Fourth Year Thesis Titles and Abstracts—April 2003

Andrew Borchini

The Rise and Continued Struggle for Domestic Partner Benefits

Since the emergence of domestic partnership benefit programs in the early 1990s, businesses, local governments, universities, and other employers in all regions of the United States have extended the benefits. While traditional benefit programs only extend benefit privileges to a married spouse and dependant children of an employee, domestic partnership benefit programs extend benefit coverage to the unmarried partners of employees. Because gays and lesbians cannot legally marry, most domestic partnership benefit programs aim to benefit such employees. This thesis examines the emergence of domestic partnership benefit programs on a national level at both businesses and universities, then more specifically in Virginia and at the University of Virginia.

Domestic partnership benefit programs emerged rapidly during the 1990s and early 2000s. Between August 2000 and August 2001, at least 712 U.S. employers extended health insurance to employees' domestic partners, representing a twenty percent increase in a single year. By 1995, all of the nation's top ten universities offered domestic partner benefits, and in 2000 all but three of the nation's top twenty-five did so. The businesses and universities offering domestic partnership benefits did so because of two concerns. First, these employers sought to eliminate such institutional forms of discrimination against gays and lesbians from their workplace. Second, these employers sought to remain competitive in the marketplace, and providing domestic partner benefits has proved to be an inexpensive and expedient way to do so.

However, political opposition to extending the benefits is often high. Though many consider the University of California a university system dominated by the socially liberal, conservative California Governor Pete Wilson held political power during the 1990s and strongly opposed implementing the benefits at the UC institutions. While those within the UC system who fought for extending the benefits were ultimately successful, Wilson employed all of his available political capital in his attempt to block extending the benefits. I argue that, despite the unsupportive political atmosphere in California, the benefit supporters were successful because of powerful grassroots mobilization and internal support from UC administrators. Other public universities seeking to extend the benefits should follow the UC model and seek benefit extension by garnering grassroots mobilization and the essential internal support from the university administration.

Like activists in UC system, those supportive of domestic partner benefit extension at the University of Virginia face a hostile political climate. However, the critical difference between the case of UC and of U.Va. is that at U.Va., activists have mobilized to a much lesser extent and there exists no strong internal support from the University's administration. Those hiring new faculty, however, suffer the consequences of this policy directly and have worked around the restrictions by offering limited *de facto* domestic partnership benefits to the most competitive prospective faculty members. Despite these limited *de facto* benefits, in order for U.Va. to rid itself of one of the last forms of institutionalized discrimination, it must extend domestic partnership

benefits to the same-sex partners of employees. For this goal to be attained, activists must mobilize to a much greater extent and pressure those in the administration to outwardly support benefit implementation.

Anna Cavness

Hybridity Thinking and Oppositional Praxis: Palestinian Israelis and the Costs of Collective Community Survival

On its broadest level, this thesis presents an exploration of theoretical frameworks concerned with questions of resistance and its location within mico-level practices of everyday life. Rather than positing resistance as definitively implicated in the reproduction of hegemonic power relations, I propose that the affirmation of subaltern identity itself represents a destabilizing rupture in the dialectic constitution of subject relations.

To move towards this reformulation of resistance, I begin with a discussion initiated by theorists such as Bourdieu, Sewell, and Foucault, who engage with the question of the means through which structures are reproduced, transformed, and subverted through the inter-relations among culture, structure, agency. The paradigms established in this debate allow for a rethinking of resistance. My purpose in establishing this theoretical terrain aims towards laying out the conceptual structures that enable resistance for the oppressed and subaltern in general. In particular, I am concerned with the implications of these formulations of resistance for analyses moving into the postcolonial, transnational, and diasporic global moment, where the figure of the hybrid negotiates within the in-between, liminal margins of cultural production. Hybridity thinking, the logic of this theoretical movement, attempts to delineate the spaces of transgressive possibility as well as the circumscription of these spaces through the reproduction and over-signification of symbolic boundaries.

I unravel these paradigms to locate a critical site for subaltern resistance within the "counter-hybridity" debate, where the affirmation of cultural identification and the processes of segmentation, exclusion, and struggles for control over symbolic and physical space represent a means of conceptualizing resistance in terms of ensuring collective community survival. This is the space of savage hybridity, an-other logic premised on a measure of essentialist affirmation where perhaps theory and praxis merge in recognizing the need for representation, even in its inherently reductive forms, in any politics concerned with the destabilization of hegemony.

While the first two chapters are largely concerned with the theoretical spaces for resistance leading up to and established by the hybridity debate, the second half of this thesis initiates a reading of the particular complexities inscribed in the hybrid location of Palestinian citizens of Israel. Although not unexplored, the status of Palestinian Israelis remains largely under-theorized in terms of the debates outlined above, particularly in relation to the amount of work generated on Palestinians living in the Occupied Territories. Hybridity thinking provides a means of addressing this imbalance through an analysis of the particular location of Palestinian Israelis within a state of liminality, where affirmations of cultural authenticity represent a means of asserting claims over contested symbolic and physical space. These contestations and reinscriptions afford a site for a subaltern politics of affirmation where resistance is defined through the instabilities generated in its deployment.   Yet as Palestinian Israelis confront the circumscription of their ability to maintain cultural autonomy, resistance as a means of ensuring collective community survival locates the essential, authentic meaning of Palestinian identity in the figure of the Palestinian woman as a tropic cultural signifier. The cost of resistance in terms of maintaining cultural autonomy thus emerges in the over-signification and reification of gendered narratives of loss and threats of cultural erasure that engender circumscriptions of female agency.

