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Cover image of Stanley Park story pole in Vancouver, British Columbia, by Jonathan Lim.

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In Honour: Yemeni Students

This issue of the Canadian Journal for the Academic Mind is dedicated to the students of Yemen – those who continue to learn, teach, and write in the shadow of a Western-backed war of annihilation, and those whose lives and aspirations have been cut short by violence, blockade, and neglect.

For nearly a decade, Yemen's education system has been systematically destroyed: schools and universities bombed, academic staff displaced or killed, and students left without access to the most basic resources. In the face of this scholasticide, Yemeni students have continued to resist, by organizing, studying, and preserving knowledge amid devastation.

We would like to highlight Boshra Al-Maqtari, a historian, writer, and former student at Taiz University, whose courageous work documents the suffering of ordinary Yemenis. In her published works, Al-Maqtari gathers testimonies from survivors of the war, refusing to let their pain be forgotten or sanitized.

Despite facing death threats and repression, she has persisted in telling the truth, not just as a writer, but as a scholar deeply rooted in the responsibility of education. Her commitment shows the intellectual and moral bravery of Yemeni students everywhere.

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Honouring Indigenous Knowledge and Fostering Decolonization

The Canadian Journal for the Academic Mind recognizes that it is headquartered on the traditional, unceded land of the Omàmìwininìwag, Anishinabewaki, Kanien'kehá꞉ka, and Haudenosaunee nations.

We honour the rich knowledge systems and cultural contributions of Indigenous peoples and aim to create a space that values Indigenous ways of knowing and being. We acknowledge the detrimental impact of colonization on individuals, communities, and knowledge systems. By seeking to decenter dominant Western paradigms, we aim to embrace diverse epistemologies, methodologies, and research approaches. Our goal is to challenge traditional boundaries, promote cross-cultural dialogue, and dismantle systems of oppression embedded in academic structures.

Together, we can forge a scholarly community that reflects our shared commitment to equity, inclusivity, and positive change. Join us in our collective endeavor to reshape the academic landscape, advance knowledge rooted in justice, and create a more equitable future.

Letter from the Editorial Board

Dear Readers,

We are proud to present the second issue of Volume 2 of the *Canadian Journal for the Academic Mind* (CJAM). This edition continues our mission to provide an accessible, rigorous, and student-led platform for critical scholarship, intersectional thought, and academic inquiry. The works featured in this issue discuss pressing social, political, and ethical challenges, demonstrating once again that students are not only observers of the world, but are active participants in critically analyzing and reshaping it.

This issue reflects CJAM's commitment to student-led research that is rooted in academic tradition, while also being unafraid to challenge dominant paradigms of our world. From evolutionary psychology to international criminal law, from Indigenous justice to queer resistance, the range of contributions really prove how interconnected our struggles for justice truly are. At a time when the silencing of dissent and the devaluation of academic freedom is on the rise globally, CJAM strongly reaffirms its support for intellectual freedom and community-led knowledge production.

Several of the pieces in this issue focus on the structural violence and state repression that shape marginalized communities' access to justice, healthcare, safety, and recognition. Other articles interrogate the systems that sustain these inequities – be it through colonial legacies, neoliberal policies, imperial media narratives, or carceral approaches to public health. Through their work, our student authors demonstrate that scholarship can be both analytically rigorous and politically courageous.

We are especially proud to feature work that centres lived experience, intersectionality, and anti-colonial analysis. These are not just abstract frameworks but are necessary tools to confront the realities of injustice. Whether it is a critique of how the Canadian government enables the disappearance and death of Indigenous women, or an exploration of queer solidarity with Palestine in the face of state retaliation, the articles in this issue do not shy away from uncomfortable truths.

We remain forever grateful to our brilliant authors for their trust and courage and our peer reviewers for their thoughtful engagement. We thank our advisory team, Professors Anne MacLennan, Michelle MacDonald, and Marie-Eve Carrier-Moisan for their ongoing support.

Lastly, we are incredibly appreciative of our financial sponsor, the Joint Chair in Women's Studies at Carleton University and the University of Ottawa. The journal would not be possible without the collective care, solidarity, and intellectual generosity of this community.

As CJAM grows, we invite you to be part of its future. We encourage students from all disciplines and backgrounds to consider submitting to future issues. We hope this journal continues to serve as a space where students are able to push boundaries, ask difficult questions, and shape the academic mind of tomorrow

Yours sincerely,

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Section I

Public Affairs

From Harm Reduction to Forced Treatment: Neoliberal Governmental Discourse and the Decline of Alberta's Supervised Consumption Sites

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ABSTRACT: Canada's implementation of Supervised Consumption Sites remains controversial, despite a growing opioid overdose mortality crisis. In 2019, the Alberta United Conservative Government published in affiliation with Alberta Health, 'Impact: A Socio-Economic Review of Supervised Consumption Sites in Alberta'. Following publication, the review became an important referent document used by governments to prevent supervised consumption sites from operating; as Alberta's overdose deaths increased, the provincial government froze supervised consumption site funding, shutting down North America's busiest sites. These events indicate the need to analyze how supervised consumption sites and harm reduction is now communicated by the Alberta Government, with Alberta Health. This cross-sectional case study asks: what discourse is produced in Alberta Health's 'Socio-Economic Review of Supervised Consumption Sites in Alberta?' The methodology is informed by Van Dijk's Critical Discourse Analysis and Michel Foucault's concepts of knowledge and power. The two major themes identified, site inefficiency and risk to society, evidence a neoliberal governmental discourse on health services. Findings indicate that neoliberalism silences the voices of site users and social issues to emphasize the negative community impact of supervised consumption sites. Consequently, the review's neoliberal governmental discourse repositions the fundamental problem underlying drug addiction away from the silenced, systemic socio-economic marginality site users face to the salient, socio-economic challenges that harm reduction sites impart on the community. This discourse erodes health and social services like harm reduction to rationalize the Alberta Government's newest addiction treatment proposal, the forced treatment model, increasing disciplinary measures against society's most vulnerable.

KEYWORDS: supervised consumption sites, Alberta opioid crisis, critical discourse analysis, harm reduction, socio-economic determinants of addiction

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Background

In 2023, Alberta and Calgary experienced record drug poisoning deaths, approaching British Columbia's highest national averages.[1] At the time, existing drug policy supported the implementation of supervised consumption sites (SCS) to prevent drug poisoning deaths by reducing the harm of substance use.[2] In 2019, Alberta's newly elected United Conservative Government published "Impact: A Socio-Economic Review of Supervised Consumption Sites in Alberta" through Alberta Health in response to the negative community feedback received from local residents and business owners regarding the social and economic impacts produced by SCS.[3] The Alberta Government's review contests scientific findings supporting SCS, focusing instead on socio-economic impacts and community well-being. Advocating for an alternative model to replace SCS, the report's SCS Review Committee concluded that Alberta's SCS increase crime, social disorder, and prevent the proper treatment and recovery of drug addiction.[4]

Following the review's publication, provincial funding for SCS was frozen, resulting in the closure of sites in Lethbridge and Edmonton, which operated as some of North America's busiest SCS.[5] Further, Alberta's opioid deaths rose by 72% in 2020, and continued to rise in 2021 and 2022.[6] As indicated by this timeline, the decline of SCS services that occurred in tandem with the rise in overdose deaths indicates tension in policy and prompts research that investigates how the Alberta Government, by extension of Alberta Health, discusses the drug toxicity crisis, substance use, harm reduction, and addiction in the context of SCS.

While two criminology and science-based reports debunk Alberta Health's Socio-Economic Review as low-quality and pseudo-science;[7] the aim of this study showcases that policy is not always shaped and leveraged by objective truths but is constituted by social reality and hegemonic power. As such, the following research proposes a study that asks, what discourse is produced in Alberta Health's 'Socio-Economic Review of Supervised Consumption Sites in Alberta?'. Using Van Dijk's Critical Discourse Analysis (CDA)

and Michel Foucault's concepts of knowledge and power, this study examines how social structures, power relations and ideologies shaped the Alberta Government's discussion of SCS to prop up dominant power structures. Understanding how this socio-economic addiction treatment review shapes policy, even when disputed by science, has life-saving implications.

Alberta's shift away from harm reduction is not an isolated event. By 2025, Ontario plans to shut down ten SCS[8] while Saskatchewan has stopped funding for SCS.[9] This trend extends to the United States, where Alberta Health's Socio-Economic Review was presented by the United States federal government as the only source citing the negative impacts of SCS, resulting in the Third Circuit Court of Appeals ruling against plans to implement a SCS in Philadelphia.[10] While harm reduction strategies like SCS originated in Europe,[11] Alberta now plays a leading role in opposing them, offering a new model for addiction treatment, nationally and internationally.

This study was completed in the summer of 2024, in response to the increase in opioid-related deaths that peaked in 2023, the province's deadliest year in overdose deaths.[12] Since then, early 2024 data shows a decline in Alberta's opioid-related overdoses.[13] However, health-care practitioners argue that this downwards trend is not a result of Alberta closing SCS.[14] Extraneous factors are primarily responsible for the decrease in opioid overdose deaths, including a reduction in the toxicity of the drug supply, the ensuing stability of the drug supply and the growth in opiate agonist treatment.[15] Furthermore, the opioid death statistics posted on the Alberta Government's Substance Use Surveillance System online dashboard are frequently revised due to delays in cause of death determinations, making claims of causality premature.[16] It is essential to remain critical of how the Alberta Government uses these numbers to garner support for its new forced treatment model, otherwise known as compassionate intervention. Arguably, these developments further underscore the need to examine the Alberta Government's evolving discourse on addiction, opioids, harm reduction and SCS.

