensory input, a variety of other systems may become increasingly less functional or accessible to that person. Examples might include auditory processing difficulties, some language processing complications in cortical areas, and processing of vocal language, all of which may become increasingly difficult when attention is focused on sensory overload. During these times, AAC methods may be more accessible to autistic people and allow for expression at a time when it becomes impossible to organize and respond in vocal speech. Reducing the amount of stress on an individual during shutdown and meltdown is critical and relying solely on difficult vocal communication may only aggravate the problem.

In addition to being a tool for situations of extreme stress, AAC methods of communication may simply allow for autistic people to express themselves more fully. Many autistic people end up engaging in a behavior called masking. In order to fit into a society that does not always accept differences, many autistic people end up ‘learning a script’ or ‘acting the part’ of an allistic person. They learn to mimic behaviors, commentary, and facial expression in order to fit in, even though they may not be truly following a conversation or understanding why others are reacting a certain way. This may be unintentional or not, as many times this masking behavior is encouraged from a young age by parents, therapists, and general society so that autistic people fit into an allistic norm. It is important to note that this encouragement of masking by parents or therapists may not be an intentional attempt to suppress the underlying feelings of an autistic child, but rather stem from a belief that the child’s life might be easier or more comfortable if they appear to fit in with the allistic world. However, unintentional or not this kind of behavioral therapy can be destructive to an autistic person’s ability to function in the world as themselves. Energy that is spent on ‘correcting’ autistic people could be much better spent helping create a world that is more accessible and understanding of autistic people. While these approaches may be well meant, they can result in autistic people feeling more burdened, and less able to be themselves.

As previously mentioned, AAC is typically employed with nonverbal autistic people, or those referred to as low-functioning. Low-functioning is not an official diagnosis but is typically used to describe how ‘capable’ an autistic person is of fitting in to societal roles and norms. Someone who is vocal, has high intelligence, and who has learned to both mask and keep other typical autistic characteristics, such as stimming, to a minimum may be called high-functioning. In contrast, someone who is nonvocal, has a comorbid intellectual disability, and engages in highly noticeable behaviors, such as hand flapping, rocking, or other obvious stimulations, may be called low-functioning. However, many autistic people and advocates take issue with the designation of high-functioning and low-functioning for a variety of reasons.

First, these designations create a hierarchy of autism which implies a
superiority to being allistic, where someone who mimics or follows more allistic tendencies is considered as functioning better, more ‘normally’, and therefore is less autistic. Second, it does not give an accurate impression of an autistic person's skills, as someone could potentially be very functional in some environments but lose some abilities during times of extreme stress (such as being situationally nonverbal). For example, a person could be very bright, speak well, and meet these proposed ‘high-functioning’ criteria while simultaneously having a very low threshold for sensory overload and at times fit the proposed low-functioning criteria in public settings. It is also not advisable to define everyone based on an autistic societal norm. Someone who is not capable of vocal speech may be a very adept visual artist, musician, dancer or have any variety of other skills. Labeling them as low-functioning can be contrary to their existing capabilities. Autistic people have a wide variety of strengths and challenges which can’t be defined by a strict high-functioning or low-functioning model. Rudy further outlines issues inherent to a simple classification of this nature to a very complex disorder. Characterization as high and low functioning can also create additional barriers for autistic individuals. Those who are deemed high-functioning are often barred from some accessibility tools (such as AAC methods) and interventions reserved for those who are low-functioning even if they would be very beneficial. Masking can often make an autistic person appear to be higher functioning then they may be in reality, resulting in reduced access to tools that could significantly lower their stress levels and make life easier. There is a stigma against using nonvocal communication methods unless it is absolutely (and obviously) necessary, when in reality it can improve the quality of life for autistic people who may appear to be fine but are internally struggling. All humans go through fluctuating periods of difficulty, and autistic individuals are no different in this regard from their allistic peers. Providing AAC tools and/or teaching sign language to verbal autistic people who do not appear on the surface to ‘need’ it may be very beneficial for the dual purposes of both addressing possible future needs, should times of increased stress create difficulties in some areas, and allowing those who may be masking significant internal stress a more comfortable way to communicate.

VI. Case Study

Charlie is an autistic person who is mostly verbal, but situationally nonverbal and had selective mutism as a child. They consented to their history being anonymously described as a model for this thesis. They learned basic fingerspelling and a few emergency signs (water, bathroom, etc.) as a child, as well as having access to some picture signs, but only began learning full sign language in a college setting. As a child, the introduction of signing and picture cards was critical for them, and there was a huge shift in their ability to function and do well at school. In letters between Charlie’s elementary special education teacher and their mother, comments went from being about them spending the day crying or being overwhelmed, to them asking to use the bathroom and making other comments through picture cards or sign. Once they improved their verbal speech and were able to communicate more verbally, the picture cards and signs were phased out.

There are several characteristics of ASL that made it an appealing form of communication for Charlie. In times of shutdown or extreme stress, they lose language abilities and have difficulty communicating. In some of these cases, they can still engage/respond visually, but cannot vocalize or use language effectively. They described that often in childhood while they were unable to express some emotions through language, visual art was a more accessible mode of communication. They described that when they are fully shutdown, they cannot even fully use ASL (such as facial expression and some other aspects of a sign), but at least some things like basic fingerspelling or less complex signs are still accessible to them. Part of the appeal of ASL for Charlie is that sometimes they can get meaning across by miming the actions, fingerspelling, or using gestural signs, even if they do not or cannot remember the accompanying facial expression, etc. Furthermore, some signs may be more accessible because the association between form and semantic meaning is less arbitrary. For example, the sign for learn appears like taking something from your hand and putting it up to your head. This less arbitrary semantic association can make it easier to recall when overwhelmed. It is significant that even when situationally nonverbal and with impeded ability to use ASL, Charlie can sometimes still get across what they need to express. Before learning sign language, Charlie had to rely on the hope that a companion would simply understand what they were struggling with, without being told. In the letters mentioned previously, Charlie’s mother even mentioned to the teacher “I swear they don’t believe me that you can’t read their mind”. Rather than relying on the people close to them to anticipate their needs, Charlie can now use AAC to communicate with others more readily about the source of their distress.

VII. Further Research

More research needs to be done in this area, but one hypothesis for the positive results of nonvocal communication interventions in the autistic population might be that ASL and some other AACs only requires one sensory reception (visual), while processing vocal speech requires auditory input (words, tone, etc.) as well as visual (facial expression, body language, other social cues). Since it has been discovered that one of the biggest differences between the autistic mind and allistic mind is the level of functional connectivity between cortical areas, receiving both the auditory and visual information and then processing both modalities in an integrated fashion may be more difficult than all of the information being received visually. It would be useful to perform fMRI studies on the level of activation and connection when autistic people use sign language and compare it to the speech studies cited earlier.

A second area of research might focus on the stress levels of autistic people when using vocal language versus AAC communication. Should further research establish a reduction in stress when AAC is an option, autistic individuals might not only be able to communicate more fully but also reduce stress induced shutdowns or meltdowns. More significantly, additional research which answered such questions would give more specific guidance to parents and clinicians working with young children and autistic adults, ultimately substantially improving their quality of life.

19 Names have been changed to preserve privacy.
VIII. Conclusion

The potential benefits of utilizing nonvocal communication methods with autistic people who are vocal (but have some language impairments) has been under-recognized in the research community. While society undoubtedly values oral speech and being vocal when possible can make moving through the world easier, having nonvocal methods of communication available for times of increased stress or as a respite may significantly improve the quality of autistic individuals’ lives. More research needs to be done, but there is neurological evidence that autistic people have lower levels of functional connectivity between cortical areas, which can result in difficulty integrating and processing language. Therefore, visual AAC methods may allow for less stressful language use because reception only involves one sensory input (visual), rather than both auditory and visual input that must be integrated before being processed. Overall, teaching autistic people capable of speech both vocal and nonvocal communication methods may allow them to live less stressful lives and function more easily on a day to day basis.

Bibliography


An Overview of Clinical Discrimination

Carson Schllttler

I. Introduction

A large body of research has examined the problems stemming from lack of access to health care for minorities. Although this is an incredibly important perspective on discrimination in health care, even if health access could be equalized, minorities would still face another discriminatory roadblock to equal care: discrimination on the part of individuals—specifically, on the part of physicians. While research has shown that most physicians are not explicitly discriminatory or racist, every physician still holds implicit biases that impact how they interact with and treat minority patients. This is an even more insidious form of health care discrimination because of its imperceptible nature—it is not as obvious as open racism from a health care provider or lack of access to health care. Instead, it derives from the subtle psychology of individual’s perceptions and biases, latent thoughts that are not immediately obvious. Despite its near invisibility, discrimination on the part of physicians can have a directly damaging or life-threatening impact on minority health. Even though it is elusive, research has still been able to document considerable “clinical discrimination” through tools of statistics and psychology, as well as through interview with minority patients.

This paper will investigate clinical discrimination against African Americans through a literature review of academic papers on the subject. In the first section, I will contextualize the state of African American health, with an emphasis on health disparities and the impact of discrimination itself on health. The second section will relate the findings of academic studies on clinical discrimination and inter-racial empathy along with their implications for medical treatment. The third section will look at various models that attempt to identify the mechanism(s) by which clinical discrimination occurs. The fourth section will review the impact of clinical discrimination on African American health, perception of healthcare, and cultural beliefs about the healthcare system. The fifth section will examine different solutions that have been suggested to limit clinical discrimination.

II. Health Disparities for African Americans

Before going in-depth into clinical discrimination, it is necessary to provide context for the state of African American health. African American health, like that of most specific racial groups, is largely similar to the health of every other racial group. That said, African Americans are at higher risk for conditions like high blood pressure that then increase the risk of developing diseases such as heart disease, diabetes, and stroke. African Americans also experience chronic pain syndrome at higher rates—which can result in greater pain severity, depression, and disability—compared to whites, as well as increased pain associated with conditions like arthritis, migraines, hypertension, and oral health. Furthermore, some research shows that being discriminated against in and of itself can lead to adverse health effects. One such study used meta-analysis of research articles to show that African Americans experienced worse sleep quality, sleep continuity, and sleep duration compared to other racial and ethnic groups, which the authors connect to the stress associated with discrimination. A study that specifically focused on the impact of discrimination on health found that discrimination worsens blood pressure, cholesterol, BMI, and self-assessed general health, along with decreasing health-producing behaviors. As these studies show, African Americans are at increased risk for a plethora of adverse health issues, which makes health care treatment all the more important. Clinical discrimination could result in serious pain and damage, both physical and mental, for Africans American patients, results that can be debilitating or even life-threatening.