Chris Chen

Closets and Time

The aim of this thesis is to excavate and to expand the metaphor of "the closet." Oftentimes, the closet is intuitively a spatial trope that describes the invisibility of a modern, Western gay identity. Contrary to such a basis of understanding, I argue that the closet has many temporal properties. Ignoring these properties would not only undermine gay-affirmative political projects, but would also threaten one's pursuit of an authentic existence.

I first show that the closet is a product of complex historical processes. These historical processes take place in the present, not in a distant past. We often ignore such present-day historicity because we presume that sexualities can be pedriodized. Building on Eve Kosovsky Sedgwick's claim in *Epistemology of the Closet*, I analyze the 1999 murder of Pfc. Barry Winchell to illustrate that historical conceptualizations of same-sex relationships have not been superseded. Instead, these conceptualizations coexist and contradict one another in the present. As a result, such coexistence unwittingly establishes more invisible and more secure closets. These closets not only render many same-sex relationships unintelligible, but are perpetuated by certain gay rights organizations and the mainstream press. To better understand the forces that erase, deny, and ignore same-sex relationships, one must regard sexualities as volatile historical remnants that shape our present existence.

I then proceed to examine selected contemporary literary and cinematic representations of closets from Taiwan and the United States. In these texts, closets present themselves as a detemporalizing condition that prevents one from authentically living in the present. Although the passage of time persists, the closeted characters have no genuine sense of their past. These characters are trapped in an omnipresent, atemporal "now." The "coming out" of those who desire same-sex relationships requires that they regain a sense of their past, present, and future. For example, many gay characters continue to drift in a meaningless status quo until they reconcile with their past.

At the end of this thesis, I suggest that notions of "the closet" and "coming out" can be broadened by the Heideggerian concept of authenticity. Particularly, when the inauthenticity outside "the closet" is more abhorrent than the authenticity in "the closet," one wonders if "the closet" is a useful metaphor.

Thomas M. Deal

Down Among the Dead Men: A Sociology of the Virginia Glee Club

In this essay, I essentially convey two stories. First, I explain the development of a unique culture within the Virginia Glee Club. I contend that, as a result of the group's separation from the Department of Music at the University of Virginia in 1989, natural hierarchies within the chorus were inverted and, out of necessity, traditions, rituals, and practices which drew the members together formed. Whereas in a typical choir there exists a cult of the conductor, in the contemporary Virginia Glee Club, there is a cult of the Club. As background to this argument, I articulate the group's history briefly and explain the experiences of a typical member during the 1990s. Through my own observations and personal interviews, I identify several significant components of the member's experiences that solidify his commitment to the group's preservation. From the moment the member enters the audition room, the indoctrination begins.
Social and performance rituals, as well as insider traditions including a unique language and esoteric concepts,

and bizarre bonding behaviors shape the member's identity within the group and often impact his concept of himself as a student at the University.

The second story I convey is what I refer to as the "homophobic transition." Based on my own experiences and interviews with gay members of the all-male Club from the early 90s, mid-90s, and today, I can trace a clear evolution of the Club's attitude toward homosexuality. While the essence of the traditions and rituals does not change (the form remains the same as well), the ways in which members of any sexual preference experience and interpret these rituals has evolved to accommodate a more fluid concept of masculinities. Whereas the rituals and traditions in the early 90s sought to solidify a hegemonic construction of masculinity that only acknowledged heterosexual forms as legitimate, these same rituals and traditions are interpreted by members to accommodate a plurality of masculinities. My earlier analysis of bonding rituals and bizarre, emasculating behaviors indicates that most members are both sexually insecure and curious. Whereas the insecurity gave rise to a degree of resentment and homophobia in the early 90s, by 2002, the curiosity took on a more benign character. Allowances for homosexual preference were made in speech and in the interpretation of rituals.

I principally contend that there exists a direct link between the group's separation, the development of a unique culture, and the gradual evolution of a fluid approach to masculinities. In my conclusion, I set out a formula for further research, including more extensive interviews of members prior to the 1989 separation. I also call for an exploration of the connections among the developments in the Virginia Glee Club, trends in other all-male groups at the University of Virginia, and societal developments generally. Based upon my own experiences and analyses, I also predict that the sexual fluidity of the contemporary Club will continue throughout the next decade.

Benjamin P. Feldman

Inward Bound : Selfhood and Subjectivity in Reading and Travel

My thesis is a long essay on the slippery nature of the self. I argue that the busyness of life overflows our senses with a never-ending stream of persons, places, and things. This nounflow obscures our selves as we are forced to act and react in the teem of realtime. I hypothesize the nature of certain filtering moments during which, for a variety of reasons, we are able to reorient toward our surroundings and see our selves and their contexts (inter)act more slowly, more clearly. In this slowness, we can engage in self-analysis.

While these slowspaces of self-illumination may appear both differently and in different circumstances for different selves, this thesis posits reading and traveling as activities wherein they appear with systematic regularity. These spaces, whenever they occur, are our only opportunities for self-observation. I argue that Self-knowledge, so gained, is both the basis for meaningful individual existence, and that since the self is the fundamental unit of society, also the means for social progress.

Sarah Fouts

Exploring the Limits of Professional Journalism: Or, How I Learned to Stop Worrying and Love the News Media

In 1931 George Seldes asked "Why is there a general disgust with the press, summed up in the ignorant remark 'You can't believe what you read!'?" This question still haunts journalists today. Critics from both the right and the left answer Seldes's question by claiming that the press's pervasive biases and failure to uphold professional standards creates this "disgust." Yet neither side has offered enough definitive proof to resolve the overall debate. This line of criticism therefore produces a dead end in the search to understand the cause of the audience distrust. I suggest a new perspective, one which attempts to discover not whether or not the news media are biased, but rather why we believe that they are. This study therefore examines the standard we use to judge journalism's accuracy, the idea of professionalism.