Literature Review

Review of Communication and Media Studies

This study is grounded within communication and media studies, focusing on qualitative, discursive theory. Most studies within this field employ discourse analysis, which suggests that societal dynamics are negotiated through the construction of language, both at the micro-level of linguistics and at the macro-level of social context.[17] Examining the literature on discourse, existing studies analyze SCS implementation and policy discussions across Canada,[18] inter provincial SCS policy comparisons,[19] and governmental discourse on overdose mortality.[20] Alberta Health's Socio-Economic Review indicates a new trend in the reversal of SCS implementation, providing an opportunity to investigate the kind of discourse constructed.

This study attempts to fill knowledge gaps by analyzing the silences of people who have a large stake in the survival of SCS, but who have not been represented in Alberta Health's review. Whiteside and Dunn highlight the underrepresentation of PWUD in media discussions of SCS.[21] In addition, McNeil's CDA uniquely explores the perspectives of people experiencing addiction in rural Ontario from their lived experience.[22] Inspired by these practices, this study applies CDA to analyze both the content and omissions in Alberta Health's SCS report, using a range of academic, media and NGO-produced sources beyond Alberta Health's data to offer a more comprehensive understanding of SCS and the opioid crisis.

Canadian media studies on SCS highlight media reporting on opioids, opioid deaths, and the framing of SCS in Canada.[23] As a primary study of interest, Johnston's article explores the racial representation of opioid deaths in Canadian news media, using Van Dijk's CDA to highlight the silences that exist in media coverage.[24] Following the literature, there is no precedent for a case study investigating Alberta Health's Socio-Economic Review of Supervised Consumption Sites. Furthermore, the present study complements Lofaro and Miller's analysis on the public discourse of

SCS implementation in Philadelphia; the very site where Alberta Health's review was used as primary evidence to prevent the funding of the SCS, 'Safehouse'.[25]

Finally, the methods of this research apply Foucault's model of discourse to further investigate the social context of the sample. Bunton describes contemporary drug policy as a "set of discourses, norms, social practices and techniques that regulate the quality of the social life of a population, its health and security".[26] Addiction treatment policies are socially constructed. Studying discourse is necessary to identify what kind of knowledge is mobilized as truth to regulate a certain drug treatment policy. This study builds on existing theoretical traditions of employing Foucauldian analysis to examine how governmentality is socially constructed in addiction treatment discussions.[27] PWUD have been historically associated with social constructions of deviance.[28] Thus, governmentality is central to discourse, as governance attempts to mobilize knowledge frameworks that regulate citizens on the margins of society, such as PWUD, to conform their behaviour to the status quo or be cast out and silenced as non-deserving. By combining Van Dijk's CDA with Foucault's conception of knowledge and power, this study explores how the claims made by the report, 'Impact: A Socio-Economic Review of Supervised Consumption Sites in Alberta', operates to establish a certain 'truth' about SCS.

Methodology

Research Design and Sample

This purposive, cross-sectional case study analyzes the discourse articulated by the report from Alberta Health, 'Impact: A Socio-Economic Review of Supervised Consumption Sites in Alberta'. The current analysis covers the time between 2017–2023, starting with the opening of Alberta's first SCS, through March 2020, when the report was published, and thereafter till 2023, when counter-reports and media responded to the defunding of SCS during the height of Alberta's opioid-overdose crisis.

Method of Data Analysis

Van Dijk's Critical Discourse Analysis

This study applies CDA, drawing on Van Dijk's Socio-Cognitive Approach. Socially constructivist, this method focuses on the text of dominant groups, such as the government, to identify how the creation of knowledge through language normalizes a dominant truth regime. CDA brings awareness to the perspectives that have become marginalized and silenced within this process.[29] Thus, CDA is a critical tool to analyze the textual structures of communications and deconstruct what the government produces as social truth. There remains a constant need to question the dominant discursive structures of health policy as this can lead to understanding important misconstructions of harm reduction models that are elevated by silences.

The sample was first studied at the micro-level of language using Van Dijk's methodology, followed by a macro-level analysis incorporating media, NGO, and academic perspectives to identify the dominant themes underlying Alberta Health's discussion of SCS compared to alternative stakeholder communications. Thereafter, NVivo software was used to qualitatively organize the content of the sample. Combining the analysis of language and social context to the sample exposes the main themes and silences within its discourse. Importantly, this methodology reveals the reproduction of contemporary power relations,[30] thus requiring Foucault's understanding of discourse to examine how truth leverages language and power.

Foucault's Knowledge and Power

The second stage in the analysis is informed by the application of Foucault's concepts of knowledge and power to reveal the sample's discursive silences and their connection to contemporary social structures. The discourse that comes to dominate society as the most visible controls the production of a social regime of truth.[31] Truth

and power act together according to Foucault, where power structures shape social realities to be seen as truth, and where truth must always latch onto a certain type of power to be seen as legitimate.[32] Hence, power and truth are interdependent, with power structures shaping what is accepted as truth. Importantly, Foucault understands that truth is continuously challenged by contestations of power vying for the legitimation of social reality. Following Foucault's methodology, discourse remains in constant competition; it is not the aim of this research to claim a certain 'regime of truth' relating to the role of SCS in society, but to deconstruct the dominance of a current prevailing discourse and compare it to marginalized and competing truths.

History of Supervised Consumption Sites in Alberta

SCS are part of Canada's four-pillar drug strategy addressing the opioid crisis. Opioids are analgesics, a type of pain-relieving drug, that heighten endorphin production and block pain by manufacturing feel-good emotions.[33] Opioid use has caused a mortality crisis by slowing down user's biological functions, such as breathing.[34] Canada's first SCS opened in Vancouver (2003), followed by Alberta's Safeworks SCS (2017).[35] By 2020, Alberta had seven SCS sites operating throughout Lethbridge, Edmonton, Calgary, Grand Prairie, and Red Deer.[36] The purpose guiding SCS belies its name - to supervise the consumption of non-prescribed opioids in a monitored, hygienic setting to prevent opioid deaths from occurring.[37] SCS have been effective in achieving harm-reduction targets for their role in lowering overdose deaths and needle-borne infections among PWUD.[38] Recently, Alberta's SCS have come under criticism by the Alberta Government for being too focused on harm reduction.[39]

When discussing the opioid crisis, illicit drug use is heightened in specific demographics which links the drug problem to a greater discussion on social malaise and economic challenges. Over half the number of accidental opioid toxicity deaths (AAOTD) constitutes a demographic of 30–49-year-olds.[40] Half of these

AAOTDs are men.[41] It is important to focus attention on the over-represented demographic of Indigenous people who, during the first six months of 2020 when this report was published, experienced a drug mortality rate seven times that of non-Indigenous people.[42] For middle-aged men, the increased association with high-risk illicit drugs has been attributed to mental health issues, including "depression and anxiety because of economic pressures such as inflation".[43] Additionally, Tran notes that individuals do not easily choose to use drugs and risk the consequences of addiction; instead, opioids can be used for their capacity to provide pain relief.[44] Often, and in linkage to Indigenous users, this pain is intergenerational and institutionalized, spanning deep socio-economic issues such as the trauma associated with the legacies of residential schools and homelessness.[45] The opioid crisis is tied to social problems like poverty, crime, homelessness, mental health illness and economic instability, particularly affecting marginalized groups. To study the discourse of SCS is to acknowledge the dynamic, ever-changing and complex intersectionality of the opioid crisis which positions the operation of SCS at the junction of multiple social problems.

Thematic Analysis

Risk to Society

Two major themes emerged from the 'Socio-Economic Review of Supervised Consumption Sites in Alberta'; the risks SCS pose to surrounding communities and their inefficiency in alleviating the opioid crisis. The first theme, risk to society, expunges the idea that SCS have a primarily negative social and economic effect on the community.

SCS as a 'Honey-Pot' or 'Magnet' for Increased Crime

The Socio-Economic Review characterizes SCS as 'magnets' for increased crime and social disorder, attracting both PWUD and drug dealers like a 'honeypot'. Following site users like a 'magnet' are the "drug dealers who, in turn, attract more drug users".[46] Hence, SCS are

commonly characterized as an inherent risk to society because of their mission to provide consumption services; thereby attracting deviant populations, such as PWUD and drug dealers, to the site. Local crime, such as drug trafficking,[47] is exacerbated through this 'magnet' effect, where "the SCS sites act as a 'magnet' attracting persons who are addicted to substances".[48] The honeypot metaphor is constructed through economic dialect like "'signalling theory'",[49] likening SCS to profit opportunities that lure drug dealers to sites because of the potential demand created from "draw(ing) users into the area, thus creating an increased concentration of drug users in those neighbourhoods."[50] Data gathered by the Review Committee reveals SCS were built in communities of high crime,[51] although the 'magnet' and 'honeypot' metaphors postulate SCS as the cause of this increased crime. These metaphors align with findings in communication studies literature, where the magnet and honey-pot metaphor are used to indicate causation of crime rather than correlation.[52] Evidence of the link between SCS and increased crime remains disputed in the literature, as alternative findings claim that "there is no clear link between crime and the implementation of SCS".[53] As such, the operation of these metaphors position SCS as a societal risk through their operation and narrated inefficiency in eradicating the drug toxicity crisis.