III. Reviewing the Evidence for Clinical Discrimination

Numerous research has documented racial discrimination on the part of healthcare providers, and physicians in particular. These studies focus on measurable differences between whites and blacks by looking at recommended treatments for the same illness and show how clinical discrimination can emerge in a variety of areas, although it is most easily spotted in differences in diagnosis and prescribed treatment.

In their study of statistical discrimination, Balsa, McGuire, and Meredith took a representative cross-section of patients who visited 523 physicians in a nine-day period. After gathering data about the patients and the doctor’s report, they ran a regression analysis in which they found that doctors demonstrated statistical discrimination in prescribing treatment for hypertension and diabetes, although the authors argue this was accounted for by a “prevalence effect” (the doctor’s prior knowledge). More alarming was the fact that blacks were statistically less likely than whites to be diagnosed with depression. A study of analgesic treatment for emergency department (ED) patients with abdominal or back pain that looked at adult patients who visited two EDs over a four-year period found that non-white patients were 10% less likely to receive an opiate than whites and also experienced longer waits when receiving opiate analgesia. These studies demonstrate both discrimination in how African Americans are diagnosed and in how they receive treatment. In particular, Mills et al.’s study of treatments at EDs reveals an especially persistent form of clinical discrimination: unequal treatment of African Americans who experience pain.

One of the most documented forms of discrimination is the differences in doctors’ treatment responses for conditions that mostly rely on patients conveying

---

their level of pain for diagnosis and prescription of pain medications. This is troubling especially in light of the fact that African Americans are more likely to experience chronic pain. In their study, Anderson, Green, and Payne carry out an extensive literature of research papers published between 1990 and 2009 that investigate racial disparities in pain treatment. Among the results of the studies reviewed, one found that minorities were at risk for undertreatment of acute pain. A study in a similar vein to Mills et al.’s study (in that it looked at analgesia treatments in EDs) found that black patients with long-bone fractures were 66% more likely to receive no analgesics compared to whites and that blacks were at risk for inadequate analgesia in EDs, in general. That said, Anderson et al. make it clear that, while many studies do find clear evidence of racial discrimination from healthcare providers, numerous other studies find no statistically significant evidence of racial discrimination in pain treatment. For example, a study of racial disparities in recommended migraine treatments found no statistically significant differences in recommended treatments between racial groups.

Another study that complicates research into racial discrimination in treatment found that race by itself did not have a significant effect on physician decision to prescribe painkillers, but there was a significant effect based on the interaction between race and verbal cues; specifically, black patients who sounded “challenging” were more likely to get a higher dose or stronger opioid prescription from the doctor. This result does show evidence of racial discrimination, but with an opposite effect—higher dosage for black patients—than would be expected given previous studies of pain treatment. The mixed results of all of these research papers shows just how difficult it is to consistently tease out racial discrimination; Anderson et al. point out this disconnect in results may be related to variability in study methodologies, sample size, patient populations, and geographic locations, as well as to increasing awareness of inadequate pain management which has led to genuine improvements on the part of physicians.

Even if statistical evidence of clinical discrimination is mixed, there still appears to be a mental disconnect between patients and their healthcare providers in assessing pain severity. A study of North Carolina patients and healthcare providers found that while black patients reported greater pain and disability compared to whites, providers rated them as having less severe pain, and so blacks were less likely to have comprehensive diagnostics and treatment. Psychological and neurological research supports the impact that racial differences can have on implicit biases and empathy. One experiment that examined racial bias in pain perception had 324 student volunteers imagine that they work at a health center and then rate pain perception, empathy levels, and choice of treatment after reading vignettes about a patient in pain and receiving either rapid (implicit) racial priming or static (explicit) racial priming. The results showed that participants reacted more strongly to European American patients in the implicit prime condition, rating their pain perception higher and prescribing stronger treatments. This effect was reversed with explicit priming. Mathur et al. conclude that this suggests racial disparities in pain treatment are mostly due to automatic (below consciousness) biases than deliberate bias.

Mathur et al.’s conclusion is supported by an experiment from Drwecki, Moore, Ward, & Prkachin that looked at participants’ pain treatment recommendations and levels of empathy after watching videos of “patients” experiencing and describing their pain. The experiment found that participants exhibited clear Pro-White biases in both pain recommendations and empathy levels and used a bivariate correlation analysis to show that individual differences in empathy bias were highly correlated with individual differences in pain treatment bias. Drwecki et al. concluded that these empathy biases were important factors in racial disparities in pain treatment. These psychological results are further strengthened by a study of neurological responses to others’ pain in the sensorimotor motor, which found that empathic sensorimotor resonance was “selective for the ingroup [that is, same-race] models’ pain and absent for outgroup [different race] models’ pain.” Experiments like these demonstrate how ingrained some of our racial biases are into our psychology and biology, making these biases even harder to control. They offer important insight into the causes of implicit bias and racial discrimination, insight that can be incorporated into broader theories on discrimination.

IV. Theoretical Models of Clinical Discrimination

Besides research into specific evidence of clinical discrimination, there are many studies that attempt to identify the primary factors in clinical discrimination and so create a model of clinical discrimination. These models aim to incorporate multiple facets of clinical discrimination—perhaps by looking at the chronological progression of implicit bias to clinical discrimination and its effects—into a cohesive model. These models provide a more top-down look at discrimination, that is, a broader, generalized look at discrimination, as opposed to the bottom-up analysis from studies that look at very specific instances of discrimination in real life and extrapolate from those instances. Models are useful in that they analyze clinical discrimination at multiple points and so can identify specific places where biases are started and where discrimination can be stopped or at least limited.

In their paper “Statistical Discrimination in healthcare,” Balsa and McGuire identify communication via “signaling” as one of the main factors in
Racial discrimination by physicians leads to adverse effects for African American health and psychology. In the past, racial discrimination was partly associated with the racial mortality gap, wherein blacks have a higher average mortality rate than whites. Several recent studies have shown that the racial mortality gap has steadily decreased and the differences have largely disappeared. While this is undoubtedly a positive sign that direct physical harm (that is, directly impacting the outcome for a specific health condition) due to clinical discrimination has declined, clinical discrimination can still result in more insidious negative outcomes, namely, that African Americans lose respect for and trust in healthcare providers.

African Americans notice implicit biases on the part of doctors; one study that analyzed data from the California Health Interview Survey for 43,020 adults found that 9.7% of African Americans said they’d be treated differently if they were of another race—the highest among all racial and ethnic groups. After adjusting for different factors like socioeconomic status, the study still found African Americans were 3.6 times more likely than whites to consider discrimination a factor in their treatment.

Matthew points out in her book that implicit biases on the part of doctors decrease patient trust and satisfaction, and references a study that found perceptions of discrimination lead to health disparities due to a decrease in patient adherence to treatment regimens. The book Minority Health in America reaches similar conclusions about perceived discrimination, patient satisfaction, and health disparities. According to the Commonwealth Fund Minority Health Survey, one-fourth of African Americans feel they would have received better care if they were a different race. The authors posit that this perceived discrimination may lead African Americans to switch health care providers and even discourage them from seeking medical health in the future. This is supported by a study that demonstrates that dissatisfied individuals were nearly four times as likely to postpone getting needed health care as satisfied individuals. Perceived discrimination leads to dissatisfaction, disparate health outcomes, and sometimes eventually results in a complete loss of trust in physicians for African Americans.

A mistrust of medicine has become a facet of African American culture. In their paper, “Attitudes and beliefs about organ donation among different racial groups,” Yuen et al. found that while African Americans were no different than whites and Hispanics in their support of organ donation, they were the most likely to disagree. They were 3.6 times more likely than whites to consider discrimination a factor in their organ donation decision. According to the research, African Americans were 32% more likely to be organ donors than whites and 15% for Hispanics. This finding is supported by a study that demonstrates that African Americans lose respect for and trust in healthcare providers.

In short, Matthew develops a useful model for understanding clinical discrimination, one based on plenty of research and evidence. Both Matthew’s and Balsa and McGuire’s models provide good general templates for clinical discrimination, templates that can be applied to other cases. With the evidence of and mechanisms for clinical discrimination clear and codified into larger models, it is now necessary to discuss the larger consequences of this form of discrimination.

V. Consequences for Long-Term Healthcare

22 Matthew, Just Medicine.
23 Matthew, Just Medicine.
24 Matthew, Just Medicine.
28 Matthew, Just Medicine.
30 Hogue, Hargraves, Collins, and Commonwealth Fund, Minority Health in America.
Another study found that attitudes for live organ donation were significantly impacted by having lower trust in healthcare. This mistrust is especially damaging given the “ever-widening gap between organ supply and demand” for African Americans; while organ transplantation between different races can be successful, black recipients are less likely to get a successful transplant if the donor is not black due to poor tissue match.  

This widespread mistrust of medical institutions is unsurprising when taking into account the deep history of racial discrimination from the medical community, whether in racist theories of psychology found in 19th century phrenology or the well-known Tuskegee Syphilis Study that lasted from 1932 through 1972. Combine this historically ingrained distrust with modern experiences of clinical discrimination, and African Americans’ loss of trust in the medical community appears justified, despite its tragic consequences. To combat this mistrust, health care providers need to implement policies to limit bias and clinical discrimination and make these attempts known to the general public.

VI. Policies to Limit Implicit Bias

Given the problems and undesirable outcomes of clinical discrimination, many different solutions have been suggested to address discrimination and implicit biases. Anderson et al. provide a good general overview of suggested interventions to prevent clinical discrimination. These interventions include implementing recommended pain treatment guidelines and protocols, training doctors in communication skills, and developing a model of shared decision-making between patients and doctors.

Matthew, in Just medicine, identifies three main interventions that can be used to limit implicit bias. Type A Intervention: Stereotype Negation Training, involves intervening before stereotypes are activated through distraction methods like mental busyness. Type B Intervention: Promoting Counter Stereotypes, aims to stop implicit biases from forming by thinking of examples that oppose the stereotypes that have formed. Type C Intervention: Social and Self-Intervention attempts to inhibit expressions of implicit biases by altering motivations. While Matthew states that all three types are useful in reducing clinical discrimination, she does believe that earlier intervention is better.