Throughout journalism's history, its different practitioners have struggled to defend their presentation of the news as "legitimate." Their main purpose in doing so was to attract and maintain the trust of their audiences. Through these different battles for news legitimacy, one standard for legitimate journalism developed and generated professionalism as a way to defend itself. I argue that in announcing this standard of professionalism, journalism exacerbated rather than resolved its struggle for the public's trust. In their earnest desire to gain this trust, journalists set up ideals rather than guidelines. Inevitably they would fail to achieve these ideals, thus losing the very object they had hoped to obtain in the first place, the audience's confidence.

In chapter one, I examine how journalism developed from a trade to a profession by looking at its various incarnations as first the penny press, then the yellow journals, and finally as informational journalism (embodied by the practices of the *New York Times*). The audiences of each of these different types of journalism judged their paper's conduct on how accurately they told the community's stories, rather than how well they met abstract ideals such as fairness and objectivity. In shifting from these standards to professional ideals, journalists created far higher expectations for their conduct, which they subsequently failed to uphold in the eyes of the audience.

I look in chapter two specifically at why the audience believes journalists have failed in their duties by examining the standards modern journalists use to define newsworthy events. For each of these criteria, audiences notice ways in which news workers do not live up to the professional standard of objectivity. Audience members subsequently feel deceived by the press for promising conduct that it consistently does not deliver. This feeling contributes to the disgust and distrust that audiences harbor towards the news media.

The final chapter examines a new movement, public journalism, which hopes to restore public faith in the press. Though effective in some ways, public journalism mostly solves the mainstream press's problems by creating new ones. Thus, it too fails to serve the public's best interests.

I conclude by suggesting that the current reforms suggested by critics are unrealistic and therefore inadequate in solving the problem of audience distrust. Journalists would do better to set up more concrete guidelines by which the audiences may judge their conduct, and which will also help the press to better serve the public.

Luke Godwin

The Art of Identity: James Joyce, Modernism, and the Individual in Society

This thesis examines ideas about what it means to simultaneously develop a notion of one's individual identity and one's place in society after the Modernist movements in philosophy and literature. Tensions

necessarily exist between the categories juxtaposed in dichotomies such as private/public, self/society, or aesthetic/political, and I argue that the works of James Joyce provide a unique and singularly useful way of thinking about how we postmoderns can navigate the respective waters of identity creation and community.

I provide close readings of "The Dead," Section Five of *A Portrait of the Artist as a Young Man*, and both the "Cyclops" and "Nausicaa" episodes from *Ulysses* in an attempt to reveal how Joyce's conception of self-construction (how one creates an identity amidst the varied vocabularies and myriad claims of society) develops over time. By examining the respective protagonists of these works (Gabriel Conroy, Stephen Dedalus, Leopold Bloom) I show how Joyce sketches both negative (a delineation in opposition to some category) and positive (an outreaching towards self-definition through intersubjectivity) methods of identity construction by using the concept of the "other."

Some of the lexicons employed by Schopenhauer, Nietzsche, Freud, and Rorty are also considered to provide a selected intellectual and historical context for Joyce's work, and to further engage with Modernist ideas about the nature of the self and identity. Each of these thinkers utilize important dichotomies (e.g. will/idea, Apolline/Dionysiac, Eros/Thanatos, public/private) in their conceptions of individual identity, and they all share a fascination with the realm of aesthetics and the possibilities of art in the project of identity construction. Their categorizations of the individual within society are analyzed and assessed before each is related to the larger discussion of Joyce and his aesthetic vision of the modern identity.

I conclude by considering the notion of the sacramental within the works of Joyce and the connection between the realms of the aesthetic and the religious. Joyce always seeks out the epiphanic moment, the point in space and time wherein the singular self is wholly present and yet transcendent simultaneously; this fusion of the quotidian and the divine stems from an aesthetic awareness that can lead the individual to a place of self-knowledge while also creating a palpable empathy with the whole of humanity. Through the power of literature and words, Joyce shows how we as human beings in society can engage with the private realities of a subjective consciousness and remain true members of a greater solidarity as well. By embracing the liminal spaces in the dichotomies of self/society, public/private, and aesthetic/political, Joyce reveals a way of overleaping or eluding these oversimplified distinctions, and discovers the extraordinary within the ordinary.

Nicholas Graber-Grace

Remapping Global Relationships: Sovereignty, Power, and Resistance in post-NAFTA Globalization Discourse

I argue that the debate surrounding the North American Free Trade Agreement (NAFTA) centers on a contestation about what sovereignty is and where it should reside. NAFTA, which can be viewed as a specific policy initiative, is positioned within the context of colonial/capitalist globalization. Privileging capital and corporate interests over social and human concerns, NAFTA reifies a form of market sovereignty that threatens the social life of indigenous and other civil society groups, and that provoked resistance both in Mexico and the United States.

Although George H.W. Bush claimed to have ushered in a "New World Order" in the early 1990s, the present model of international relations does not represent a significant departure from regimes of control that have regulated global socioeconomic and political activity since the Conquest of the "New World" by European colonialists first began in 1492. Colonialism was a totalizing ideology that infused economic and political domination with attempts at religious and ideological conversion; the Conquest was a direct attack on the values, cosmologies, and social reproduction of Indigenous peoples throughout the Americas. Many theorists have

articulated a direct correlation between forms of colonial and neocolonial (or neoliberal) mechanisms of control. Now, over five hundred years have passed and global relationships that were once demarcated by colonialism have been (or are being) remapped by the totalizing logic of neoliberal market fundamentalism: the coloniality of power has been reinscribed.