Erratic/Out of Control Behaviour of Site Users

The review repeatedly describes site users as having deviant, unstable qualities due to the risky behaviour exhibited after drug consumption. Specifically, the "aggressive and erratic behaviour of substance users"[54] is attributed to methamphetamine consumption. Although methamphetamines are drugs, they are amphetamines,[55] which are not included within the opioid classification. Thus, Alberta Health's review claims that methamphetamine consumption misaligns with SCS' mission to reduce opioid overdoses because there are no overdose treatment medications available for methamphetamines, resulting in the inability of sites to prevent the adverse effects of methamphetamine usage that results in aggressive and bizarre

behaviour.[56] Accordingly, site users are characterized by the effects of a specific type of drug consumed which enhances the portrayal of SCS as a risk to the community.

Zone of Lawlessness

From the aggressive consumers that SCS produces to the drug dealers it attracts, SCS are also depicted to embody a 'zone of lawlessness' which risks spreading a disregard for law and order into the community. In Canada, the consumption of illicit drugs remains illegal. Authorized by Health Canada, SCS receive the Section 56.1 exemption from the *Controlled Drugs and Substances Act* which decriminalizes illicit substances administered and consumed when supervised in a site.[57] The review claims that this exemption creates the dangerous perception that police powers do not apply around SCS, resulting in "a lack of law enforcement in areas adjacent to the sites".[58] This undermines public respect for law enforcement through the *perceived* existence of a lawless area that represents "a no-go or 'safety zone' around the SCS sites where police were not allowed to enforce the law".[59] Consequently, the report correlates the increased crime in communities to the observation that "the community is losing confidence in the police and the justice system, and many people are no longer calling the police or reporting crime, even for serious and violent offences".[60] Thus, the Health Canada exemption of SCS is constructed as representing a 'safe zone' for illicit activities. The idea of the 'zone of lawlessness' that encircles SCS strengthens a fearful message where SCS are not only producing risk *to* the community, but *in* the community by undermining the respect for the rule of law.

Inefficiency

Methamphetamine Inhalation as the Primary Drug for On-Site Consumption

The second theme captures the report's attempt to portray the operation of SCS as inefficient to question SCS' role as a primary

addiction treatment method. Alberta Health constructs this theme by stating that methamphetamine use, which comprises up to 50% of the drugs consumed at a site, evidences inefficiency because SCS were designed to prevent opioid overdoses.[61] To address methamphetamine-related issues at SCS is inefficient as methamphetamine users "are generally at less risk of dying from an overdose"[62] and SCS were designed to prevent "deaths due to *opioid* abuse [emphasis added]".[63] Thus, this argument rhetorically questions the necessity of SCS in preventing opioid overdose deaths. In the following section, the sample uses opioid overdose statistics outside the reach of SCS to communicate continued inefficiency.

SCS and the Prevention of Overdose Mortality

The report challenges pro-SCS arguments in favour of keeping SCS operating within communities for its harm reduction efficiency by attempting to evidence the site's inability to fulfill its key mandate of preventing opioid overdose mortalities. This is achieved through employing statistics that are not only outside the facilities, but exist beyond 500 metres of their radius.[64] Alberta Health (2020) links the continued opioid mortality surrounding the vicinity of SCS as the fault of the sites, where **"**death rates in the immediate vicinity of the SCS locations increased".[65] This is despite there being no opioid overdose deaths to have occurred on-site.[66] Like the magnet metaphor and increased crime, the deaths outside SCS are presented as resulting from SCS, despite existing outside its range of influence.

SCS as Expensive

Chapter four assesses the operating costs of Alberta's SCS to fulfill the economic mandate of the review. These assessments differentiate the operating costs of the sites by calculating the number of visitors as the number of times a site is used in a day, regardless of how often the same person visits, and the number of

unique users as the number of individuals who visited a site within the day, eliminating repeat visits.[67] Importantly, both numbers apply only to drug consumption services, excluding other services offered at SCS such as social and health referrals and wound care.[68] Thus, the review concludes that SCS are economically inefficient; site benefits do not justify the operating costs of $25.18 to $262.60 per visit per day nor the $49.28 to $7,910.43 per unique client per day.[69] SCS are also represented as incurring additional costs towards the community for the extra security purchased in properties near the sites, the loss of local business traffic, and the increased opioid-related EMS responses within 500 metres of the sites.[70] This economic inefficiency pairs with the theme of risk to question the role of SCS in society as unjustified; not only are SCS presented as inefficient, operating SCS is not worth the risk to the community.

Discussion

Neoliberal Governmental Discourse Regarding Health Services

The two primary themes, inefficiency and a risk to the community, construct SCS as an inadequate solution to the opioid crisis. This shifts the focus from SCS as a health service for PWUD to a social and economic problem that offers a narrow way of seeing SCS through the elevation of a neoliberal governmental discourse. Neoliberal governmentality derives from neoliberalism, a philosophy of governance that prioritizes the features of a free market's individualism and economic prosperity. A neoliberal governmental discourse influences the discussion of health services by privileging individual responsibility, increasing profit and lessening the welfare state.[71] This philosophy permeates social policy, to reduce government spending towards services that are the responsibility of the government, including SCS.

Importantly, neoliberalism's focus on the individual means that the ideology defines proper, normal citizens as those who can maximize their potential by contributing to the economy.[72] This type of citizen is who the economy aims to serve and reward with its

services and policies, where neoliberalism disempowers those on the margins of society. A discourse which promotes an economically achieving citizen is evident throughout the report, including the suggested changes to SCS that "will offer the greatest chance to help lift these most vulnerable Albertans with addiction out of their current plight and launch them on their individual journeys of recovery".[73] The people who use SCS exist outside of the fold of neoliberalism, where the themes of SCS inefficiency and risk characterize PWUD as non-contributing members of society. There is an important power feature to the neoliberal governance of health services regarding drug consumption; while the individualism of neoliberal governance makes each user personally responsible for solving their drug problem, addiction to opioids renders PWUD as citizens unable to take charge of their 'plight', prompting governmental authority to 'launch' their recovery to normality. As such, PWUD are seen as exceptions to the autonomy of a self-governing citizen, blamed for their addiction while silenced in discussions that control addiction treatment methods.

Stakeholder Voices

Neoliberal governmental discourse elevates community perceptions of SCS which lack the perspective of first-hand lived experience. The report is structured to privilege voices who fall under neoliberal purview, favoring individuals who embody the main tenets of individualism, including autonomy over one's body and mind. Alberta Health claims to have included a diversity of stakeholders within its data, from businesses, community members, first responders, law enforcement, media and political officials, health and social service groups, SCS operators, clients and their families.[74] However, data primarily reflects responses generated from residents, businesses and first responders.[75] Neoliberalism, shaped by class motivations, provides visibility to certain stakeholder groups on the periphery of SCS and silences marginalized voices.

Neoliberal discourse operates through a positivist, economically deterministic lens. By focusing on cost efficiency and

mortality statistics to justify SCS inefficiency, the Socio-Economic Review questions the necessity of SCS as "most opioid consumption does not result in death".[76] Life experiences of those who face addiction are erased by the review's focus on comparing operational expenses. Worrisome within this logic is that SCS are deemed necessary only to prevent death; if users are not at the risk of dying, such health services are not justified to recovery. SCS necessity is assessed by profitability. Yet even this data is skewed, neglecting the cost of emergency department visits, physician fees, and ambulance deployments diverted through the management of each overdose at a SCS.[77] As a result of the review's economic rationality, the experiences of SCS operators, clients and families are disregarded. Instead, the memories, experiences and attitudes that Van Dijk identifies as influential to social cognitive structures[78] are the experiences of residents' and police officer's privileged in the review to shape the representation of SCS. These perceptions include a police officer's statement that "'The SCS is a lawless wasteland'"[79] and a resident's statement that SCS are "little more than 'government-supported crack houses'".[80] When these views are included as the only first-person accounts of SCS, these collective perceptions become the social representations that Van Dijk deems the foundation of a discourse' persuasiveness and truth enablement.[81] The selective inclusion of dominant voices consolidates these opinions into evidence rebuking SCS, while silencing marginalized perspectives.

Discourse Silences

The Voiceless: Site Users

While the Socio-Economic Review claims to include stakeholders like harm reduction agencies and SCS clients,[82] their voices are notably absent. Rather, health and social organizations, such as the HIV Legal Network (2020), have opposed the findings of the review, stating "(t)he government did not allow the Review Committee to collect data or seek opinions on the benefits of SCS to people who use drugs themselves, and the Review Committee made

no efforts to obtain the views of representative samples of Albertans".[83] Determinative silences exist in the review to support a narrative of SCS inefficiency and costliness. Neoliberalism's focus on individualism and capital silences the discussion of social issues, such as homelessness, despite its link to the opioid crisis.

Homelessness and Limited Data

Neoliberal discourse functions to remove governmental responsibility from social and health problems by naturalizing the individual, personalized failure of addiction. Evading discussion of the social context connects to literature that critiques the report for supplying data which "misattribute SCS as the cause of perceived social disorder despite the complex and intersecting circumstances faced by SCS clients such as homelessness, poverty, and other markers of structural vulnerability.[84] By promoting the autonomy of each citizen in a free market society, neoliberal governmental discourse is not structured to include the socio-economic determinants of addiction because addiction is represented as a personal failing or "their [user's] current plight".[85] As such, "(o)ther social issues such as housing and homelessness"[86] were reported as "specifically out of scope of the Committee's mandate".[87] The economic focus of the report, a core tenet of neoliberalism, negates discussion of the social context of addiction.