While Matthew’s solutions are likely the best way to prevent clinical discrimination, they are also some of the more difficult to implement, as they require internal, mental monitoring and prevention from the doctors themselves. More universally viable solutions emphasize the need to improve protocols, communication skills, empathy, and other-race contact. In Minority Health in America, Hogue et al. found that patients were more satisfied with doctors with good interpersonal skills, doctors who spent longer time with them, and doctors who offered preventative services like lifestyle advice. Balsa and McGuire’s model of statistical discrimination in health care identified poor communication as one of the main factors in discrimination and treatment mismatch and consequently recommended increased communication skills for doctors, specifically through greater interaction with minorities. These recommendations are part of a general trend of looking at communication training and increased other-race interactions as ways to reduce clinical discrimination.

Balsa and McGuire’s recommendation for greater interaction with minorities is supported by a neurological study from Cao, Contreras-Huerta, McFadyen, & Cunnington, “Racial bias in neural response to others’ pain is reduced with other-race contact,” which found that the area of the brain related to empathy experienced increased activation correlated with the level of contact participants reported with people of the other race. Interestingly, the study found that this correlation did not depend on the closeness of contact with other races, but simply with the “overall level of experience with people of the other race in their everyday environment.” In an essay on narrative medicine, Green (2011) also emphasizes the importance of communication in deciding how to treat patients, specifically in how the patient’s story and how the doctor conveys that story impacts treatment. Green states that “the art of medicine may be the ability to listen to stories,” and advises that doctors increase this listening abilities by first understanding their own biases and misconceptions and then engaging in active listening, which is characterized by using thoughtful clarifying questions and limiting interruptions. These solutions focus on interpersonal and communication skills and so would require training in those areas for doctors. In general, training in communication and active-listening skills are attractive options as it not only limits clinical discrimination but increases satisfaction among all patients, regardless of race.

As previously mentioned, Anderson et al. offer suggestions of solutions than can be smoothly incorporated into existing health care systems, like creating pain treatment guidelines. Drwecki et al. (2011), in their paper on empathy and perspective-taking, also offer a solution than can be easily integrated into existing health care systems, one that simultaneously improves interpersonal skills. Their experiments on the role of empathy and pain treatment included randomly assigned control groups and experimental groups, with the experimental groups receiving a perspective-taking intervention, wherein participants were given the same instructions as the control but were then regularly reminded to “try to imagine how your patient feels about his or her pain and how this pain is affecting his or her life” or similar advice. The experiment found that participants that received the intervention exhibited upwards of a 55% reduction in pain treatment bias compared to the controls. Health care providers could incorporate simple empathy-inducing

33 McDonald et al., “Understanding the Relationship between Trust in Health Care and Attitudes toward Living Donor Transplant,” 619.
34 Yuen et al., “Attitudes and Beliefs about Organ Donation.”
37 Matthew, Just Medicine.

38 Hogue, Haeflges, Collins, and Commonwealth Fund, Minority Health in America.
41 Cao et al., “Racial Bias in Neural Response,” 68.
42 Green, “The Role of Narrative Medicine,” 966.
45 Drwecki et al., “Reducing Racial Disparities in Pain Treatment.”
questions like these into treatment guidelines, thereby reducing implicit bias. Since many of the mechanisms for implicit bias and clinical discrimination are understood, there are several viable solutions that could be implemented to decrease clinical discrimination. These range from as simple as providing pain treatment recommendations and/or communication training to more complex training in concerted mental interventions, such as the implicit bias training described by Matthew.\textsuperscript{46} Policies that include one or more of these solutions need to be implemented both to help limit clinical discrimination and its adverse effects as well as to identify which suggested solutions are the most effective and practical.

VII. Conclusion
Clinical discrimination is an important and nuanced issue in the sphere of health care discrimination. It is one of the most direct forms of discrimination in health care—that is, discrimination on the part of a single person’s biases and stereotypes as opposed to discrimination through systemic institutions. The first section showed why receiving good health care is important for African Americans by showing that African Americans are at a higher risk for several health problems like stroke and chronic pain, something that is exacerbated by their exposure to discrimination in daily life. The second section reviewed the results of books and academic papers that investigate and often attempt to quantify clinical discrimination. While some of the results of these papers were mixed or showed variations in the form of discrimination, there is enough evidence of clinical discrimination to prove that it is a real problem. Besides that, multiple psychological and neurological experiments found significant evidence of discrimination in pain treatment and empathy levels, factors integral to providing good health care. The third section discussed models that have been developed to examine the mechanisms and interaction of variables that result in clinical discrimination. These models examine the system of clinical discrimination, its causes and effects, using a general template that can be applied to the issue as a whole. The fourth section discussed the negative impacts of clinical discrimination, specifically how it increases overall African American mistrust in health care providers. The fifth section covered recommended methods to limit clinical discrimination, which include mental interventions, communication training, and increased interaction with minorities. This paper sought to provide an overview of clinical discrimination against African Americans, including why it is important to address African American health in particular, evidence of clinical discrimination, causes of implicit biases and discrimination, the consequences of clinical discrimination, and ways to address the issue. The academic literature about implicit biases, clinical discrimination, and African Americans relationship to health care is extensive, so this paper was only able to provide a small sample of the pertinent research into those topics. Even with these limitations, this paper has attempted to explain many of the main facets of clinical discrimination and connect these facets into a larger narrative about African American health and their experience with health care. This paper has also made it clear that some of the primary mechanisms for clinical discrimination are evident and—despite the elusiveness of this form of discrimination—there exist several viable methods to combat the problem. Some of these suggested solutions are as simple as providing pain treatment protocols or asking a doctor to remember to take their patient’s feelings and life stories into account before treating them. While more research can always help tease out more information about clinical discrimination—like whether certain areas are more prone to clinical discrimination or if time spent with a patient impacts clinical discrimination—it would be faulty to ignore the already established research and recommendations over clinical discrimination.

Bibliography

\textsuperscript{46} Matthew, Just Medicine.


Seeds of Change: Genetic Modification and the New Direction of Farming

Eleanor Mendelson

I. Introduction

Farming, for many, still has an old-fashioned ring to it. It conjures images of small-town America, or else of East Asia’s traditional rice paddies and West Africa’s yam fields; the farmer is often romanticized as a kindly, weathered man in plaid whose honest living is made by working closely and carefully with the land. In some senses, this image remains accurate, but it has not kept pace with agriculture’s rapid evolution. With little attention paid by those not directly involved, agriculture has become increasingly industrialized, globalized, and driven more by large corporations than individual farmers.

Those popular images—the family farm, the generations-old techniques—are by modern standards considered to be “peasant agriculture,” or traditional farming systems in which it is the environment more than the farmer’s will that controls output.¹ In peasant agriculture, natural conditions and sustainability concerns dictate farming practices. These systems tend to be biodiverse and resilient to environmental shocks, as well as deeply integrated with the communities that surround them.² Perhaps the most significant factor defining peasant agriculture is its recognition of values beyond the profit motive: it prioritizes “autonomy, local development, social fairness, and respect for the environment” rather than solely the cash value of the crops it produces.³

This model of agriculture is quickly becoming outdated. Though peasant agriculture is still responsible for producing as much as eighty percent of the food consumed in the developing world, more than seventy percent of the world’s agricultural resources—money, seeds, land, and equipment—is devoted to industrial agriculture, defined by its use of advanced technology, its massive scale of production for global markets, and its concentration under a few large agricultural corporations.⁴ And increasingly, industrial agriculture makes use of genetically modified (GM) seeds; by 2016, GM seed was used to grow more than ninety percent of all cotton, soybean, and corn in the United States.⁵ Like many other developments of industrial agriculture, GM seeds are advertised as an excellent strategy for mitigating food shortages worldwide. Designed to resist disease and produce greater nutritional value, they are expected to increase crop yields and improve the wellbeing of the people who eat them.⁶ These advantages are especially compelling in a world increasingly threatened by climate change; genetically modified “climate-ready seeds” are intended to better withstand environmental extremes, resolving many concerns about the future of the global food supply.⁷ But the reality of GM seeds is far less promising than this optimistic picture painted by proponents. Not only are they unable to realistically achieve these goals, they are actively harmful both to the environment and to peasant farmers around the world, representing less a good-faith effort to improve food access than a predatory form of corporate control.

II. Biodiversity, Climate Change, and Environmental Risks

The most apparent and easily assessed disadvantage of GM seeds is their impact on the environment. GM crops are often marketed as an environmentally-friendly alternative to traditional agriculture on the basis that their heightened resistance to pests and disease lessens the necessity of pesticides and herbicides. In many cases, however, pesticide and herbicide use is greater for GM than non-GM crops. Non-GM crops suffer negative effects from overuse of pesticides and herbicides; GM crops, on the other hand, are specifically engineered to be immune to them, removing any cause for restraint.⁸ Any use of pesticides and herbicides risks serious harm to the environment, and the enormous quantities of both applied to GM crops have an especially high risk of contaminating water supplies and causing the local extinction of beneficial organisms, including vital pollinators such as bees.⁹ This not only harms the very crops that they are meant to protect, but also creates significant long-term environmental problems as the chemicals build up in the air and water.¹⁰ And these risks are not merely the unfortunate but accidental by-products of GM agriculture, nor are they easily resolved by awareness of the harms. Rather, the increased use of pesticides and herbicides is deliberately encouraged by the same corporations selling GM seed. A particularly infamous example is Monsanto, which both sells the pesticide Roundup and holds a patent on “Roundup Ready” seeds that are immune to its effects.¹¹ Monsanto does not aim to eliminate harmful pesticides—on the contrary, they have a vested financial interest in maximizing their use.

Furthermore, independently of pesticide use, the modified genetic material itself can have devastating environmental impacts. Though farmers generally make an effort to keep crops segregated from the surrounding native plants, it is impossible to prevent the DNA of crops from mixing with that of naturally occurring nearby relatives in a process called genetic drift. Cross-pollination between species is all but inevitable, as pollen from the controlled fields is widely dispersed by wind and insects.¹² In the case of GM crops, though, the mixing of their DNA with that of natural varieties is deadly. Most GM seeds contain a “terminator” gene, which makes them unable to reproduce. This trait was deliberately introduced by patent-holding seed companies in an effort to maximize profits, as it forces farmers to purchase new seed annually rather than collecting and planting seed from the previous year’s

---

6 Brown, “Prejudice to the Environment,” 587.
10 Brown, “Prejudice to the Environment,” 590.
crop.13 When genetic drift occurs, the “terminator” gene is as likely as any other to find its way into native plant varieties.14 Eliminating the reproductive ability of wild plants would quickly lead to enormous and widespread population loss. A loss of this magnitude would permanently alter every aspect of the ecosystem.