In Mexico, *campésinos* and indigenous peoples share a long memory of exploitation and disempowerment. In 1994, on the day that NAFTA went into effect, the Zapatista National Liberation Army emerged from the Lacondon Jungle in Chiapas, Mexico, challenging NAFTA's neoliberal logic as the latest manifestation of the Colonial legacy that continues to threaten their way of life. For indigenous people and other poor *campésinos*, NAFTA embodied a value system and economic paradigm that clashed against their most basic rights and beliefs. NAFTA forced a change in the Mexican Constitution, privatizing all land holdings and eliminating an agrarian reform clause that *campésinos* had struggled for with Emiliano Zapata in the Mexican Revolution. Rights to sovereignty and collective self determination are, for many Mexicans, bound up inextricably with corn, culture, and the land. By privatizing all land, NAFTA's proponents put sovereignty up for sale.

Struggles against NAFTA in Mexico helped to galvanize the proliferation of civil society organizations and fuel calls for models of participatory sovereignty in the United States and elsewhere. Protests that rocked Seattle in 1999 helped to shift the terms of debate surrounding globalization away from the so-called Washington Consensus (which sanctified sovereignty of the free market), and towards more sustainable, value based development.

Towards the end of this paper I outline some strategies for transforming global power relationships so that a model of sovereignty based on collective decision-making and grassroots empowerment might displace the narrow-minded vision that has driven globalization up until this point. Finally, I argue that the models of organizing employed by the Zapatistas and by certain protest organizations active in Seattle and elsewhere can be viewed as microcosms, living representations of what a truly New World Order would really look like—a polity premised on the value of human dignity and regimes of collective sovereignty.

Esther Carol Haley

Chilling Effects: The threat to information access posed by current U.S. intellectual property law on American citizens' ability to access information on the World Wide Web

This paper seeks to examine a key issue in digital media – linking – with respect to the issues that it raises in digital copyright law, focusing in particular on the implications for American citizens as they utilize the World Wide Web (WWW) as an information source. While the average WWW user probably thinks very little about each point and click of his or her mouse, in reality the user develops an opinion or knowledge of an issue from that experience. In order to develop meaningful ideas and challenging opinions, Americans need access to the greatest amount of information possible. A discussion of the creation of the WWW reveals the designer's intent to enhance the average person's ability to connect and explore multiple ideas in an electronic environment. In order to examine information, users traverse the WWW by linking.

While the Framers of the United States Constitution had no conception of the coming WWW, they might have taken pride in the WWW's fulfillment of one of their primary goals – establishing and enhancing an American intellectual commons. The Framers crafted the copyright clause of the Constitution to allow for only a limited time period in which the copyright holder retained his rights. Ultimately, in order to make information available to the American public, the Framers needed to motivate those capable of creating intellectually valuable works. Knowing that the ability to control and/or reap profits from a copyrighted work,

even for a limited time, would provide incentive for individuals to create, the Framers granted copyright holders certain privileges with the conviction that their creations would benefit the public.

I argue that while the WWW and copyright law were designed to enable the average citizen the ability to access a wide variety of information, the Digital Millennium Copyright Act (DMCA) and the United States Patriot Act (Patriot Act) now threaten this. On the WWW, one can look at cases surrounding linking and divide them into two categories: those cases involving a business seeking monetary compensation; and those cases yielding, what Harvard Law School (and other institutions across the country) deems, a "chilling effect." The case of Ticketmaster v. Tickets.com provides an interesting illustration of the business side. However, beyond the linking cases that focus simply on monetary compensation, lie situations that endanger the public's ability to access information in our open society. "Chilling effects" result from efforts to limit the accessibility of information by removing, among other things, links. Two case studies provide examples of chilling effects caused by the DMCA and the Patriot Act: a situation that arose between Google and the Church of Scientology, and the case of the student-run "BURN!" Web site hosted by the University of California at San Diego.

Americans using the WWW need to assert their rights; free speech and the right to access certain information remain just as fundamental to citizenship in the digital context as in other contexts. Ultimately, it will take an informed, concerned, and motivated American citizenry to effect changes in current legislation and chart a new course for future intellectual property legislation. The need to appreciate the power of a medium like the WWW as an intellectual commons may become all too apparent to American citizens only after rights to free speech and access to potentially controversial subject matter have severely eroded.

Emily Kristin Harpster
From Nuremberg to the ICTR: International Criminal Justice and the Problem of Civil Reconciliation

Although the international tribunals set up after World War II and the 1994 Rwandan genocide represent an important transformation in the way that the international community deals with atrocity, I argue that the International Criminal Tribunal for Rwanda (ICTR) represents a regression rather than a progression of the goals and standards of an internationally mediated court as set forth at Nuremberg. This has important implications for the future, and learning from the mistakes made at the ICTR - for I argue that its failure could have been avoided - can enable the United Nations to deploy its justice more effectively. It can also enable it to understand the limitations of such justice, for I argue that both tribunals, irrespective of their success or failure, show that international justice possesses fundamental and endemic limitations in enabling post-conflict societies to heal and move forward. However, if applied effectively (as in Germany), it can in certain situations contribute significantly to the project of civil reconciliation. The intention of my paper is twofold: first, to assess Nuremberg and the ICTR on similar terms in order to illustrate why the ICTR failed and what this means for Rwanda, and second, on the basis of this comparison, to more meaningfully assess the potential of such tribunals generally to solve the problem of civil reconciliation.

In order to assess Germany and Rwanda on similar terms, I borrow from Martha Minow's goals for a society after mass violence and suggest that a society achieves civil reconciliation in meeting them. In the first chapter, I situate Nuremberg socially and politically, tracing its development and functionality as a legal body, dealing also with other conciliatory measures that had an important impact upon its effectiveness and upon postwar German society generally (the Marshall Plan, denazification, etc.). Following this, I critically evaluate its contribution to the cause of reconciliation by using Minow's conditions. Next, I undertake a similar situating of the ICTR and those measures that had an important impact on its effectiveness and on post-genocidal Rwandan society. After this, I analyze its effectiveness with reference to Minow's conditions. Lastly, I compare the two

tribunals, referencing the relative successes and failures of each with regard to the other, and conclude with some recommendations not only for future tribunals but also for future processes of civil reconciliation.