Notably, the report concludes that although housing issues and homelessness is out of scope in the Review Committee's purview, it claims that "SCS and their clients are inextricably linked to the issue of homelessness and economic marginality. While it is likely that most drug users are not homeless, a significant portion of SCS clients fall within that demographic".[88] This link further reveals the existence of neoliberalism to exclude the report's discussion of homelessness and housing issues. Despite the claimed irrelevance of data on homelessness, socio-economic problems are clearly linked to the use of SCS. Problematically, silencing socio-economic problems obscures how issues like homelessness and addiction stem from systemic failings. Evidence shows that people facing drug

dependency are at a higher risk of experiencing social marginalization, where "health outcomes, drug use, and drug outcomes are influenced by social category".[89] Addiction is often a result of socio-economic challenges, not personal failure. It is not only addiction which causes problems towards the community, but addiction as the result of the problems that certain groups of people within a community face.

Through this silence, neoliberal discourse inverts the problem of the opioid crisis; turning site users into people who pose socio-economic problems towards the community, rather than people who face increased vulnerability to social problems like poverty, unemployment, low wages and structural legacies of intergenerational trauma amongst Indigenous people. Ning and Csiernik (2022) argue that addiction is "a form of social suffering, entailing structurally imposed distress driven by social factors beyond individual control".[90] Importantly, by understanding addiction and the opioid crisis as a social problem at the junction of intersectional issues involving race, gender, class and poverty, drug use can be understood to not always be the fault of the individual user, but a response to structures of domination which have created legacies of pain. Indigenous perspectives reveal SCS as a place for pain relief and support, complicating the review's portrayal of SCS as drug-enabling sites. Provost, a Piikani First Nations Council member, shared that "addiction is mostly about numbing the pain".[91] Provost's perspective highlights how socio-economic disparities push people to seek out pain relief. Furthermore, many SCS users associate SCS with feelings of safety, community and support, as "a safe place to use, feel comfortable and be looked after"[92] and where "'the staff is consistently respectful to me so that makes me want to respect myself.'"[93] These first-hand perspectives fill in the silences of neoliberalism, turning attention to social problems and placing responsibility on the government, rather than the individual, to create safe spaces to resolve opioid addiction. Vulnerable groups are often isolated from the social and health services that experience defunding under neoliberalism. How the harm of drug addiction is socially perceived is crucial; harm defined

through neoliberal discourse is inflicted on oneself when consuming opioids, whereas the socio-economic determinants of harm distinguish it to be socially induced. In the latter case, opioid consumption is a response to harm, where SCS exist as a safe place to numb pain and reconnect with people.

Moving beyond hegemonic discourse, it is evident that drug use is not always the fault of the individual user, but a response to structures of domination which have created legacies of pain and exclusion. However, the silencing of social problems in prominent reports such as this review enables the opioid crisis to be represented as a cause of personal failure. Not only does this over-emphasize individualism, but neoliberal discourse heightens personal blame to foment a lack of empathy for PWUD who are unable to reach sobriety. In consequence, PWUD and the corresponding SCS visited are represented as the socio-economic problem when an understanding of the pre-existing socio-economic problems are silenced. Recognizing the social problems of drug addiction shifts responsibility from individuals to the government to provide harm reduction services. As it is, neoliberal discourse legitimizes the Alberta Government's new proposed forced treatment model.

Foucault's Knowledge and Power: Alberta's Forced Treatment Model

The silences created through neoliberal discourse legitimizes governmental action by marginalizing and criminalizing vulnerable populations, as revealed through Foucault's lens of power and knowledge. Discourse is a site of knowledge production to mobilize action and enables Alberta's United Conservative Party to propose a new forced treatment model in response to the opioid crisis. Alberta's premier, United Conservative Party leader Danielle Smith, states that drug users must be helped to "'restore the ability for them to be able to make decisions in their own interests to preserve their life'".[94] Canada's first proposed involuntary addiction treatment law follows a neoliberal governmental discourse to frame sobriety as an addict's responsibility to fix their drug addiction by making the

'right' choice. Smith's explanation of forced treatment sobriety as the 'right' decision fast-tracks recovery to turn users into productive citizens. This silences the reality that reaching the independence and normality forced sobriety requires users to maintain is not as simple as taking one's drugs away; the socio-economic vulnerabilities and risks that vulnerable groups face still prevail.

Unfortunately, the autonomy of PWUD is erased both by the substance's hijacking of their autonomy to make the 'right' decision, and by a lack of empathy towards understanding their lived experience. Instead, users are blamed and othered, and lose their autonomy to make decisions for themselves, where forced treatment turns into common-sense, "'actual compassion'".[95] For vulnerable groups, neoliberal discourse erases health services and promotes new addiction models that increase social control. Using Foucault's concepts of power and knowledge, the following section reveals how neoliberal governmental discourse on SCS discreetly operate as truth, continuing to disadvantage vulnerable groups who are spoken for.

Applying Foucault's concepts, the review's 'regime of truth' socially constructs the knowledge that SCS are ineffective to pave way for the knowledge that PWUD need to be managed through forceful treatment. Although alternative findings from Alberta Health state that people experiencing substance addiction cannot realistically recover through forced sobriety,[96] it is the prominence of neoliberalism that disseminates the Alberta Government's Socio-Economic Review of SCS as the most legitimate, or society's regime of truth. This is extended throughout institutions of power like Alberta Health to shape social policy. Power and truth operate together because a discourse comes to power through its ability to represent what is desired as truth, or most in-demand.[97] The truth most in-demand for society is that which promotes economic and social prosperity for the greater population and current power structures. Thus, neoliberalism's focus on efficiency results in the legitimized rationality of forced treatment models that prop up disciplinary measures against society's most vulnerable. Studies completed on involuntary

treatment show adverse effects; forced institutionalization leads to a greater risk of dying via longer hospital stays and readmission rates, as well as the increased risk of suicide once users end their treatment.[98] Thus, these proposed disciplinary measures take on a form of criminalization. Essentially, discourse and power co-exist to constitute the knowledge which facilitates the proposed laws that imply life or death for PWUD.

Conclusion

This research initiates a communications inquiry into governmental discourse on SCS, analyzing how dominant socio-economic representations influence future addiction treatment policies. Such research is needed to trace how the constructed discourses prop up the authoritative knowledge influencing the role of SCS as a solution to the opioid crisis. The charged political debate surrounding SCS and addiction treatment models is important and ever-growing as the discussion of SCS leaves spheres of scientific and health rhetoric.

CDA, a methodology commonly used in communication studies, acknowledges the potential of reflexivity throughout the analysis. Utilizing a social constructivist orientation could be seen by other disciplines as a limitation of this study. However, this research aimed to expose the invisible workings, thereby the social construction, of the Alberta Government's discussion of SCS. In addition, the following study recognizes that analysis has been completed within a Western scholarship tradition. Inherently, alternative perspectives to discourse and knowledge production are not represented. The opioid toxicity crisis is complex and subjective to each user, and addiction treatment policies should recognize this limitation exists throughout scholarship, media reporting, government and NGO studies. This study did not aim to refute or lessen the experiences of the stakeholders included within the report, but to question the effects of moving life-saving health services, such as SCS, into the realm of community and economic perception. Identifying and analyzing these silences is the first step

to implementing high-quality reports. As it is, the prominence of neoliberal governmental discourse on health services silences the social and structural conditions that heighten the problems vulnerable groups with a drug-using background may experience while promoting policies that create the conditions supporting economic priorities for the status quo. The neoliberal language that Alberta Health employs in its pseudo-medical, Socio-Economic Review legitimizes institutional power, where harm reduction is cast aside for forced treatment and addiction strategies become less about recovery and more about control. This phenomenon continues the cycle of disproportionate criminalization for marginalized groups and indicates the dissolution of an equitable health infrastructure.

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Inconsistent Justice: The ICTR and ICTY's Divergent Jurisprudence on Sexual Violence as a Means of Genocide

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ABSTRACT: This paper critically examines landmark precedents set by the International Criminal Tribunals for Rwanda (ICTR) and the former Yugoslavia (ICTY) in prosecuting sexual violence as a means of genocide. Under statutory international humanitarian law, sexual violence is not explicitly listed as a means of genocide, leaving the chambers of these aforementioned tribunals to interpret various legal instruments in order to prosecute perpetrators of sexual violence during armed conflicts. In this context, the ICTR set a groundbreaking precedent in the *Akayesu* case by recognizing sexual violence as a means of committing genocide, thereby elevating the status of these sexual crimes to one of the gravest violations under international law. By analyzing key cases such as *Akayesu* at the ICTR and *Kunarac et al*. and *Kristic* at the ICTY, this paper demonstrates the divergent approaches of the two tribunals, specifically the latter's reluctance to recognize sexual violence as a genocidal act. This reluctance is exhibited by the ICTY's repeated rulings of sexual crimes as crimes against humanity rather than genocide in cases where a genocidal intent comparable to that identified by the ICTR was apparent. This paper thus further argues that the ICTY's reluctance has influenced the International Criminal Court's limited application of genocide charges in contemporary cases involving sexual violence. This analysis highlights the need for a re-evaluation of both the existing statutory and judicial understanding of genocide under international law to reflect the ICTR's broader recognition of the relationship between gender-based sexual violence, armed conflict, and genocidal intent.