This scenario is not solely hypothetical: already, native plants are losing out to GM varieties, either because farmers are encouraged to transition to GM use or because the GM varieties spread into the wild and out-compete them. In India, for example, there are now fewer than 30,000 varieties of rice, down more than eighty percent from the 200,000 varieties that existed prior to British colonialism; in Greece, ninety-five percent of the native wheat varieties have been lost.15 In light of one of the primary arguments for increased use of GM seeds—that they are a necessary adaptation to climate change—this is deeply ironic. Genetic diversity of crops is critical to resilience in the face of environmental extremes. It serves as an “ecological insurance” against diseases and extreme weather events that might take out some varieties of the plant while leaving others intact.16 If all of the plants contain the same genetic material, the odds of entire regions being wiped out are far higher. Naturally-occurring indigenous plant varieties are often better equipped to cope with a wide range of conditions, whereas even “climate-ready” GM varieties are designed for very specific environments, and tend to be greatly impacted by even small variations.17 Current climate models anticipate global agricultural output declining at least six percent by 2080; if the spread of GM crops continues, the impact is likely to be even worse.18

III. Justice and the Legal Framework for Genetic Modification

Despite these costs, the use of GM seeds continues to increase, aided by a system of both national and international patent laws that promote their development. While seeds and other natural materials used to be ineligible for patents, revisions of international law throughout the last several decades have reversed this precedent. The International Convention for the Protection of New Varieties of Plants (UPOV), for example, was revised in 1991 to allow states to revoke farmers’ rights to save GM seeds from their harvests rather than purchasing new ones annually.19 This was followed in 1994 by a European Union directive requiring farmers who save seeds to pay a tax contributing to “varietal innovation,” or the continued development of new GM seeds by large corporations.20 Also in 1994, the Agreement on Trade-Related Aspects of International Property Rights (TRIPS) was expanded to include patent rights on plants, the result being that seeds could now be the legally protected property of individual corporations.21 States remain free to clarify their own specific policies, but under TRIPS, the vast majority of trade agreements now require states to implement some form of protection for the development of GM seeds.22 These far-reaching patent mandates have resulted in the entire global supply of GM seeds being controlled by just six companies—Monsanto, DuPont, Syngenta, Dow, Bayer and BASF—all of which are based in Europe and the United States.23 Though seeds have long been considered products of nature, they now are regulated as commodities.

Independent of the environmental concerns, this patent-protected monopolization of GM seed development also raises an additional set of questions about social and economic justice. Though the alleged purpose of patents is solely to prevent companies from profiting off of someone else’s innovation, GM seed patents are often used in predatory ways against peasant farmers who pose no real competitive threat to the large corporations. Because of the impossibility of preventing cross-pollination, farmers often inadvertently violate their contracts with seed suppliers. They plant seeds saved from fields that originally did not contain GM crop varieties only to find that those seeds, as a result of genetic drift, now contain patented genes.24 Monsanto in particular is notorious for “Gestapo”- and “Mafia”-like tactics for uncovering these accidental patent violations. Agents use methods such as secretly videotaping farmers’ activities, attending community meetings undercover, and posing as land surveyors in order to obtain evidence against farmers, which is then used against them in court.25 Monsanto alone has settled over seven hundred lawsuits against farmers for patent violations, and though only a small minority of the cases have gone through full trials, all of these have been ruled in favor of Monsanto. In an especially high-profile case in 2000, Monsanto was awarded $780,000 against a Mississippi farmer named Homan McFarling.26 Though proponents of seed patenting argue that this kind of harsh enforcement is necessary in order to “foster innovation,” Monsanto’s legal track record suggests otherwise. While the company has exacted enormous payments from individual farmers who were unlikely to leak the patented material, it has not pursued patent infringement charges against actual corporate competitors like DuPont that have begun using the same modified genes in their own seeds.27

These practices by companies like Monsanto are also steeped in irony; in many cases, it is the seed companies which have stolen indigenous agricultural knowledge as the basis for their product, not the other way around. The research behind “climate-ready” seeds, for example, occurred over the course of thousands of years of farmers selectively breeding their crops to be as resilient as possible, and only in the last several decades has this knowledge been incorporated into genetic engineering.28 One of many examples of this knowledge theft occurred in the 1990s between Frito Lay and Native Seeds/SEARCH, an organization which preserves seeds native to the American Southwest. Frito Lay ordered Native Seeds/SEARCH to cease and desist from their selling of Indian Parched Corn because it utilized the

24 Jensen and McIntosh, “Path Dependencies,” 3.
26 Jensen and McIntosh, “Path Dependencies,” 3.
same type of corn used in the Frito Lay product Corn Nuts. This was in spite of the fact that the GM corn used to produce Corn Nuts was based on the selective breeding of corn that Native Americans had been doing for several millennia. Though a legal battle was averted in this case after the Indian Parched Corn packaging was changed, it demonstrates the hypocrisy on which the patenting of seeds is founded.\textsuperscript{29}

IV. Structural Challenges to an Anti-GM Transition

Opposition to GM agriculture is not a novel idea. But even those with a theoretical commitment to natural and indigenous farming methods often have difficulty putting it into practice. Ironically, the threat of being sued for patent violation incentivizes reluctant farmers to use GM seeds more, not less. Regardless of farmers’ individual preferences, GM seeds are now prevalent enough that the probability of cross-pollination from a nearby GM field is significant. This increases the risk of non-GM farmers being sued for patent violations, so, to avoid the legal liability, they take on contracts with GM seed companies.\textsuperscript{30} Additionally, once a farmer has begun using GM seeds, agricultural industry standards make it difficult to switch back to non-GM seeds without financial consequences. In many countries, a one-year transition period is required between the switch from GM to conventional seeds and the certification of the crop as non-GM. The result is that, during that year, farmers are selling the more labor-intensive and often more expensive conventional crop at the lower GM prices, which many cannot afford to do.\textsuperscript{31}

These structural biases in favor of GM seeds have significant implications not only for farmers’ agricultural practices but also for other aspects of their lives, and those of their families and communities. In many cases, they cause farmers to lose important sources of income. For example, many who have traditionally relied on selling some of their seeds each year are no longer able to do so, either because they have been forced to transition to GM seeds that are patent-protected or because other farmers, having already made that transition, no longer have any demand for non-GM seeds.\textsuperscript{32} Additionally, when farmers “have their own renewable, regenerative seed,” they are better able to recoup their losses after a bad harvest or a natural disaster; if they are forced to purchase seeds from corporations, then those events can quickly plunge them into debt.\textsuperscript{33} The agricultural debt crisis, driven in large part by the dilemma of GM seeds, has been responsible for more than thirty thousand farmer suicides since 1995 in India alone.\textsuperscript{34} These economic crises have a long history of displacing rural communities and increasing the likelihood of violent conflict.\textsuperscript{35} Farmers are therefore bound in a catch-22 wherein they are pressured into using GM seeds in order to avoid being sued over accidental genetic drift, but that transition to GM seeds puts them in an even more precarious position economically.

V. Strategies and Current Work

Based on the current trajectory, the outlook for non-GM agriculture is bleak. There are, however, pragmatic steps that can be taken to lessen GM seeds’ negative impacts. The most direct solutions work in patent law on both the national and international levels to ensure that the use of GM seeds occurs in a way that is more equitable and less dangerous to the environment. One potential solution that has begun to gain traction in recent years is the reinterpretation of Article 27.2 of the TRIPS agreement to prohibit the “terminator” gene on the basis of it being “prejudicial to the environment,” which is an existing provision that prevents the patenting of harmful innovations.\textsuperscript{36} This would not resolve all of the environmental harms posed by GM seeds, but it would be an important first step in limiting their adverse effects. In addition to this change in international law, individual countries can pass policies to create a “protected commons” for farmers and seed breeders, allowing them to save and exchange seeds without fear of retaliation from patent-holding corporations.\textsuperscript{37} Changing regulations to favor small farmers’ rights rather than corporate interests would protect the long-term viability of peasant farming and cut back against predatory patent enforcement.

Other potential solutions may take a more grassroots approach rather than relying on policy change. For example, agricultural research priorities could be reoriented to prioritize location-specific indigenous knowledge of agroecology, which is better suited to the protection of both communities and the environment than centralized and industrially-focused modern strategies.\textsuperscript{38} This could be accomplished through a combination of formal university programs and community involvement. Similarly, farmers involved in peasant agriculture should have a stronger voice in decision-making at all levels concerning not only agriculture itself but also climate change, trade, and human rights, since all of these issues are interrelated in ways that often are not recognized in agricultural policy.\textsuperscript{39}

The world remains a long way off from fully realizing any of these strategies, and even farther from anything resembling a ban on GM seeds or their patenting. But some progress is being made through a combination of grassroots protest and policy change. Globally, small-scale, local, and organic food production is attracting interest, not only from those traditionally engaged in peasant agriculture but also from a much wider range of environmentally- and socially-conscious people. The increase in urban agriculture and school garden programs demonstrates this shift in the United States, and even more progress away from industrial agriculture is occurring elsewhere. The Committee on World Food Security has begun leading the way in inclusion of diverse stakeholders, including “peasant farmers, fishers, pastoralists, indigenous peoples, landless, agricultural workers, young farmers, and social movements,” in their decision-making processes.\textsuperscript{40} And as more attention is devoted to environmental problems, it is becoming evident to an increasing number of people that GM seeds and industrial agriculture more broadly are neither socially nor ecologically sustainable. The current path of food production is not fixed—but more work is still needed to ensure that it is diverted in a more sustainable and equitable direction.