My research shows that Nuremberg managed to fully meet five of Minow's conditions, while the ICTR only fully met one of them, and suggests that, despite the unique difficulties that Rwandan society faced after the conflict (genocidal survivors were still in the country, the possibility for real economic growth was limited in the absence of infrastructure, etc.), the relative success or failure of the two tribunals depended heavily on individual decisions and effort. Certain missteps were made in the creation and administration of the ICTR that could have been avoided, just as certain valuable contributions were made by individuals to the creation and administration of Nuremberg that might not have been. My research also shows that international tribunals must be complemented by other processes in order to fully achieve civil reconciliation. By virtue of their punitive focus, for example, international tribunals cannot promote psychological healing and reconciliation in the way that educational reform and dialogue did in Germany or the way that domestic victims' groups did in Rwanda.

James Watson Head
The Legal Leviathan: Hobbes's Debt to the English Legal System

Although the possibility has often been denied or overlooked, I argue that Hobbes was, in fact, influenced by the English common law. I make three main points in the thesis:

1. Contrary to popular prejudice, Hobbes and most of his contemporaries did not believe that the common law was fundamentally opposed to royal power. An examination of the history of the common law reveals the extent to which the king was at the center of English Law. Hobbes would not have felt threatened by the ancient constitution.

2. Hobbes should be understood as a participant in the common law debates. Sometimes, as some scholars have suggested, Hobbes debates the radical common lawyers on their own terms in order to undermine their liberal arguments. In doing so, Hobbes is willing to stake out fairly radical positions within the debate. In his discussion of the role of reason and custom in the law, for example, Hobbes greatly diminishes the role of custom. Sometimes, Hobbes goes further and outright denies common law beliefs, as he does in his criticism of the "artificial" reason gained through long acquaintance with the legal profession. Hobbes's opposition to the common lawyers, however, should not be exaggerated.

3. In other important ways, Hobbes's own beliefs were influenced by the English legal system. His 1620 "Discourse of Laws" reveals the significant extent to which the young Hobbes was grounded in the ideas and canonical texts of the English common law. In *Leviathan* and *De Cive*, important elements of his political theory reflect the influence of the English legal system and common law literature, specifically the division of the laws of the commonwealth into unwritten natural laws and written civil laws, and the equation of justice with the keeping of contracts.

Caroline C. Kuo

Expanding Obligations in a Shrinking World: Balancing Physician Fidelity Towards Patients, Third Parties, and Society

Historical developments- technological advancements, new social and cultural conceptions of the purpose of medicine, shifting professional norms, and the institutionalization of medical care drastically change the practice of medicine. These developments increasingly place physicians in roles as double agents defined as roles where doctors function as advocates for multiple parties. In these double agent roles, practitioners face conflicts of interest and conflicts of obligation towards identifiable parties, unidentifiable parties, and society. While multiple types of double agency exist, only some double agent roles are unavoidable in the current practice of medicine. This work explores one sort of double agent role where the doctor plays an informational broker, in other words, the medical expert that arms individuals with information relevant to their health. Historical factors created a necessity for this double agent role and also contributed to the ethical dilemmas doctors face as informational brokers. In certain cases, doctors will encounter patient information relevant to the care of others and this may create conflicts of obligation towards multiple parties. However, physicians should not bear the sole burden for balancing ethical quandaries arising from roles as informational brokers since these ethical dilemmas either directly or indirectly arise from factors outside of the practitioner's locus of control. Rather, both physicians and institutions should share the moral responsibility of balancing the ethical dilemmas arising from medical information.

When acting as informational brokers, physicians play important roles as advocates for multiple parties and should seek to fulfill roles as informational brokers in an ethical manner. Two case studies on genetic information and HIV/AIDS information illustrate the conflicts of obligation practitioners encounter when acting as informational agents. These case studies also involve an examination of current policy regulating genetic and HIV/AIDS information and the legal implications of disclosure. While these cases emphasize the vital role practitioners play in balancing obligations towards patients and third parties in an ethical manner, these cases also illustrate that the doctor's ethical agency must be contextualized against complex factors impacting the practice of medicine. For example, technological developments have contributed to the double agent conflicts practitioners face as informational brokers. Also, political, legal, economic, and medical institutions regulate professional norms in medicine through policy and guidelines. Further, institutions impose changing societal and cultural conceptions of medicine upon doctors since these ideas become embodied in the medical profession through the institutionalization of medicine. Indeed, institutions directly impact professional norms by either minimalizing or confounding the ethical tensions physicians face as informational brokers for multiple parties.

Moral conflicts can best be understood by examining the complex network of factors from which they arise. Assessing the ethical dilemmas that complicate the doctor's role as an informational broker reveals that the medical profession will likely face increasingly challenging ethical dilemmas with growing complexities in the practice of medicine. A successful approach to moral dilemmas in the medical setting relies on the integrated approach of both practitioners and institutions through an ethical framework transparent to the public and responsive to changes in medicine.