KEYWORDS: genocide, sexual violence, crimes against humanity, international humanitarian law, Rwandan Genocide, Bosnian Genocide

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Since the Convention on the Prevention and Punishment of the Crime of Genocide came into force in 1951, only the events of the Rwandan Civil War in 1994 and the Srebrenica Massacre of 1995 have been legally deemed to be genocides by an authoritative international judicial body.[1] In each case, these judgements were respectively made by the International Criminal Tribunals for Rwanda (ICTR) and for the former Yugoslavia (ICTY), which were established by the UN Security Council to prosecute the catastrophic violations of international humanitarian law that occurred in their respective territorial and temporal jurisdictions. Therefore, as the first two international judicial bodies to have rendered guilty verdicts on charges of genocide, both tribunals left behind numerous interpretations and precedents that continue to shape the definitions within and scope of the Genocide Convention and the Rome Statute as they relate to prosecuting said crime.[i] Specifically, as it relates to the contemporary understanding of armed conflict, both tribunals are significantly cited because of their landmark rulings pertaining to sexual violence crimes as either crimes against humanity or as a genocidal act.

However, given the vastly different nature of both conflicts, it is pertinent to investigate how the judgements and precedents established by both the ICTY and ICTR compare in terms of their contributions to defining and prosecuting genocide, particularly as it relates to sexual violence. Through a comparative legal analysis, this paper examines the evidence and judgements of key cases from both chambers in order to assess how and why each tribunal differed in its interpretation of similar events and application of the statutory legal framework concerning sexual violence and genocide. Consequently,

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[i] The Extraordinary Chambers in the Courts of Cambodia (ECCC), established in 1997, rendered a genocide conviction in 2018; however, it lacked the same binding international legal authority as the ICTR and ICTY. Unlike the latter tribunals, the ECCC was a hybrid tribunal embedded within the Cambodian judicial system; therefore, it applied a combination of Cambodian domestic and international law. Consequently, its rulings only had an advisory effect outside of Cambodia and thus, does not provide the same weight and relevance as the ICTR and ICTY to this paper's analysis.

this paper posits that while both tribunals made significant jurisprudential contributions to the legal understanding of sexual violence during armed conflict, only the ICTR shifted the legal precedents of genocide by recognizing sexual violence as a genocidal act, whereas the ICTY solely prosecuted sexual violence as a crime against humanity. As a result of this disparity, the current genocide jurisprudence lacks consistent precedent outlining the conditions for the legal recognition of sexual violence as a tool of genocide under international law. Moreover, the disparity created by the ICTY's reluctance to concur with the ICTR reinforced the conventional interpretation of sexual violence as a crime against humanity or a war crime rather than a potential tool of genocide. Without a reinforcement of the ICTR's landmark ruling, current international courts, such as the International Criminal Court (ICC), have inclined away the ICTR's standalone classification of sexual violence as potential means of genocide. Specifically, the ICC and current international courts lack sufficient precedent to practically deviate from the conventional interpretation, thus contributing to the current outcome wherein sexual violence continues to largely be prosecuted as a crime against humanity or war crime rather than a genocidal act. Evidently, the divergence of jurisprudence from the ICTR and ICTY has shaped the contemporary jurisprudence and prosecution of genocide in a manner that limits the prosecution of sexual violence as the gravest of crimes under international law.

ICTR: Expanding the Scope of Genocidal Means to Include Sexual Violence

One of the ICTR's most notable and substantial contributions to the case law on genocide was its explicit recognition of sexual violence as a means of perpetrating genocide. By doing so, the Tribunal ultimately had the effect of elevating the gravity of sexual violence as a violation of international human rights law, thus emphasizing the need to uphold the dignity of victims of gender-based violence in later tribunals. As per Articles three and four of the ICTR statute, the Tribunal had explicit jurisdiction to prosecute acts of rape,

enforced prostitution, and forms of indecent assault; however, these would be limited as charges of crimes against humanity and violations of the Geneva Conventions.[2] Furthermore, the Tribunal also had the jurisdiction to prosecute acts of genocide as defined in Article two of the Genocide Convention; however, it is important to note that the Convention makes no explicit mention of any acts related to rape or sexual violence.[3]

Therefore, the written legal consensus regarding sexual violence was that, while it clearly constitutes a crime against humanity or a war crime, it did not explicitly fit under the definition of genocide. In this context, the ICTR disrupted this legal consensus by ruling that sexual violence can, in fact, constitute an act of genocide when it convicted Jean-Paul Akayesu on the charge of genocide for perpetrating a systemic campaign of sexual violence. The Tribunal specifically ruled that the acts of rape and sexual violence perpetrated by Akayesu and Hutu militants inflicted serious bodily and mental harm on the Tutsi victims, which is an element of genocide outlined in paragraph b of Article two of the Genocide Convention.[4] Crucially, the Tribunal set a novel precedent by recognizing that these acts of sexual violence were not random but carried out with genocidal intent, specifically as they targeted Tutsi women in order to destroy them physically and psychologically. As such, the ICTR Chamber concluded that this systematic sexual violence was an integral aspect of the Genocide itself as it aimed at inflicting acute suffering on Tutsi women and contributed directly to the broader attempt to eradicate the Tutsi group as a whole. This ruling marked a significant legal milestone by establishing that campaigns of systematic rape and sexual violence against a targeted group had, in fact, constituted a legally recognized means of perpetrating genocide.[5]

This was a significant change to the legal understanding of not only genocide but of sexual violence as a violation of international human rights law. As previously discussed, genocide was not explicitly understood to include acts of sexual violence; therefore, by interpreting the language of an existing clause of the Genocide Convention, the ICTR expanded the definition of

genocide to include for the first time systematic campaigns of sexual violence. Moreover, the precedent set with the *Akayesu* case expanded the categorization of sexual violence from only being considered a crime against humanity or a war crime to also constituting genocide. Given that the crime of genocide is widely considered, including by the Tribunal itself, as "the crime of crimes," the ICTR's ruling thus had the effect of elevating sexual violence to the status of one of the gravest possible violations of human rights and establishing it as foundational to the customary legal understanding of genocide.[6] Most importantly, the ICTR strengthened and reaffirmed the principle set by the ICTY that rape should not be regarded merely as a result of one's natural sexual inclinations but rather as a deliberate component of war used to destroy, in whole or in part, a specific group.[7]

However, this classification of genocide as the "crime of crimes" is itself a matter of debate amongst legal scholars as some hold the view that crimes against humanity should hold equal status to genocide as they can be just as brutal and atrocious in scale. Moreover, due to the relatively high evidentiary and legal burden of proof required for acquiring a genocide conviction, some scholars also maintain that pursuing charges of crimes against humanity over genocide constitutes a more pragmatic and beneficial approach to securing international justice for victims.[8] Nevertheless, the widely recognized unique status of the crime of genocide, stemming from its intent to destroy entire groups, means that the ICTR's ruling of sexual violence as a genocidal act substantially elevated its legal classification by recognizing its role in the intentional destruction of whole groups. Ultimately, the expansion of the definitions surrounding genocide to include sexual violence represents a recognition that genocide is in itself often intertwined with gender-based violence as women and gender-diverse individuals experience genocides and more broadly, armed conflicts in a decidedly unique manner. By acknowledging this, the ICTR's rulings signify a significant departure from what were then traditional understandings of armed conflict and genocides as exclusively to do with mass killings. Instead, these judgements demonstrate a novel

understanding of these crimes to include a wider array of harms, including mental and psychological harms, and experiences, including those of women and gender-diverse individuals, an understanding that has remained prevalent in contemporary international human rights law.

ICTY: Limiting the Scope of Genocidal Means to Exclude Sexual Violence

The transformative nature of the ICTR's jurisprudential contributions to the legal understanding of genocide becomes more evident when juxtaposed with the ICTY's approach to sexual violence in its judgements. In terms of prosecuting acts of sexual violence and rape, the ICTY convicted perpetrators of crimes against humanity and violations of the Geneva Conventions, notably not rendering any judgement to the same effect as the ICTR regarding sexual violence and genocide. While these judgements were certainly significant to shaping the case law of sexual violence and rape as grave violations of international human rights law, the Tribunal made minimal jurisprudential contributions to the case law on genocide. For example, in its judgement against Anto Furundžija, the Tribunal explicitly acknowledged that rape may amount to genocide under specific conditions; however, it did not convict the Accused of genocide for his acts of sexual violence, rather finding him guilty of crimes against humanity.[9] Therefore, without a relevant judgement, the jurisprudential contributions of the ICTY to the legal understanding of genocide are relatively minimal. On the other hand, by ruling that rape and acts of sexual violence can constitute a crime against humanity and a violation of the Geneva Conventions, the ICTY disrupted the notion that rape is simply the outcome of primal human nature. The ICTY firmly recognized that rape can be a systematic weapon of war used against civilians to cause traumatic harm to the wider population, an idea that the ICTR built upon in its ruling that rape may be considered a means of genocide. As such, through its landmark rulings on sexual violence as a grave violation of international human rights and

humanitarian law, the ICTY laid a foundational understanding that allowed the ICTR to use and further develop as it applied to genocide.