\begin{thebibliography}{10}
\bibitem{30} Jensen and McIntosh, “Path Dependencies,” 3.
\bibitem{31} Jensen and McIntosh, “Path Dependencies,” 3.
\bibitem{33} Shiva, et al., \textit{Seeds of Hope}, 27.
\bibitem{34} Shiva, et al., \textit{Seeds of Hope}, 27.
\bibitem{36} Brown, “Prejudice to the Environment,” 585.
\bibitem{37} Ahmed, “Peasant Agriculture,” 317.
\bibitem{38} Ahmed, “Peasant Agriculture,” 317.
\bibitem{39} Ahmed, “Peasant Agriculture,” 318.
\bibitem{40} Ahmed, “Peasant Agriculture,” 314.
\end{thebibliography}
Bibliography


The Influence of Women Within the Spread of Christianity

Spencer Kunz

Perhaps the Old Testament’s most egregious hypocrisy resides in the book of Genesis: “And when the woman saw that the tree was good for food...she took of the fruit thereof, and did eat, and gave also unto her husband with her; and he did eat.”1 Seduced by the appeal of the serpent’s proffered knowledge, Eve—and subsequently, all women—were relegated to a position of subservience, scorned by their male counterparts who felt they had been unjustly damned. Yet, in a sort of perverse parallelism, both the misogynistic dogma and the flourishing evangelism of “proto-Christianity” were largely influenced by the same factor: women. The same women who were deemed the scapegoats of Original Sin proved irrefutably potent in Christianity’s diffusion and advance. Though their socioeconomic bearings varied drastically, the women of the early Christian sect encouraged conversion to the faith through tripartite methodology:

I. Conversion via example—that is to say, Christian women whom others desired to emulate in some fashion.

II. Conversion via familial relation—e.g. mothers, wives, etc.

III. Conversion via personal interest—adherence to Christian doctrine borne out of the belief that it would better one’s own stead.

There are, of course, sub-specifications within the three aforementioned criteria. To fully comprehend the impact of these “first rebel[s] against the divine law,”2 we must observe their actions in the political, domestic, and social spheres.

Few things resonate as potently as a role model. Indeed, many of the early Christian catechumens were drawn to the faith by the spiritual magnetism of such exemplars—many of whom were female. The most tragic of these figures were martyrs, subjected to public humiliation, degradation, and torture at the hands of pagan persecutors. Early Christian lore is rife with tales of miraculous martyrdom: Spontaneous hail storms and earthquakes deliver the faithful Thecla from burning at the stake;3 Blandina, when suspended atop a stake in the Roman arena, appears to take on the form of Christ Himself;4 gender boundaries are blurred, and the Earthly distinction between the male and female spheres is transcended by faith, as evidenced by both the visions of Perpetua5 and the sermons of Augustine.6 While these tales no doubt lent themselves to a number of rousing homilies, they served another purpose: inspiring others to emulate their behavior. If we sift past the shock and awe of these martyr myths, we can glean a staggering amount as to just how influential these charismatic women were. Buried amidst the bombast and bloodshed are accounts of—what appears to be—pagan sympathy towards the condemned. Take, for example, the harrowing account of Thecla’s near-martyrdom. The pagan audience—who had, moments before, cried out for her death at the hands of wild beasts7—could not help but commiserate with the charismatic young Christian. Inspired by the conviction with which she clung to her faith, the Roman spectators cheered for Thecla, urging her to safety.8 Before long, this adoration became full-fledged loyalty and “the women [of Rome] cried out together...There is but one God, who is the God of Thecla, the one God who hath delivered Thecla.”9 High praise from a tough crowd, all things considered. Martyrs—especially female martyrs—were paragons of what one could attain through Christianity: One’s worth and renown were based not on gender and social class, but on bravery and religious conviction. If Blandina, the slave woman, could be likened to Christ by her peers—perhaps the ultimate adoration within Christian circles—solely on the strength of her ability to endure, then others could achieve similar distinction through the Christian sect. The popular acclaim of these women martyrs, able to “nobly endure every torture,”10 drew early converts to the faith.

Much the same, conversion via emulation manifested itself in the veneration of saints. Though men dominated the ranks of the beatified, a small contingent of sainted women helped transmit the faith to laywomen, who found a sense of commonality with the “sacred feminine.” Admittedly, there is considerable overlap between documented female martyrs and documented female saints—the Venn Diagram of the two categories is nearly a circle. Familiar names like Thecla, Perpetua, and Felicitas (Felicity) found their way into the Catholic canon, yet there remain notable examples of non-martyred saints: specifically, the Virgin Mary. Mother of Christ, merciful advocate for sinners, and most prominent amongst all saints,11 Mary functions as the paradigm of female sainthood. The impact of “Stella Maris” is so staggering that it could fill an entire research paper of its own. Mary acts as the namesake for the “Ave Maria,” an integral part of the Catholic rosary prayer ritual.12 The dogma of the immaculate conception allows expectant mothers to call upon Mary to bless their childbirth. Yet, her virgin status allows maidens to find shared ground with her still—no women are ostracized.13 The “Popular Cult of Mary” took root in the Middle Ages and drove a period of religious reexpansion, with the establishment of a number of monastic orders dedicated to the Virgin (e.g. the Cistercians, Franciscans, etc.), as well as the construction of thousands of cathedrals erected in her name (e.g. Notre Dame).14 Perhaps most interesting, Mary was viewed as a sort of “anti-Eve.” That is to say, the mere existence of a woman so “admirable

1 Gen. 3:6 King James Version.
11 Roberta Magnusson, “Virgins and Saints: Virgin Mary” (lecture, University of Oklahoma, Norman, OK, 2019).
12 Ibid.
13 Roberta Magnusson, “Motherhood, Widowhood, Old Age” (lecture, University of Oklahoma, Norman, OK, 2019).
14 Roberta Magnusson, “Virgins and Saints: Virgin Mary” (lecture, University of Oklahoma, Norman, OK, 2019).
and most worthy of all honor...singularly to be venerated...above others,” was a sort of reparation for Eve’s transgressions in Genesis. In a way, Mary was the standard against which all other Christian women were judged—favorable comparisons to the Virgin are invoked for the likes of Perpetua, Felicitas, and Guibert of Nogent’s mother as high praise. It would be foolish to understimate the magnetism of the Virgin Mary in regards to the spread of the Christian faith. Her influence can be found in figural art (e.g. The Pieta), architecture (e.g. Notre Dame), liturgy (e.g. the “Hail Mary”), and innumerable additional spheres.

Perhaps the best-known matriarch in recorded history, Mary provides the perfect segue into our next criterion: the spread of Christianity via familial relation. The maternal tie between mother and child provides an opportunity for mothers to exert considerable control over their child’s beliefs. True, one’s ideologies are often most malleable at a young age, but a mother’s upbringing was frequently visible even in adulthood. Consider the case of Constantine: Raised by Helena, herself a covert practitioner of Christianity during the Great Persecution, Constantine was exposed to the Christian faith at a young age. Yet, it was not until years later at the Battle of the Milvian Bridge (312 CE) that Constantine would place his faith in the “Chi Rho,” an example of early Christian symbology—following a vision from God. When his troops proved victorious, Constantine credited the victory to the God of his mother and converted on the battlefield. The young were especially susceptible to the influence of their mothers, however. In his autobiography, Guibert of Nogent, acclaimed French monk and chronicler, almost exclusively credits his mother for his faith. He speaks lovingly of the “purity and holiness in obedience to [God]” which his mother taught him, and the “prayers she poured daily into [his] ear.” Guibert regales us with anecdote after anecdote of his mother’s life, extolling her virtues and praising the manner in which she lived. The woman clearly had an immense impact on her child and, in his attempts to emulate her behavior, she brought him closer to her own faith. We can observe comparable patterns in the correspondence between St. Jerome and Laeta (403 CE), concerning the upbringing of Laeta’s daughter. Jerome prescribes a rigorous regimen: The girl is to “rise at night to recite prayers and psalms;” “commit to memory the prophets, the Heptateuch, the books of Kings and Chronicles, the rolls also of Ezra and Esther;” eschew bathing entirely, lest she “add fuel to a sleeping fire;” etc. Admittedly, this falls on the more extreme end of the spectrum, but it gives us a glimpse of how mothers pushed their children—sometimes willingly, sometimes begrudgingly—towards Christianity. Commanded to “be fruitful, and multiply,” the idealized Christian mother was one who did precisely that, both physically and spiritually, bringing her offspring closer to God.

Likewise, behind many Christian husbands were pious, often persistent, Christian wives. Perhaps most famous is the battlefield conversion of the pagan king Clovis. Granted, his wife Clotilde did not directly convert him to the faith, but, like Helena and Constantine, she was responsible for his exposure to Christian dogma. Had Clotilde not shared her faith with her husband, he would not have thought to call on it in a moment of desperation and, thusly, would never have converted. The passive advancement of a religion is religious advancement, nonetheless. That is not to say, however, that wives could not take an active role in converting their spouses. The infamous Merovingian queen Fredegund exhibited total control over her husband Chilperic with regard to religion. Driven to repentance when her children fell mortally ill, Fredegund decided to incinerate a stack of tax demands in an effort to appease the Lord and cultivate divine favor. Despite the negative fiscal consequences, Fredegund’s husband agreed with little record of even a debate. In fact, his wife proved so persuasive that “from [that] time onwards King Chilperic was lavish in giving alms to cathedrals and churches, and to the poor, too.” Even more active in the spread of the Christian faith were the wives and women who journeyed with the crusade contingents. One account tells of a routed band of Franks, on the verge of retreat, who “saw their wives gathered in the field [of battle], and [such] was their love and pity for them that they changed color.” Be it instilling Christian morals in their children, introducing their husbands to Christian dogma “behind the scenes,” or advancing the Christian faith at sword point alongside male crusaders, wives and mothers exercised considerable power over the religious identity of those around them, even if their influence was not always visible on the surface.