David J. Magoon

Needing More Than Modern Biomedicine: Different Perspectives on Disease and Social Isolation

This thesis analyzes social isolation as it relates to disease and illness. I argue that in order for healthcare providers today to understand this relationship, they must recognize the complexity of social isolation and its impact on health. Distinguishing the merits and limits of modern biomedical thought aids this understanding. There has been little research in biomedicine that details the complexity of the causes, types, effects, treatments, and conceptions of social isolation. By incorporating ideas derived from philosophical and social thought, and realizing that anthropological and non-Western notions of health and disease are beneficial both practically and theoretically to healthcare, a more profound awareness of the relationship between disease and social isolation will result. The multi-disciplinary approach to healing, which includes socio-cultural conceptions of well being, results in a better understanding of the notion of disease and individual's ability to integrate and function in society.

My assessment attempts to illustrate the different perspectives on social isolation and disease through contemporary scientific thought, personal experience, philosophical and social thought, and non-Western anthropological thought. Each field approaches the idea of isolation, and its causes and effects, differently. In the *Contemporary Scientific and Biomedical Thought* section, medical journals and texts are utilized to determine the characteristics of disease that cause isolation, the effects of social isolation, and the potential approaches to limit the negative effects of isolation. The next section, *Personal Thought*, regarding my mother's battle with Parkinson's disease, reveals a more emotional, concrete, and complicated perspective that aids in understanding and limiting social isolation related to disease. Recognizing the narrow scope of biomedicine and case studies, the next section, *Philosophical and Social Thought*, presents classical and contemporary theory on disease and social isolation. The works of Marx and Durkheim provide insight into the macrostructures of society and incorporation or exclusion from society as a result of disease. The writings of Foucault explain the microstructure of society and the power relations that relate disease and social isolation. Finally, *Anthropological and Non-Western Thought* concerning disease and cultural isolation are analyzed to uncover yet another perspective. Anne Fadiman's novel *The Spirit Catches You and You Fall Down* highlights the clash and social isolation of a non-Western culture seeking medical care in a culture of biomedicine. We can learn from the cultural collision and transform biomedicine to provide better care and to eliminate isolation when attempting to treat patients from different backgrounds. Finally, the practice of shamanism is analyzed to learn from its non-Western conceptions of healing that lie outside of the culture of biomedicine and utilize the powerful effect of social isolation and integration.

Ultimately, each perspective has its own insights. The synthesis of these different disciplines will result in a better understanding of our society, disease, and social isolation. This multi-dimensional and interdisciplinary approach will limit the negative effects of social isolation and promote health and well-being.

David Scott McDougall

The Rift: A Continuation of the Dependency Theory Tradition in the Age of Globalization

In the 1960s and early 1970s, dependency theories dominated intellectual circles and shaped policy decisions in Latin America. The theories attributed Latin America's chronic development problems to

constraining and controlling relationships between Latin America and advanced states. Dependency theorists posited that the global capitalist system was regionally divided into a core composed of advanced states and a periphery composed of developing states. The system was structured such that the core extracted wealth, or economic surplus, from the periphery. Relationships with the core constrained the level of development in the periphery.

Dependent relationships limit the abilities of policymakers in the third world to direct internal development and prevent economic crisis. To the extent that these relationships determine development in the periphery, the core shares responsibility for economic crises in the periphery. Yet, governments in the core and affiliated international institutions do not fully recognize their part in the affairs of the periphery. A rift exists between the beliefs of advanced states, beliefs contingent on autonomy and self-determination, and the reality of dependence experienced throughout the third world.

Chapter one introduces the field of dependency theory. The earlier theorists Paul Baran and Andre Gunder Frank view the underdevelopment of the periphery as inescapable without a complete separation from the core through socialist revolution. These theorists attribute the dependency to a lack of productive capabilities in the periphery. Raúl Prebisch, while not a dependency theorist, explains that differing exports created inequitable trade relationships between the periphery and the core. The later theorists Fernando Henrique Cardoso and Enzo Faletto show how the core maintained dominance after industrialization in the periphery through direct investment, loans, a monopoly on technology, and political ties. For these theorists, dependent relationships make advancement of peripheral states vis-à-vis the core more difficult, but not impossible.

Chapters two, three, and four demonstrate ways in which dependent relationships take shape and contribute to underdevelopment and economic crisis. In the case of Argentina, the International Monetary Fund is able to maintain the interests of the core in the periphery because peripheral states lack representation and the ability to affect change within the institution. The IMF acted as an enabler in Argentina's economic collapse by inappropriately providing loans. Additionally, by focusing on internal problems, the IMF fails to address dependent relationships between states.

In the case of Ecuador, dollarization represents a furtherance and public acknowledgement of the dependence of the periphery on the core. While Ecuador did rely on the stability of the U.S. dollar before adopting it as the official currency, afterwards Ecuador irrevocably lost the ability to manipulate its own money supply. Currently, the United States controls the strength of Ecuador's currency, but does not acknowledge its new power over Ecuador's economy.

In the case of Brazil, short-term capital outflows in the periphery caused economic instability and forced Presidential candidate Luis Inacio Lula da Silva to make concessions to the IMF during his campaign. Development in the periphery increasingly depends on placating investors. With the rise of the international financial system, policymakers throughout the periphery are at the mercy of capricious investment practices.

In the age of globalization, the implications of dependent relationships have increasing importance. As economic and political relationships between states grow stronger, predispositions to economic crisis become ever more probable.

Erin McMorrow

Anaïs Nin: Unity and Peace Through Art

Anaïs's self-edited Diary, a portrait of the drama of her inner journey, is her ultimate artistic creation, her ultimate gift of love. In her effort to be a heroic woman, to help the people of world, she encourages others, through art, to transcend the fragmentation caused by conflicting socio-cultural forces. To counteract the interpersonal and intrapersonal dysfunction caused by these forces, she encourages people to seek unity with the dream life and communion with others in order live and experience life more humanely.