From a critical perspective, however, the ICTY's reluctance to rule any of the acts of sexual violence committed in the former Yugoslavia as acts of genocide has proved to limit the prosecution of the crime of genocide. A topical comparative analysis reveals a degree of inconsistency in the interpretation of the law by the two tribunals, despite the demonstrable similarity between respective acts of sexual violence in both jurisdictions. This notion is most evident in the ICTY's judgement against Dragoljub Kunarac, Zoran Vuković and Radomir Kovač, in which the Tribunal convicted the Accused for their crimes of sexual violence as crimes against humanity, rather than genocide.[10] In this context, it is important to note that in the ICTR's judgement against Akayesu three years earlier, the Tribunal explicitly noted that rape shall be considered a means to perpetrate genocide. More specifically, it acknowledged that when a woman from the target group is deliberately impregnated through rape by the Accused, the act is intended to prevent births within the group, which is outlined as a genocidal act in Article Two, Section (c) of the Genocide Convention. This is because the child would not be regarded as a member of that group in accordance with its patriarchal lineage.[11] As such, the Kunarac indictment seems to be inconsistent with the established jurisprudence on genocide considering utterances of the Accused suggesting that Bosniak victims of rape would "carry Serb babies," which exhibits a genocidal intent to prevent Bosniak women from reproducing their group.[12] Furthermore, in a separate judgement the same year against Radislav Kristic, the ICTY even established that Bosnian Muslims do in fact live in a patriarchal society with a "traditional patriarchal structure".[13] Therefore, it is apparent that the ICTY's preference to prosecute certain acts of sexual violence and mass rape as crimes against humanity rather than genocide demonstrates a degree of inconsistency with previously established jurisprudence from the ICTR.

It is to some degree likely that the reason behind the ICTY's reluctance to rule sexual violence as an underlying act of genocide was primarily a prosecutorial strategic decision due to the far higher evidentiary and legal burden of proof required to establish genocidal intent in comparison to crimes against humanity.[14] Nevertheless, the potential influence of concerns surrounding the probability of successful convictions does not change the outcome that the ICTY did not establish nor contribute to precedent recognizing sexual violence as a means of genocide, whereas the ICTR did. More importantly, the conflicting jurisprudence from both tribunals on this matter leaves the notion of continuing to recognize sexual violence as a genocidal act without reinforced legal precedent, aside from the ICTR decision.

Ultimately, the fact that ICTR stands alone as the only international criminal tribunal to have convicted individuals of genocide on the basis of sexual violence crimes has hindered the International Criminal Court in adequately addressing the crime of genocide. While it may also be that ICC prosecutors have elected to pursue a similarly pragmatic strategy to pursue charges of crimes against humanity rather than genocide, this approach, and its resulting consequences, are themselves are direct result of the ICTY's decision not to reinforce the ICTR's precedent on this matter. Given that the ICTY prevented a judicial consensus from forming on this aspect of genocide has likely influenced the successor ICC into applying a similarly narrow interpretation, of the Genocide Convention and the Rome Statute that rarely indicts perpetrators of sexual violence under charges of genocide, even in cases where the evidence suggests genocidal intent.[ii]

[ii] "An analysis of the rape crimes committed by those prosecuted indicates that some of these may constitute genocide, yet none were prosecuted as such. For example, despite the widespread and ethnically motivated acts of violence in the Democratic Republic of the Congo, none of the six individuals charged received indictments for genocide." See Cassie Powell, ""You Have No God": An Analysis of the Prosecution of Genocidal Rape in International Criminal Law," *Richmond Public Interest Law Review* 20, no. 1 (2017): 37.

Moreover, not only is this narrow understanding of genocide evident in the ICC's prosecutorial practices, but also in the fact that the statutory understanding of genocide in the Rome Statute has not been amended to include forced pregnancy in order to align with the jurisprudence of the ICTR.[15] As such, it is evident that the state parties to the Rome Statute are influenced by the lack of legal consensus on this matter as they have amended the Statute in regard to other crimes in recent years.[16] Therefore, considering the aforementioned impacts of expanding the scope of genocide to include these sexual violence crimes, the ICTY has evidently restricted the ICC's understanding of genocide and contemporary armed conflict. Moreover, the ability of victims of sexual violence to access proper justice through the ICC almost thirty years later is also demonstrably limited.

Conclusion

Overall, an analysis of the key cases pertinent to sexual violence from the ICTR and ICTY reveals a stark contrast in each tribunal's approach to sexual violence crimes and the application of the Genocide Convention. Firstly, the ICTR's recognition that sexual violence may be considered a genocidal act was a groundbreaking paradigm shift in the legal understanding of genocide and sexual violence crimes during armed conflict. By interpreting existing statutes such as the Genocide Convention in the *Akayesu* case, the ICTR established a precedent that underscored the vital role sexual violence plays in the destruction of targeted groups. By contrast, the ICTY's approach, while significant in its own right in recognizing sexual violence as a crime against humanity, did not render any judgement to the same effect as the ICTR regarding genocide. This is in spite of demonstrable key legal similarities to the acts of sexual violence committed in *Akayesu*; nevertheless, the ICTY exhibited a strong reluctance to rule these acts of sexual violence as genocidal, a reluctance which has remained within the contemporary ICC and the Rome Statute.

In essence, this analysis has revealed the need for judicial or statutory clarity to prevent the inconsistent application of the law in future prosecutions of sexual violence or genocide. Without such clarity, there remains a degree of ambiguity that hinders the pursuit of justice and accountability for victims of sexual violence in conflict settings. As demonstrated by the ICTR's landmark rulings, it is not only feasible but also important to recognize certain acts of sexual violence as constitutive acts of genocide as part of a contemporary understanding of genocide. This recognition aligns with evolving norms in international humanitarian law and human rights, acknowledging the inseparable link between gender-based violence and armed conflict. Therefore, judicial and statutory authorities should adopt and uphold the ICTR’s approach moving forward, ensuring that the legal framework reflects a nuanced understanding of the complexities of genocidal acts and sexual violence crimes.

Notes

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[4] UNGA, "Convention on the Prevention and Punishment of the Crime of Genocide" (1951).

[5] Laïty Kama, The Prosecutor versus Jean-Paul Akayesu (International Criminal Tribunal for Rwanda Chamber I September 2, 1998).

[6] Chloe Edmonds, "The Crime of All Crimes: Genocide's Primacy in International Criminal Law" (M.A. Thesis, 2016).

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[13] Almiro Rodrigues, Prosecutor v. Radislav Kristic (International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 August 2, 2001).

[14] Michelle Jarvis and Kate Vigneswaran, "Challenges to Successful Outcomes in Sexual Violence Cases," in Prosecuting Conflict-Related Sexual Violence at the ICTY, ed. Baron S. Brammertz (Oxford: Oxford University Press, 2016), 46.

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How the Canadian Government Continues to Enable Violence Against Indigenous Women and Girls

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ABSTRACT: Most Canadians are aware of the injustices Indigenous women and girls have and continue to face. However, their lack of understanding of how the Canadian Government, a supposed enthusiast of multiculturalism and cohabitation, deliberately neglects this community and ensures a consistent increase of Missing and Murdered Indigenous Women and Girls in Canada. This research aims to demonstrate the government's position as both a facilitator of outreach solutions for Indigenous women and girls, and a contributor to their deaths. In order to effectively illustrate the government's involvement, this essay will examine the historical conditions which led to Indigenous women's perpetual state of inequality, the methods of eradication which further perpetuate Indigenous women's vulnerability to violence, and Indigenous solutions and methods of eradicating gendered violence. It is crucial that this topic continue to be pursued, as Indigenous women and girls are consistently dying from entirely preventable causes. Overall, the research proves that Indigenous women are not safe in the care of the Canadian government, as Canada still denies that colonialism is enacted in all spheres of government.

KEYWORDS: indigenous women, missing and murdered Indigenous women and girls, Canadian government, colonialism, gender-based violence

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A 2014 Statistics Canada report demonstrates that "the rate of homicide of Indigenous women (3.64 per 100,000) is almost six times higher than non-Indigenous women (0.65 per 100,000)".[1] Violence against Indigenous women and girls in Canada is one of the most pressing human rights issues at present. In recent years, the severity of this issue has gained recognition, despite the Canadian government's best efforts to suppress public outrage and action. Following an unsuccessful attempt to rectify the issue in 2016 with the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), in 2021, the government introduced the Federal Pathway to Address Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People.[2] Each project aims to end, or at the very least, reduce the rates of violence this community endures by understanding the complicated historical relationship which shapes this hostility. Despite these ostensibly beneficial projects, they both fail to acknowledge the urgency of this issue, as an entire demographic of Canadians is going missing or dying for reasons unrelated to poor physical health. Many political powers have denied or have been reluctant to recognize Canada's past and current ties to colonialism. When asked how to eradicate colonialism in Canada at a 2021 press conference, Prime Minister Justin Trudeau stated that it would be unreasonable to remove all current institutions and start over. Instead, he advised people to redirect their focus to the experiences of individuals who encounter discrimination.[3] Canada's colonial history has left the country with a deep-rooted hatred of Indigenous women and girls, which has allowed these atrocities to continue. This essay aims to demonstrate the ways in which the Canadian government positions itself as a support system for Indigenous women and girls while simultaneously enabling violence to be enacted against them. This will be thoroughly illustrated first, by showcasing the racial targeting Indigenous women throughout history, second, by examining the government's use of repression and colonial tactics to alleviate violence, and concluding with an exploration of Indigenous resistance and culturally suitable methods of eradicating violence against Indigenous women and girls.