Finally, we can observe women swelling the ranks of Christian converts for reasons of personal interest. Largely considered to be, in the words of Aristotle, “a deformity” of man, Christianity offered women increased freedom and social status. Our most radical example of this can be found in the Pauline Epistles, a series of correspondences attributed to the Apostle Paul that date to ca. 50 CE. In a letter addressed to the Galatians, Paul posits that “ye are all the children of God by faith in Christ Jesus…There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female; for ye are all one in Christ Jesus.” That’s undeniably radical for the time period: There’s explicit disregard for both gender and social class, two pillars of socioeconomic standing during Christianity’s expansion. What’s more, Paul is implying egalitarianism under Christ—likely a tantalizing proposition for many women at the time. I suspect a great number may have converted in the hopes that, like Blandina, they could transcend their pre-existing societal ranking through faith. Sometimes however, conversion to Christianity may have been borne out of emnity. During the Crusades in particular,

15 “Saint Bernard of Clairvaux, Homily on the Virgin Mary,” in HIST/WGS 3133: Medieval Women (University of Oklahoma, 2019), 177.
18 Roberta Magnusson, “Virgins and Saints: Virgin Mary” (lecture, University of Oklahoma, Norman, OK, 2019).
19 Roberta Magnusson, “Conversions: Clovis and Clotilde” (lecture, University of Oklahoma, Norman, OK, 2019).
22 Gen. 9:7 KJV.
26 Gal. 3:26-28 KJV.
Frankish Christian women were “spoils of war” for a city’s conquerors. During one such encounter, Saladin’s troops boast “how many well-guarded women were profaned, how many queens were ruled, and nubile girls married, and nobles given away, and miserly women forced to yield themselves...etc.” While the Franks were certainly guilty of identical atrocities, one cannot blame the victims of such crimes for developing an aversion to the party responsible for violating them. In this way, a sort of repulsion from non-Christian faiths—buoyed by anti-Muslim rumor and sentiment—led converts not so much to Christianity, but away from the sects that had victimized their women. Lastly, theological radicals like Julian of Norwich furthered the proposition that religion transcended earthly understandings of gender. Claiming that “God Almighty is our loving father and God All-Wisdom is our loving mother [italics added for emphasis],” Julian offered a sort of unheard-of divine equality between the sexes. Though I cannot speak definitively for those who followed her teachings, I expect a number of laywomen were drawn to the idea that the divine entity possessed positive female characteristics, rather than the traditional negative connotations that Eve’s femininity lent to Christianity at the time.

Ironically, the Christian faith owes an inestimable portion of its advancement to its—borrowing from C. S. Lewis—“daughters of Eve.” The feminine sphere inspired figural art and sacred architecture; generated theological discourse; and marshaled conversion through familial, cultural, and political relations. Women were and are, in multitudinous roles, inexorably entwined in the propagation of Christianity. Between forming the crux of the Garden of Eden arc and operating as a driving force behind Christianity’s advancement, women found themselves at the root of nearly all matters of faith. Original Sin was borne of Eve’s transgressions. The Edict of Milan was ultimately borne of a mother’s Christian influence over her son. Christ Himself, the central-most figure of the faith, was born of the Virgin; the messianic line begins, as all do, with a matriarch. A woman. Though they represented an ostracized demographic, the women of early Christianity were vital to its spread. Women constituted the damnation of man (i.e. Eve) and its subsequent salvation (i.e. Mary); women constituted the catalysts for many of history’s most impactful conversions. From Biblical Genesis to the genesis of evangelicalism, we can trace women’s influence through all facets of Christianity to that inception point of all such geneses: In the beginning.

The Students of Oklahoma’s Virtual Charter Schools
Matthew Lugibihl

Abstract
In the face of poor educational performance, some reformers have encouraged the growth of virtual charter schools. Despite a glut of literature spelling the failings of these schools, little work has been done to understand who enrolls in them. Looking at enrollment data for the state of Oklahoma, I have found virtual charter students are more likely to be white and increasingly Native American than traditional public students in Oklahoma. I also find the proportion of virtual students who are female grows surprisingly large, beginning in middle school and continuing through twelfth grade. This demographic stratum is the only one of such stark disparity, indicating that the unique situations of older female students, possibly social dynamics or pregnancy, is pushing them to enroll in virtual school.

I. Introduction

i. Online Charters as an Alternative
The twentieth century ended with new promises in education. Florida’s Virtual School hoped to spark a new age of learning that would utilize new technology to increase access and innovation, unbridled by the brick-and-mortar classroom. Here virtual school optimists have found fertile ground for their offerings. Technological development increases online accessibility as well as the tools available to them when they get there. They offer full-time enrollment to their students with most all of the instruction happening online. Proponents have argued that many hurdles have encumbered virtual schools in their success. Most virtual schools utilize the charter model, which is why they protest the stricter regulations on that school classification. These measures are said to hamper innovation, dis incentivize school authorization, and the strategies those schools wish to impose.1

While there has been much research detailing the poor academic achievement of these schools (they often perform 0.1 to 0.3 standard deviations worse than traditional students), there has been sparse work done in knowing what types of students enroll in these schools.2 This study will be to look at how the introduction of virtual charter schools has influenced enrollment demography for the state.

ii. Who Enrolls in Online Charters?
To evaluate the introduction of virtual charter schools into Oklahoma, I will be using enrollment counts from the state department of education. Using this data, I can look at several of the primary demographic factors that might affect the propensity to enroll in a virtual charter school. One aspect of this might be the utilization of open enrollment policies where race has empirically been an indicator of change.3 Another important and unique aspect of virtual schooling is how the radically different school environment may affect enrollment decisions. When parents move from one brick-and-mortar school to another, there are often only slight aberrations in the school environment. However, this consistency would not be found in moving from physical to virtual charters. This has clearly manifested itself in performance differentials, but it also could be related to the decision of whether or not to enroll. The difference in school environment could have significant impacts with regards to the gender and age of the students.

The most obvious result was that I found older students were more likely to enroll in virtual schools. Less intuitive were the findings on race and gender. As is consistent with previous literature, there was a higher proportion of white students enrolled in online education.4 White students are generally more likely to utilize open enrollment policies, and a study of Ohio virtual schools found this as well.5 Native American students made up an increasingly higher proportion of the online student populace, a factor which trends in the opposite direction for traditional schools. Oklahoma’s high indigenous population makes this finding significant.

The gender composition of virtual charters is unique as well. Every strata and school type consistently saw numbers close to the 50% mark except for older students in virtual schools. From around eighth grade on, the student population becomes increasingly female, peaking at over 60%. This could be attributed to a variety of theories about how pregnancy, the school environment, and expectations may be more favorable for female students than their male counterparts.6 The details behind these specific trends and others will be covered in more detail, as we attempt to understand what may drive parents and students to make decisions regarding school choice in Oklahoma.

II. Background

i. Educational Failings in the State
Oklahoma education has had a myriad of issues and trails nationally across almost all major testing metrics.7 Some gaps have narrowed compared to previous years, but, overall, the results have not been up to the national averages. Oklahoma also has consistently used teaching strategies that are outdated and shown to hurt children’s reading ability and subsequent reading test scores.8 However, the most troubling part of Oklahoma’s K-12 education is the failed teacher certification pipeline. Emergency certifications in the state have grown from a negligible 32 in 2011 to 3038 in 2019.9 This means less prepared teachers are entering classrooms. There are next to no qualifications to be emergency certified, and, as a result, people without any past teaching experience or formal training are educating a substantial number of Oklahoma’s youth.

3 Smola, Jennifer. “Study: Kids in Poor, Urban School Learn Just as Much as Others.” The Independent, The
4 Smola “Study: Kids in Poor, Urban School Learn Just as Much as Others.”
5 Ahn, McEachin. “Student enrollment patterns,” 44-57.
ii. Virtual Schools and Epic

In response to this, many reform advocates have looked to school choice as a solution. Charter schools can introduce new structures, incentives, and training to try and reverse the poor academic performance by the state. The most radical of these is virtual charter schools. There are several of these online offerings in Oklahoma, but overwhelmingly the largest provider of these is the Epic one-to-one school. The classes are structured with teachers who take on up to 35 students who they contact individually. Throughout the week they will give and grade assignments of the students, communicating via video chat, email, and other means. Epic prides itself in the flexibility and individualized nature to its program. However, consistent with online charters broadly, the results have been lackluster at best. No online charter school scores above a C grade and modally they receive F scores in the state’s evaluation reports. Only 40.2% of Epic’s students graduated on time compared to the state average of 83%. National performance trends are consistent with Oklahoma’s. Virtual schools routinely performed 0.1 to 0.3 standard deviations worse than traditional schools. This is true for all levels of student achievement. Higher and lower achieving students consistently do worse at online offerings. However, this is exacerbated for lower achieving students. It is theorized this is from the school environment of peers, counselors, coaches, and teachers that motivate students to complete tasks. Social factors such as those are either diminished or missing completely in online school settings.

It is important to note that Epic has found itself mired in a variety of scandals associated with its income, expenditures, and externalities. First, are the reports that it fabricates its enrollment counts and truancy standards. Epic is known for dual enrolling students and maintaining “ghost students” on their rosters. Structurally, online charter schools are set up to incentivize this illicit behavior as well as misallocation of spending. They get paid for how many people are on their roster on October 1, and so they do all they can to increase that number. Then, Epic will use their revenues to market themselves to more students. Even the state superintendent Hofmeister has criticized the school for its heavy spending on advertising. With regards to expenditures, they also give out generous stipends to families for extracurricular enrichment activities. This, among other factors, contributes to online charters operating only slightly below the operating costs of traditional public schools despite not having the near amount of facilities, faculty, and staff that brick-and-mortar schools maintain. For these reasons, we see a high mobility rate in virtual charter schools of roughly 60%, five times higher than the state average. That high mobility has been a pain point for many in the traditional school system. Students often switch back to traditional public schools in the middle of the school year. They come into classrooms behind and unprepared. Not only that, but the money set aside for that student’s education has already been allotted to the virtual charter, leaving the school with the responsibility to teach more students than they have before with less money than they should.

iii. Different School Environment, Different Students

Just looking at outcomes and school performance is only a part of the complex virtual school equation. It is also important to know who these students are. Virtual schools are especially interesting as there is little to no barrier to enrollment. Anyone with access to the internet can quickly go to Epic’s website and enroll in their school. Generally, their enrollment has skyrocketed, from serving 2,493 students in the 2011-2012 school year to 17,952 in the most recent 2018-2019 school year. While still dwarfed by the total student population of close to 700,000 students, there is still a clear appetite for virtual charters that is affecting these traditional brick-and-mortar public schools.

The first question is to look at what would make someone enroll in a virtual charter school. We tend to conceptualize the decision to change enrollment as a calm, calculated decision by parents to provide the best outcome for their child. This is usually not the case. There is often an information asymmetry, where a select number of people have the most information. For instance, minority students are less likely to look at academic indicators when making enrollment decisions. Another factor that determines the enrollment calculus can be safety, as Pondiscio found when looking at New York charter schools.