Anaïs believes that the inner drama, the personal drama, is the groundwork, the underlying catalyst for the more obvious, but no less tragic, manifestations of physical violence, destruction, and war. She asserts that culture creates an atmosphere counter to the intrinsic needs of humans. She believes that extreme individualism, the exaltation of the isolated rational ego as a self, worship of mechanization, technology, and sterility, lead to the deprivation of the emotional, spiritual, subconscious, intuitive, and aesthetic aspects of life, all of which are necessary to living in harmony and peace with oneself and others.

Anaïs captures her personal struggle with the fragmenting forces of culture in all of her work, but offers a clear message to this effect in her self-edited Diary. Here she harmonizes the disparate and often conflicting forces of the dream and waking life, and the private and public realms. She uses this Diary to comment on the particular socio-cultural forces that cause fragmentation in her life, including her struggle with alienation and isolation in America, as well her struggle with the conflicting roles imposed upon women of her time. By illuminating the underlying personal dramas of hypocrisy, jealousy, discrimination, revenge, etc., Anaïs seeks to undermine and therefore help others to counteract the power of those forces in creating large-scale hostility and war. Anaïs's creation and eventual gift of this inner portrait, this Diary, is her heroic act of love.

Lauren S. Purnell

Sustainable Opportunity Growth:
The Common Ground of Business and Human Rights

Poverty is a call to action. The widening inequalities in the world threaten all of our common resources: the environment, public health, the future. Globalization has swept the planet in a series of economic, political, and social revolutions. The growth of commerce, democracy and the flow of information and culture unite the world in a web of interdependent interests. The stakeholders of our time include nation-states, non-governmental organizations, the private sector and the individual. Each contributes uniquely, though not equally to the world community.

The call to action has been answered by the world in a word: development. For decades the world debated about where- to and who- should start the development process. Responsibility shifted between global regulatory bodies and nation-states while the private sector continued to expand its markets. The individuals living in the least developed countries were subjected to famines, environmental degradation and non-stable political structures. Living in these communities equaled a restriction of freedom. The universal language of

human rights has re-focused the world on the basic unit of freedom: the individual. Trends in development now focus on individual capabilities and empowerment.

The benefits and the duties of universal human rights extend to all stakeholders, but place a particular burden on the private sector. Uniquely equipped to both respond and to benefit from the development process, I believe the private sector has a responsibility to create sustainable solutions through the market system. These solutions need to embrace the lessons of failed development processes: they must create value within communities and benefit the individual by providing increased opportunity.

There are models of sustainable solutions in the world today. By challenging some basic assumptions of the major stakeholders, the private sector will lead a sustainable development process by empowering individuals to create and utilize their own value. The call to action comes from the individuals and communities who were left out of the benefits of globalization, but the call must be answered by a change of attitude in the most prosperous communities. There is good reason for all of the stakeholders to benefit from a world in which every individual may participate: the nation-state, the civil society, the private sector and most of all the individual teeter on the brink of the fourth revolution—the opportunity revolution.

Josie Roberts

"Sinergy": How concentration of media ownership feeds the corporate hunger for profits and starves America of quality content

In the modern world, watching television is the dominant leisure activity of Americans, the radio buzzes constantly over shopping mall's speakers, and CNN plays around-the-clock in airport terminals, the bank, and even the post office. Supersaturation exists and the media's level of intrusion threatens only to increase. Yet as media outlets weave their way into more and more aspects of daily life, the regulations that have been established to contain a single outlet's influence are diminishing. What are the cultural and political implications if only a few media giants control all of a society's messages?

The Telecommunications Act of 1996 marked the first major overhaul of telecommunications law since 1934 and opened the floodgates to the largest number of industrial mergers in American history. Recent court decisions suggest an even further loosening of the regulations in the aftermath of the 1996 Telecom Act. For example, in *Fox Television Station, Inc., v. FCC* (2002), the Court of Appeals found that the FCC's justifications for its restraints on the media were "arbitrary and capricious." Where is the empirical evidence that shows that relaxed ownership limits will hobble diversity and competition, or are these just perceptions?

The example of Clear Channel Communications shows how deregulation can damage a medium. Growing from 40 stations to more than 1,200 in the years following the 1996 Telecom Act, Clear Channel quickly established itself as the dominant force in radio. Along the way, the company cut staff sizes in half, homogenized play lists that could be used nationally, and began inserting political messages into its product. The consolidation allowed by the Telecom Act has led to egregious corporate abuses within this medium. The ramifications of one company owning a monopoly throughout media could be immense.

Media critics and reporters from the old world of journalism cry out against sweeping deregulation and its possibly irreversible consequences. Consumer activists fear that media conglomerates, which control everything from the production of the news to its distribution, create a heightened risk for news distorted by

the opinions of its corporate owners. Independent voices and local programming, they warn, will be driven from the proverbial marketplace of ideas, especially in smaller communities. Meanwhile large networks and corporate owners promise increased profits with consolidation. They point to the endless possibilities for diversity that the Internet and hundreds of cable channels now provide. Yet cable channels such the Food Network and the Gold Channel only appeal to niche markets and do not encourage antagonistic viewpoints. The top 20 Internet sites also have fallen under control of the same corporate colossi, watering down the promises of an unfettered exchange of ideas on the web.

As the Federal Communications Commission, the courts, journalists, and corporate owners battle over continued deregulation, the immediacy of these questions becomes glaringly apparent. How big will these conglomerates become?

Sarah F. Salwen

Hamas and Islamic Jihad:
The Rise of Islamic Political Parties in the Occupied Territories

Chronicling the expansion of Islamic Jihad and Hamas amongst the Palestinian populations of the West Bank and Gaza Strip suggests a number of factors that have influenced and shaped the phenomenal rise in popularity of these two Islamist parties in recent years. Despite wide-spread Western media focus on these organization's use of sensational violence, a more accurate understanding and portrayal of their emergence, development, and growth requires exploration of other variables such as their history, ideologies, and activities.