Historical Context

The several instances of violence against Indigenous women and girls throughout history have immensely contributed to the crisis of missing and murdered Indigenous women and girls in Canada. Prior to the discovery of North America, Indigenous people had a fully established and functioning lifestyle. Despite men and women having respective tasks, they were still viewed as equals.[4] Differences in gender expression, habitation methods, and social hierarchies only fuelled the colonizers' hatred for Indigenous people. As more land became occupied by non-Indigenous people, Indigenous traditions and livelihoods were reduced to only a small minority.[5] The imposition of the Euro-American lifestyle thus indicated a shift in dynamics between Indigenous men and women. Indigenous women were no longer valued, as white settlers viewed their bodies as representations of "land, reproduction, kinship and governance".[6] Indigenous communities were forced to adopt the colonizers' practices, all of which favored men, in order to protect themselves from harm. Over time, false beliefs regarding a woman's ability, determination, and skill have become mainstream, even within Indigenous communities, pushing many women to become bystanders in their own culture.[7]

The impacts of the colonial lifestyle on Indigenous women and girls are visible in the eighteenth-century murder of a Muscogee woman and in the contemporary arrest of Robert Pickton in 2002. In June of 1763 it was reported that a Muscogee woman had lost her life due to the actions of Spanish soldiers. Although it was not unusual for this time, the manner in which it was carried out was deeply disturbing. The Muscogee woman was abducted, tortured, raped, and ultimately burned alive by a number of Spanish soldiers.[8] These actions were committed in the presence of other European and American men, although all appeared indifferent to the woman's suffering.[9] Scholar Bryan C. Rindfleisch points out the similarities between this horrific event and today's Missing and Murdered Indigenous Women and Girls. A primary reason this genocide has been able to continue across so many centuries is

because it has remained a nameless and faceless crime.[10] Although the victim is mourned, their death gradually becomes insignificant to the general public, which only serves to validate pre-existing statistics, as the aggressor's anonymity allows them to place the blame upon Indigenous women instead of the men committing these crimes. This is a direct result of the common assumption made by European and American men that Indigenous women's bodies could be "claimed, sexualized and brutalized".[11] No matter the century, the men involved, or the manner in which the act is committed, the motive behind the crime remains the same. It is to hold onto power and control by any means necessary, even if it requires making false claims that will create insurmountable barriers for others.

Furthermore, Canada's most notorious serial killer, Robert Pickton, was convicted in 2007 after confessing to the murder of forty-nine women.[12] His victims were primarily women from Downtown Eastside, an impoverished area in Vancouver.[13] Many Indigenous women have been forced to relocate to these impoverished urban areas, putting them at risk of violence.[14] For example, the 1867 Indian Act revoked Indigenous women's status if they married outside their communities, forcing them out of their homes and into a Western lifestyle.[15] Additionally, domestic labor training was forced upon Indigenous women and girls during residential schools, ensuring their economic marginalization and subordination.[16] Most Canadians were unaware that at least half of Pickton's victims were Indigenous women, as Indigenous peoples are rendered invisible to those outside their communities.[17] As a result of colonial logic, non-Indigenous people only perceive Indigenous identities and peoples as existing in a historical past.[18] Similarly, Robert Pickton's murders reflect the "logic of elimination," a concept coined by Patrick Wolfe, that allows Canadian political and legal officials to remain ignorant about the realities of missing and murdered Indigenous women and girls.[19] This is the foundation upon which settler colonial society is built, as colonial expansion necessitates the extermination of Indigenous communities' territorial ownership and political autonomy.[20] In other words, the continuous imposition of settler colonialism on

Indigenous peoples would not be as effective if the West had not reinforced the belief that Indigenous peoples only live within the confinement of their own communities, also known as reserves. Indigenous women are thus "easy targets" as they are out of the public eye and many of them live in areas where people believe crimes are unavoidable.

The Canadian Government's Use of Political Repression

The use of colonial practices by the state and white Canadian feminists to combat gender-based abuse encourages the recurrence of violence against Indigenous women, as these methods are designed to benefit those who profit from colonialism. In times of extreme colonial power, Indigenous peoples, especially women, suffered immensely, as men often still had the capacity to maintain economic and political relations with the colonizers.[21] Indigenous women endlessly feared being assaulted, raped, and murdered by colonizers. This is an example of hard repression, defined as the use of gendered violence under the supervision of the state.[22] Ultimately, the government allowed Indigenous women to become the property of the colonizers and an escape for men to act out their desires and fantasies without the burden of legal repercussions.[23] In today's society, the use of political repression to maintain colonial power is much more subtle, as it relies on softer methods. Soft repression is defined as the use of non-violent tools to repress and control individuals.[24] Although it appears that Canada is actively bettering the lives of Indigenous communities, especially following Stephen Harper's public apology for the residential school system in 2008,[25] there are still systems in place which prevent meaningful progress from occurring. Due to the framing of the missing and murdered Indigenous women and girls' crisis as a women's issue, solutions often reflect a "one-size fits all" mentality, failing to recognize how violence manifests itself differently based on a person's race, sexuality, age, and socioeconomic status.[26] In particular, the increased police surveillance of Indigenous lands and the implementation of women's shelters across Canada demonstrate

the ways in which the government appears to be solving the issue while also recreating the conditions for violence to take shape.

When faced with issues of violence, especially in non-white communities, it is often assumed that policing is the ideal method to ensure the restoration of peace. To anyone living outside Indigenous communities, increased policing may seem beneficial as it reinforces the notion of Canada as a "protector" and "saviour" of all people.[27] However, to all of those currently experiencing its effects, police presence adds to tensions that are already present. Despite Indigenous efforts to prevent the over-policing of their lands, they are still being forced to welcome police into their cultural spaces, especially those catering to Indigenous youth.[28] Although criminality amongst Indigenous girls is low, their identities "constitute a direct threat to an already existing settler social order."[29] Despite these long-standing relationships with law enforcement agents, a 2022 report by Statistics Canada states that Indigenous women are twice as likely to report having little to no confidence in the police as compared to non-Indigenous women.[30] Indigenous women and girls are not given the assurance of protection when they call the police to report a crime or ask for assistance but are rather subjected to assault, rape, or even murder. Unfortunately, many Indigenous victims do not openly talk about these instances of violence with their communities out of shame, fear, and lack of resources. In order to uphold settler control, Indigenous lives, especially those of women, have been deemed worthless and expendable.[31] As a result of this widespread narrative, many non-Indigenous Canadians begin to view Indigenous peoples as deviants or criminals, ensuring their continued contact with law enforcement.[32] The lack of worth assigned to Indigenous lives also provides men and law enforcement officers with a sense of superiority over the law. Police officers thus use the excuse that harmful actions committed against "criminals" are justifiable because their lives are "less valuable" than that of a law-abiding citizen. The increased policing of Indigenous lands is a tactic used under the pretext of protection to uphold the hierarchy of white

settler power, as it fails to consider the role police play in the perpetuation of violence against Indigenous women and girls.

Additionally, the use of women's shelters to combat violence against Indigenous women and girls is not as effective as it may seem. Although most shelters aim to alleviate the suffering of Indigenous women, the professionalization of non-governmental organizations, supported by the state, has limited their ability to engage in grassroots organizing. As a result, much of the work done to combat gender-based violence against minorities reinforces and strengthens state violence and provides Indigenous women seeking refuge with support that is often conflicting and biased.[33] This is largely due to the fact that Indigenous women are still expected to assimilate into Western culture in order to obtain resources.[34] Although not explicitly stated, Indigenous women are required to "perform as white women" due to the belief held by society that they are proper, civilized, and exemplary. Indigenous women's success rate of escaping violence is thus measured in their ability to "exhibit the individual characteristics of white respectability."[35] This can be of particular concern for Indigenous women with children as they are more at risk of losing custody of their child.[36] In moments when child removal becomes a possibility, the term "neglect" is often used to measure if a child is being adequately cared for. However, the definition is incredibly vague, leaving room for interpretation and wrongful application. In 2021, Indigenous children represented a total of 53.8% of those in foster care in Canada.[37] Indigenous mothers thus fear being labeled "unfit" because it is measured by how closely they resemble white traditions of motherhood and parenting.[38] Historically, Indigenous children have not been safe in the custody of non-Indigenous caretakers as demonstrated in the long-standing residential school system and the 60s scoop. If the experiences and traumas of white women determine whether or not Indigenous women are deserving of protection, the basis on which this service is found, is entirely undermined. The disregard for the political, economic, and social circumstances that led Indigenous women to these shelters demonstrates that their purpose is not to help women using

culturally appropriate care, but to reassimilate them into Western culture. To conclude, police surveillance and women's shelters offer non-Indigenous Canadians hope for the future of Indigenous relations, while simultaneously increasing the suffering of Indigenous women, ultimately strengthening the foundations of colonialism in Canada.

Indigenous Methods of Eradication and Resistance

The eradication of violence against Indigenous women and girls can only be achieved through the implementation of Indigenous practices, as they are able to separate themselves from the colonial mentality which currently sustains these support services. According to scholars Heather Dorries and Laura Harjo, Indigenous women in need of support are met with a "damage-centered" approach, which places the focus on pain and loss they have experienced over other important aspects of their lives. Although it may be beneficial to demonstrate the dangers of colonialism, it also perpetuates the notion that Indigenous communities are "broken," making it difficult for them to see themselves otherwise.[39] This approach is most commonly used when the goal is to "improve safety" within Indigenous communities. For instance, the increased policing of Indigenous lands is an example of this, as the government's message implies that Indigenous people are "too damaged to manage their own affairs."[40]

Instead, Dorries and Harjo suggest that Indigenous women separate themselves from state-led and "damage centered" approaches and turn to methods of "insurgent planning."[41] This framework offers an alternative form of planning, one which reimagines the role of non-state actors when organizing by emphasizing their position as active agents in their struggle.[42] In this context, it can be practiced by remembering and honouring Indigenous women as mothers, daughters and sisters instead of solely being viewed as victims. This shift in perspective gives families the necessary time to grieve and provides Indigenous

communities with a safe space to do so.[43] Putting Indigenous feminists at the forefront of this movement allows them to draw upon community knowledge and their own experiences to comprehensively address gender-based violence. In doing so, Indigenous women are recentered as "valuable assets" of the community, ensuring absolute disengagement from colonial notions of Indigenous womanhood.