Parents know where troublesome kids go to school and want their students to be out of that environment. Family values, cultural concerns, or budget constraints may cause one to change their enrollment. For those reasons, previous work has shown that those who utilize open enrollment policies are more likely to be white, higher achieving, and more affluent.

Much of the research evaluating school choice has difficulty being applied to virtual charter schools. Charter schools provide comparatively slight aberrations to the traditional school environment, while virtual charters serve more as an

---

10 Oklahoma Department of Education


12 Smola. “Study: Kids in Poor, Urban School Learn Just as Much as Others.”


17 The rural educator

18 National performance trends are consistent with Oklahoma’s. Virtual schools routinely performed 0.1 to 0.3 standard deviations worse than traditional schools. This is true for all levels of student achievement.

19 Palmer. “In Oklahoma, a Discredited Reading Theory Is Widely Used.”


26 Smola “Study: Kids in Poor, Urban School Learn Just as Much as Others.”


28 Palma, Elpidia. “The rural educator

29 Much of the research evaluating school choice has difficulty being applied to virtual charter schools. Charter schools provide comparatively slight aberrations to the traditional school environment, while virtual charters serve more as an
upheaval. The school setting is totally different. Students are expected to largely work independently without peers as allies and motivators beside them. As has been discussed previously, the academic failings of online charters have been studied extensively, and much of the research points to this very different peer environment as reason for poor outcomes.29 It should therefore be no surprise that this different peer environment would also affect who enrolls, enticing some students more than others.

iv. Specific Factors

Age is naturally going to have a differing appeal for students. The independent nature of online study would mean that younger students would require extensive parental involvement to have any sort of success.30 Online charters in Oklahoma do offer early childhood enrollment all the way through high school, so we would expect to find a general increase in enrollment going from younger to older students. Older students who work jobs or have other responsibilities would have a greater desire for the flexibility of online schools, and they would have the capability to deal with the increased demands of independent online study.

Another unique part of this equation is gender. One would rightfully assume that male and female enrollment would hover around 50% of the student population for almost any educational offering. This changes if the entire environment would be different as is the case in online schools. The flexibility of the school environment may be uniquely appealing to students with child rearing responsibilities, something common in Oklahoma.31 Teenage pregnancy has been linked with higher rates of absenteeism and dropping out.32 33 Virtual schools could serve as an alternative to that outcome.

It is also possible that other social factors are at play, such as differentiated bullying. Here we would expect to see a differential impact, especially at older ages where gendered differences manifest themselves more socially, distinctively, and consequently. The most obvious example of this could be bullying. Boys are more likely to report physical altercations and the bullying of females is more likely to take the form of manipulating and shaming people in social scenarios.34 35 Another theoretical reason for a change could be that female students are more comfortable in the virtual environment. One study found that female students were more sensitive than men to the make-up of their classroom demography in even virtual environments.36 While these differences may be insignificant at younger ages, older students deal with these gendered differences more clearly. Finally, the academic expectations for female students may differ than for their male counterparts. One would expect all of these factors to begin manifesting at older ages. The social nature of school is less teacher centered, the consequences of those possibly adverse social situations become more severe, and children are better able to verbalize and advocate for a change in their personal situation all at older ages. Students’ individual, personal motivations would be more likely to crystallize into an actual enrollment change.

Race will also play a substantial role in enrollment. While we have discussed how white, affluent, and achieving students are more likely to utilize open enrollment generally, very few people have looked at whether these principles hold for virtual charter schools. The best study on this was done on Ohio schools and found that white students were more likely to enroll, but that the other two factors were switched. Students who enrolled in online charters were less affluent and lower achieving than the general student population.37 This result would likely hold for Oklahoma, except in all of the ways that make Oklahoma unique. Foremost among those is its high indigenous population. Oklahoma has the second largest indigenous population in the nation, behind only California. Oklahoma’s population centers of Tulsa and Oklahoma City also pale in comparison to Ohio’s largest cities. There is not much literature as to what might drive indigenous students towards or away from virtual charters beyond the fact that Native Americans are more likely to have differing local school quality, and their proximity to schools may be worse. They also may have different family values that might lead them to desire to keep their children at home and not at a public school. For these reasons there would be an expectation for a disproportionately high Native American population in virtual charter schools.

III. Data, Measures, and Design

i. The Dataset and its Variables

As is often the case, the question must be shaped around the data available so that we can feasibly answer the question we are asking. It is for this reason that I am unable to look at student achievement data as I do not have student level data on such topics. The data I do have comes from the State of Oklahoma Department of Education. They have released site enrollment data on the department’s website which is publicly available. This source has each grade level at each site as an individual observation. It has age levels from 3-year-olds in half-day classes up through high school seniors. Their files available are available to download for each school year up from 2003.

There were some inconsistencies in how the information was collected year-to-year so it was necessary to consolidate it, limiting the data set to the observations kept consistent throughout the period of measurement. Information regarding virtual charters began during the 2011 to 2012 school year and so that is where our usable data begins. We then can track those counties, districts, and sites over time through the most recent 2018 to 2019 school year. The relevant information collected for each observation is its county, district, school site, and grade. There is one observation for each grade. The data set also includes enrollment counts for a variety of demographic categories. It measures race by Hispanic.

---

31 Health and Human Services
American Indian, Asian, Black, Hawaiian or Pacific Islander, White, and two or more races. It also has each of those categories split up based on their respective genders, male and female. Each count within each category is then summed in a total column for each site. Virtual charters are set off as their own site not based on geography. Each virtual charter is divided by their provider, broken down by grade level.

ii. Advantages and Disadvantages

This data set has several advantages that make it quite useful in evaluating enrollment trends from virtual charter schools, most importantly is that it has population level data. It looks at every publicly funded school in the state, including charters and virtual charters, and counts all of the students in each. As a result, I am not concerned with selection bias.

This data is from the state itself. I have good reason to trust it as a source because they have the best access to these schools and there are incentives for their numbers to be accurate. Funding is based on these counts. This also is somewhat of a limitation because the profiteering of schools like Epic distorts these numbers. Another advantage of the data set is the ability to break the information down by grade level. The virtual charter student population is older. The average grade size for the most recent year increases from 427 in early childhood, to 838 in elementary, 1291 for middle school, and 2151 for high school.

The theoretical reasons why a student might switch to an online charter in elementary school versus high school are quite apparent. The social and academic factors that determine enrollment decisions for older students is completely different than for younger ones. Being able to break it down at this level instead of taking broad stroke approaches that average across the entire site helps us refine our theory and hypotheses to better understand the problem.

A key limitation of the data set is that I do not have access to student level data. I also do not have access to flow data. I know how many students are enrolled in each site/grade, and I can look at how these trends have moved over time. For instance, we may see that American Indian students have filled an increasingly smaller proportion of the enrollment in traditional public schools and the entire student population. In contrast, their proportion may be increasing in virtual charter schools. Even though we can be fairly confident that some of these students not enrolling in traditional public schools are enrolling in virtual charters, the specific linkage of knowing what students are doing is missing. We do not know where these students were previously or how many are switching in and out of districts. There are a multitude of unmeasured causes that could be affecting our data. For instance, people could be moving in from outside of the state. However, most of these are theoretically quite weak, and so extreme caution towards any findings is unjustified. Knowing the why behind their movements is a question this dataset is not equipped to answer. That would require a comprehensive survey and a look at individual student demographic and academic measurements which I do not have. Some of that does not exist in any fashion.

iii. Research Design

The structure of this policy evaluation will be to evaluate what types of students are participating in virtual charters as an educational option. I look at how the racial and gender proportions of enrollment have grown to vary for virtual charters compared to traditional public schools. I created regression models for several of these variables. Racial trends were compared over time after the introduction of virtual charter schools, and a model for gender was created to compare who enrolls at what ages. For the second model, a quadratic model was used to account for nonlinearity in the data.

IV. Findings

i. Race

<table>
<thead>
<tr>
<th>Dependent variable:</th>
<th>Native American Proportion</th>
<th>White Proportion</th>
<th>Hispanic Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>School Year</td>
<td>-0.004***</td>
<td>-0.007***</td>
<td>-0.003***</td>
</tr>
<tr>
<td></td>
<td>(0.0003)</td>
<td>(0.004)</td>
<td>(0.0000)</td>
</tr>
<tr>
<td>Virtual Charter</td>
<td>-0.105***</td>
<td>0.170***</td>
<td>-0.073***</td>
</tr>
<tr>
<td></td>
<td>(0.029)</td>
<td>(0.033)</td>
<td>(0.025)</td>
</tr>
<tr>
<td>Physical Charter</td>
<td>-0.081***</td>
<td>-0.405***</td>
<td>0.149***</td>
</tr>
<tr>
<td></td>
<td>(0.014)</td>
<td>(0.016)</td>
<td>(0.012)</td>
</tr>
<tr>
<td>School Year: Virtual Charter</td>
<td>0.006</td>
<td>-0.008</td>
<td>0.004</td>
</tr>
<tr>
<td></td>
<td>(0.005)</td>
<td>(0.006)</td>
<td>(0.005)</td>
</tr>
<tr>
<td>School Year: Physical Charter</td>
<td>-0.002</td>
<td>0.010***</td>
<td>0.011***</td>
</tr>
<tr>
<td></td>
<td>(0.003)</td>
<td>(0.003)</td>
<td>(0.002)</td>
</tr>
<tr>
<td>Constant</td>
<td>0.204***</td>
<td>0.552***</td>
<td>0.111***</td>
</tr>
<tr>
<td></td>
<td>(0.002)</td>
<td>(0.002)</td>
<td>(0.001)</td>
</tr>
</tbody>
</table>

Observations 82,368
R² 0.006
Adjusted R² 0.006
Residual Std. Error (df = 82362) 0.203

F Statistic (df = 5; 82362) 93.138***

We will first look at racial demography. I created models for the proportion of each race dependent on time and school type for each school site (plotted in figures 1 and 2). I decided to include interaction variables because they

![Figure 1](image1.png)
were significant, and they are theoretically sound. The school year and the likelihood to be in different school types would change over time. The reference level for the school type variable is traditional public schools as they are the primary standard of comparison and make up a significant majority of total students. A model of African American students was not included because there was no significant difference between their proportion in traditional schools and virtual charters. Both have seen a slight decline over the years.