This paper employs the Political Process theory of social movements as its theoretical framework to examine factors both internal and external to the parties themselves that have contributed to their growing popularity. In particular, examination of political opportunities, mobilizing structures, and framing processes reveals a complex interaction of forces that have enabled Hamas and Islamic Jihad to attract, maintain, and expand a broad base of support amongst the Palestinian populations of the Occupied Territories.

After outlining the history of the Arab-Israeli conflict in order to provide the necessary context, the actual growth of Hamas and Islamic Jihad and the relationship of their popularity to the overall political climate are demonstrated. Then we consider the two Palestinian Islamist parties in greater detail, investigating and weighing the importance of their historical roots, ideologies, leadership, and charitable and social activities. While use of violence does attract some members and supporters, these parties' charismatic leaders, political goals, and charitable and social institutions also play a significant role.

Next, by comparing and analyzing a number of external factors, it is demonstrated that although genuine religious faith may motivate some supporters of Hamas and Islamic Jihad, political opportunities best explain their current growth in popularity, while social and psychological conditions also matter. In particular, functional deficiencies of the extant political powers and the Islamist parties' inventive attention to social needs, have provided the opportunity for these two nascent organizations to grow in influence.

Ultimately, recognizing and understanding the causal factors that have contributed to the current rise of the Palestinian Islamist parties, as well as understanding their distinct objectives and motivations, will prove crucial to any future attempt at resolution of the conflict. These parties represent the political and social goals and aspirations of a truly significant number of Palestinians, including today's youth – perhaps tomorrow's political leaders.

Micah Schwartz

A Confluence of Politics: Welfare Reform under President Bill Clinton

In this thesis I examine three components of welfare reform enacted during the presidency of Bill Clinton: the Earned Income Tax Credit (EITC), the minimum wage, and Temporary Aid to Needy Families (TANF). I explicate the forces that pushed these policies onto the legislative agenda, and I elucidate the political maneuvers that resulted in the reform of all three policies

I argue that Clinton's decision to approve a Republican-led overhaul of Aid to Families with Dependent Children (AFDC)—the linchpin in the American welfare regime—reflects political calculation, and not ideological policymaking. Clinton used an expansion of the EITC and an increase in the minimum wage to protect his left flank. These policies provided him with sufficient protection to move right in his support for an overhaul of AFDC. This rightward shift resulted in his approval of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which eliminated AFDC and replaced it with TANF.

While PRWORA outraged liberals, and conflicted with several of Clinton's own political views, Clinton understood that he needed to reform AFDC in order to ensure re-election in 1996. In particular, Clinton could not secure moderate voters unless he followed through with his pledge to "end welfare as we know it." That doing so would require Clinton to succumb to conservative proposals was an unfortunate outcome, but one Clinton accepted. Clinton sacrificed his ideology and abandoned the traditions of the Democratic Party in order to secure the constituency he needed to for re-election. This decision simultaneously demonstrates Clinton's renowned political wit, and his notorious ideological fluidity.

Elizabeth G. Simpson

Outside identity, Or: 'Radical-poststructuralist-queer-antiracist-feminist-socialism' isn't too much of a mouthful, is it?

Since the era of the civil rights movement, second-wave feminism, and post-Stonewall gay/lesbian liberation, the politicization of identity in the United States has proliferated widely. Ever more narrowly-defined groups (from Muslims to white men to Chinese-Mexican-Americans) have used the identity model of political organization in order to stake claims of exclusion, marginality, specificity, and mistreatment. Each identity-based movement operates by positing a coherent collective identity, asserting a shared experience of oppression, and demanding recognition and 'equal' treatment. In doing so, marginalized identity groups often correlate membership within their ranks with a heightened radical consciousness and a particular moral authority.

Notwithstanding the considerable successes that the politics of identity have achieved, in this essay I argue that the strategy entails considerable risks. At this moment in history, the politicization of narrow categories of identity operates to undermine ostensible goals of liberation. Hence, Part I of "Outside identity" develops three specific critiques of the politics of identity.

First, this section argues that strict articulations of marginalized identity reinforce the perception that the attitudes, characteristics, opinions, and traits tending to adhere to a given identity are natural or inherent, thereby perpetuating disciplinary identity boundaries that operate to punish and exclude. Subconscious

reliance on binary frameworks, an attachment to preexisting conceptions of selfhood, and the notion that 'unity' is a prerequisite for political action all serve as barriers to the disintegration of these sorts of regulatory identity norms.

The second critique employs the Nietzschean concept of *ressentiment* in order to interrogate the logic that would correlate moral purity with powerlessness and suffering. Such a logic systematically undermines an identity group's possibilities to move beyond its historical weakness and to envision an alternative future; it operates to circumscribe identity groups' willingness to exercise power.

Finally, Part I closes with an argument that proposes that the proliferation of marginalized identity groups operates to reify the status quo by reinforcing white, masculinist, bourgeois 'norms.' In particular, the politicization of identity concerns tends to protect existing institutions and prevailing mores from being subjected to rigorous critique: the trust that most Americans place in the promises of liberalism and representative democracy obscures the fact that this status quo primarily benefits a small, ruling subset of the population.

In Part II of this essay, I utilize the critiques of identity politics that I have developed thus far in order to propose a set of theoretical guidelines that might inform an alternative non-identity-based model of political organization. Among these, I propose that an alternative to the politics of identity must integrate material and cultural analyses of injustice, work to enact transformative remedies, encompass an entirely self-elected membership, and deliberately blur traditional identity markers. Once I develop these guidelines, I employ them in order to evaluate two prospective political projects—the political race project and queer activism.

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