In traditional public schools there has been a steady decline of the proportion of white students from 56% to 49% over the seven-year time period, as evidenced by a slope of -0.006. The Hispanic population has increased to just under 19%, and the Native American population has decreased to around 14%. The trends for virtual charter schools are quite sporadic in comparison. The small sample size of students means that the proportion is more susceptible to a few students moving into or out of the school system. Also, at one point a school was shut down and then restarted. This too would account for more jittery trend lines. Because we have population level data, this should not affect the utility of these results. A more cautious approach to these statistics is likely still warranted. We do not know which trends will hold and which will not over the long term.

There are a few important findings to note. The first is that there is indeed a higher proportion of white students enrolling in virtual charter schools, a 17% difference. The proportion of white students is consistently higher at virtual charter schools and it seems to be only mildly affected by the general decline in traditional schools. We cannot know for certain, but the influx of white students into virtual charters could be accounting for a part of the general population decline. This is a replication of previous findings and confirms that this trend seen elsewhere is also evidenced in Oklahoma schools. African American student enrollment is nearly identical to that of traditional public schools while Hispanic and Native student percentages differ. Declines across both models would be expected. Such a dramatic increase in the proportion of white students would make it to where most other proportions would be forced to decrease. Hispanic students are therefore less likely to enroll in virtual charters. However, perhaps the most interesting finding is that of the Native student populations. While the general trend for the total population is a slight decline as the indigenous people takes up less and less of the state’s total populace, we see an inversion of that trend for virtual charter schools. They have had an increasing percentage of their enrollment be indigenous students.

This is not across all virtual charters though. Epic is the only school with such a high Native American population. Native Americans on average make up 17.8% of their students, slightly above the traditional school average of 17.3%. All other virtual charters have a Native American percentage of less than 7%. It is these other, smaller schools which draw down the average, making the coefficient in the model show a decrease in the proportion for virtual charter schools. The actual trend when just looking at Epic shows that more Native students are going to these schools, and that they are doing so at an increasingly high rate, despite a general decline of Native students in the population.

**ii. Gender**

Gender was expected to have differential impacts between older students and younger ones, and we see this was indeed the case. Every slice of other school types and other age groups all saw negligible differences in male/female proportions. Most all of the percentages varied somewhat randomly around 50%. In the total student population, there is a 2.5% gap favoring increased male enrollment. This gap narrows as much as could be expected in traditional charter schools with only a 1% gap in the most recent school year. This is nothing compared to the 21.6% gap.
gap measured for seniors this last academic year in virtual charter schools. This trend was consistent for all years which virtual charters have operated, and it has solidified itself more as the years have gone by. Around late middle school, female students are more likely than males to enroll in virtual charters. This trend increases with little hesitation through their entire time in high school through twelfth grade. Traditional schools begin to absorb more male enrollment in conjunction with this trend.

V. Discussion and Conclusion

i. Implications

With the unique structure and incentives of these schools there are some significant implications of this data. Total enrollment in virtual charters has grown from 2,493 in 2011-2012 to around 18,000 in the most recent year. If more and more students are going to these schools we should know who they are. One of the criticisms of Epic is that they are fundamentally a business that markets their product to parents and students. Policy makers have and should consider ways to regulate these expenditures for the integrity of academic standards. This is also important for the parents and students who are being served by these schools. We already know that those who enroll in online charters are more likely to be lower achieving students, the population that online schools serve the least well.38 This problem could exacerbate itself if aligned with geographic and racial cross-sections. Schools marketing along such lines, would likely increase achievement gaps as a result.

This is especially important for Native American students. Native American students tend to perform poorly compared to their White and Asian peers. While this is still true in Oklahoma, the state is also one of the best in narrowing that specific achievement gap. They outperform the national average which is what makes their movement towards these poor virtual schools so troubling.39 Without polling, information about the individual students, or flow data we can only guess why these students are leaving. There are indeed worse schools than virtual charters, so perhaps these students are moving from those locations. Maybe the commute is too difficult to bear, and online schools help these families. Also likely is that the cultural values of some Native American communities may conflict with the local public school, and so families enroll in virtual charters instead. In any case, understanding the issue is important to begin addressing it. It allows policymakers to better serve the populations who are being educated by virtual charter schools.

With age, the most enlightening thing is not that so many students are older, but that so many early childhood and young elementary students are enrolling. The public perception of online charters needs to understand them as a comprehensive educational track for the youngest students to seniors in high school. This contrasts any stigma of their population exclusively consisting of struggling students who need to get out of the system with a diploma. While older, lower achieving students are the plurality of enrollees, virtual schools are increasingly educating a more age-diverse population of students.

ii. Conclusion

This is certainly a question that deserves more analysis. Knowing what motivates people to switch schools and what the academic characteristics of these students before and after they enroll would be important in giving a complete evaluation of virtual charter schools as a policy. This study cannot do that, but it gives a baseline analysis of at least who is being affected by online charters. We know their students are more likely to be white, likely a function of information asymmetry. They are increasingly more likely to be Native American, in contrast to the trend of Native American students across the state, and we know that female students are significantly more likely to enroll than males in high school, likely due to pregnancy, childcare, and social pressures. This picture will enable more apt policy responses in educating the public on school choice options. It can help in strategizing the fight on information asymmetry that can drive parental choice. It also helps better understand the appeal of these schools, hoping to remedy any achievement gaps that might come about as a result of the policy.

Gender has some of the most interesting implications given how unique the finding is among all other education gender break downs. Only for high school students in virtual charter schools is such a bias towards female enrollment seen. While I theorize teen pregnancy accounts for most of this disparity, there are several social elements that could be causing such a disparity. Differences in bullying and social exclusion for girls are unique at those ages.40 Perhaps female students are finding a respite from stressful school environments and pressures in virtual charter schools. This likely will come at an expense to their academic performance, but it is possible this is the best option for these students. It also indicted where these students are coming from. Perhaps there is a need to reform those schools to make them more suitable for high school females.

38 Ahn, McEachin. “Student enrollment patterns.” 44-57.
ABOUT THE AUTHORS

Andy Schramka, our cover artist, is a sophomore undergraduate studying engineering physics with an emphasis in computer science. He was born in Hinsdale, Illinois and raised in the suburbs of Chicago, and enjoys reading history and 3D computer modeling in his spare time. Andy is an active member of Sooner Competitive Robotics and the Outdoor Adventure program at the Honors College.

Abigail Clarke is a Junior from Slidell, Louisiana. She is pursuing a Planned Program major in Film & Theatre Studies with minors in Art History and Italian. She is a longtime member of The Aster Review editorial board and has interned at the Fred Jones Junior Museum of Art, along with working at the Norman Central Public Library. After graduation, Abigail hopes to pursue graduate study in American Studies and ultimately become an arts librarian, wanting to help increase the accessibility of art. For fun, she enjoys attending dance classes, working on her endless movie watch list, and crocheting.

Getty Hesse is an English Literature and History double major in the OU Class of 2021. In addition to writing literary criticism, he has published several short stories in genre magazines and has created a website on Chinese warlords of the 1910s and 20s.

Eleanor Mendelson is a sophomore from Overland Park, Kansas, studying Environmental Studies with minors in Spanish and Biology. She currently serves on the editorial board of The Aster Review as well as being active in the Norman chapter of the Sunrise Movement and working as a research assistant in the Department of Geography and Environmental Sustainability. In her free time she enjoys long bike rides, crocheting, and hanging out with the cats at Norman Animal Welfare Center. After graduation, she plans on attending law school and then working in environmental law and policy.

Lucy Kates is a senior Religious Studies and Letters major from Jefferson, WI. After graduation, she plans to attend law school and become a children’s attorney.

Laura Pott is a junior from Denver, Colorado majoring in Biological Anthropology with minors in Spanish and Russian. She currently works as a student assistant in the History of Science Collections at Bizzell Library and does research in an ancient DNA laboratory. After graduation, she plans to attend graduate school in molecular anthropology. She enjoys reading and cycling in her free time.

Molly Macke is a senior from Flower Mound, Texas majoring in Linguistics with minors in Spanish and Neurobiology. Her areas of interest include disability advocacy, communication disorders, neurolinguistics, and service dogs. This fall, she will begin graduate school at the University of Texas at Dallas to obtain a master’s degree in Communication Disorders.

Carson Schlittler is a junior from Edmond, Oklahoma pursuing a dual degree in Economics and History, along with an accelerated masters degree in Managerial Economics with an emphasis in Big Data. She is currently the president of OU Economics Club, an officer in the Honors Student Association, and a mentor for the Honors Mentorship Program. After graduation, Carson would like to work in data analytics in order to study changes in consumer preferences and issues of data privacy. In her free time, Carson enjoys cooking for her reading groups, losing at Scrabble, and listening to podcasts.

Spencer Kunz is a junior history major with minors in Spanish and religious studies. He is from Kansas City, Missouri, and spends his time outside of class marching with the Pride.

Matthew Lugibihl grew up in Tulsa, OK, graduating from Jenks High School in 2017. He is currently an undergraduate student at the University of Oklahoma majoring in Mathematics and Political Science. Upon graduation, he hopes to work in public policy analysis.
ABOUT THE EXECUTIVE BOARD

Julie Bahr is a junior from Brownsburg, Indiana majoring in environmental sustainability and English with minors in Spanish and GIS. She currently serves as the Vice Chair of Green Week and the Editor-in-Chief of *The Aster Review* in addition to working as a research assistant for The Oklahoma Water Survey. After graduation, Julie hopes to earn an M.S. in ecology and eventually work on habitat restoration projects as an aquatic ecologist for The National Park Service. When she isn’t spending time outdoors, you can usually find her cozied up with one of her favorite speculative fiction novels.

Erika L. Moen is a fourth-year National Merit Scholar from Vermillion, South Dakota pursuing degrees in Chemistry & Biochemistry and Communication. In addition to serving on the Executive Board for The Honors Undergraduate Research Journal, she serves as Vice President of Public Health Discussions and Student Coordinator for the LGBTQ+ Mentorship Program. She also conducts research on treatments for antibiotic resistant infections and has co-authored articles published in *ACS Medicinal Chemistry Letters, ChemMedChem, Biomacromolecules*, and *Biochemistry*.

Nancy Lee Archer is a senior from San Antonio, Texas. She will graduate summa cum laude from OU in May with a degree in English literature and a minor in general business, at which time she plans to pursue a career in editing and publishing.