Indigenous methods of eradication are not limited to one framework as many Indigenous women and feminists have turned to art as a form of self-expression and reclamation of power. Historically, art has been a predominantly white space, full of privilege, power, and biases. In other words, the participation of Indigenous women in artistic spaces demonstrates an involvement in public debate and political commentary.[44] Much of the histories of Indigenous peoples, especially in the contexts of gender-based violence, remains unknown to most of Canada. Although some reports have been made, the media often sensationalizes the murder of Indigenous women and girls by focusing on the brutality of the act. When the identities of murdered women are revealed, they are typically portrayed through inaccurate stereotypes, especially if they are in the sex industry, thereby reinforcing the notion that violence is an expected and inherent aspect of that profession.[45] Indigenous artists have thus taken it upon themselves to make the invisible visible to the public.[46] Their involvement in these spaces allows them to change the narrative currently flooding Western media through the application of Indigenous knowledge. Reclaiming this space as their own ensures that the concerns and needs of Indigenous women are being heard by those with the power to instate change.

In addition, social media has provided a crucial space for Indigenous activists to resist the forces of white supremacy and colonialism. Many activists are quick to label social media as a tool which aids in the destruction of liberal democracy. However, according to scholars Bronwyn Carlson and Ryan Frazer, the "norms" of liberal democracy have not been applicable to Indigenous peoples.[47] Instead, the authors suggest that social media

provides Indigenous peoples with the opportunity to express agency and to challenge preconceived notions of what it means to be Indigenous.[48] Despite the hateful comments which follow Indigenous peoples to social media, the circulation of pain amongst this community has resulted in the emergence of a politicized collective discourse.[49] These platforms are thus being used by Indigenous activists as a way to express political opposition and engage with politics in an unconventional way. For example, in September of 2014, Holly Jarrett, a Canadian Indigenous woman, started the #IAmNotNext campaign.[50] Jarrett took to social media and posted a picture of herself alongside those words in order to draw attention to the increasing numbers of missing and murdered Indigenous women and girls.[51] Due to the coverage it received, both at the national and international level in 2015, the Harper government announced that the Royal Canadian Mounted Police were to further investigate the missing and murdered Indigenous women and girls.[52] Jarret's #IAmNotNext campaign clearly demonstrates the importance of Indigenous led activism as they are able to distance themselves from the violence and colonialism of Western ideologies. To summarize, Indigenous women and girls' ability to exist within a space which experience less state surveillance, encourages them to participate in these discussions and connect with other like-minded activists to enact change.

Conclusion

In conclusion, Indigenous women and girls continue to experience violence at the hands of the Canadian government, despite claims that actions and frameworks have been put in place to alleviate their suffering. This is exemplified in the case of the 1763 Muscogee woman and in the contemporary example of Robert Pickton's targeting of Indigenous women. The idea that Indigenous women's bodies constitute "land" illustrates the consequences of the Euro-American lifestyle. Secondly, this is demonstrated by showcasing how the Canadian government uses soft repression as a more subtle method to maintain the colonial social order. This is evident in the

increased policing of Indigenous lands and the inadequate practices of women's shelters, which both serve to conceal the brutality Indigenous women face on a daily basis. Finally, by centering the voices of Indigenous women in discourse regarding the eradication of colonial violence, their experiences and perspectives become integral to the solutions and actions taken. Currently, Indigenous activists call for the humanization of victims, Indigenous contributions to art and the utilization of social media. If the Canadian government truly seeks to aid Indigenous women and girls in ending this crisis, it must first recognize the inequalities upon which Canada was founded, acknowledge its role in perpetuating colonialism, and actively involve Indigenous women in the resolution process moving forward.

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[14] Huhndorf, "Scenes from the Fringe," 563.

[15] Huhndorf, “Scenes from the Fringe,” 563.

[16] Huhndorf, “Scenes from the Fringe,” 563.

[17] Huhndorf, “Scenes from the Fringe,” 564.

[18] Huhndorf, “Scenes from the Fringe,” 564.

[19] Huhndorf, “Scenes from the Fringe,” 564.

[20] Huhndorf, “Scenes from the Fringe,” 564.

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[28] Dhillon, “Violence Settler Colonial Policing,” 8.

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[41] Dorries and Harjo, "Beyond Safety," 215.

[42] Dorries and Harjo, "Beyond Safety," 215.

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“They Treat You Like Some Alien:” Barriers to General Healthcare Access for Trans-Masculine Mumbai Residents

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ABSTRACT: In moving towards liberatory healing for the trans-masculine community, it is imperative to understand their healthcare obstacles and the impact they have on the relationship between trans patients and the medical systems with which they interact. While there is little research on Indian transgender healthcare in general, scholarship about trans masculine experiences in routine, non-gender related healthcare is virtually non-existent. This study begins to fill this research gap with the central objective of understanding trans men and trans masculine people’s experiences in medicine and the barriers they face to general healthcare access in urban and suburban Mumbai. Through in-depth interviews with eight trans-masculine people and three healthcare providers in the Mumbai area, data showed that trans-masculine healthcare barriers presented much more in the public sector than the private. Several key health risks and barriers to care were found. Added health risks for trans-masculine participants include side effects of transition care, mental health challenges arising from stigma and dysphoria, and physical health demotivation and inaccessibility. Barriers to care include ignorance, (double) stigma, the risks of disclosure, and unaffordability. Participants discuss the individual and communal ways they navigate these spaces and propose solutions such as sensitization, more respectful care, and more awareness of trans people.

KEYWORDS: trans-masculine, transgender rights, healthcare access, public health, urban health, Mumbai

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Introduction

The landscape of transgender rights and access to healthcare in India is complex, paradoxical, and diverse. Despite global narratives about trans health that center surgery and hormones, this paper understands trans healthcare in terms of accessibility to broader healthcare systems; from routine check-ups to unrelated illness to mental healthcare, trans people go to the doctor, too. On paper, the highly visible trans community in India would appear to enjoy most of the same rights and opportunities as the general population, as well as community-specific government reservations and scholarships.[1] For example, in 2018, the Indian Psychiatric Society (IPS) removed transness as a pathologization in accordance with India's long history of gender variance.[2] Most recently, the Transgender Persons Act of 2019 grants legal recognition for trans people, including a section dedicated to healthcare access.[3] It requires a trans person to undergo gender reassignment surgery and obtain a certificate from regional legal and medical powers to be recognized as their gender, an arduous process[4] placing them under the labeling power of the medical system. While the act purports to grant sweeping public healthcare rights to Indian trans people, many still face difficulties accessing routine care.[5] However, in the larger scope of Indian trans public health, these barriers to general healthcare remain understudied and underprioritized in favor of transition- and HIV-related research.

Given the diversity of subcommunities and identities encompassed under the term "transgender," trans healthcare research in India has not nearly captured every avenue of need and access. The

literature that does exist focuses mostly on gender-affirming treatment needs. Singh et al. (2014) showcase economic and social barriers to gender-related care for trans-feminine communities in India, including lack of public access, provider unwillingness, and risky alternative methods.[6] Additionally, financial disparities and discrimination have been linked to trans women's access to HIV.[7] These studies highlight the larger trend within Indian trans health research to focus almost entirely on gender/sexual minorities assigned male at birth (AMAB) and specialized care. Those studies which expand their focus to generalized healthcare needs also heavily favor trans-feminine experiences: for example, Bhattacharya et al. (2024) conduct a thorough study of trans individuals' access to nonspecialized healthcare in which they focus on hijra, kothi, and trans-feminine research participants, who cannot be assumed to exemplify the distinctive experiences of trans men.[8]

For the purposes of this study, the researcher defines "trans-masculine" as an umbrella category for those who were assigned female at birth (AFAB) and identify as trans or nonbinary. The prevalence of Indigenous trans-feminine communities such as *hijras* has caused Indian trans public policy, law, and science to center trans women.[9] As such, academic research focusing on trans-masculine (TM) experiences in healthcare remains almost nonexistent in Indian contexts.[10] In a groundbreaking study, Chakrapani et al. (2021) demonstrate the mental health consequences of social, systemic, and familial discrimination against TM communities in India.[11] *Our Health Matters* has conducted several community research studies on TM experiences in India, but while they discuss healthcare discrimination and maltreatment, their analysis focuses heavily on gender-affirming surgery and hormone replacement.[12] Zooming out, Scheim et al. (2020) conduct a scoping review of TM health in low- and middle-income countries, including in South Asia, which highlights the prevalence of transition-related research and discusses the negative social determinants of TM health based on stigma, avoidance, and abuse.[13]

Overall, there is little research on healthcare for TM communities in India, but also an overall lack of research done about

the non-specialized, day-to-day interactions between trans people and systems of medicine. It becomes abundantly clear that economic inaccessibility and systemic societal discrimination are huge obstacles to trans public health,[14] but the more personal barriers to healthcare remain neglected—how do Indian doctors see trans patients, and how does that make them feel? What pressures do gender-nonconforming people assigned female at birth (AFAB) face surrounding their bodies and health in Mumbai’s urban setting? Through a series of in-depth interviews with TM Mumbai residents and healthcare providers, this study aims to understand the obstacles and strategies of TM residents in Mumbai for accessing general healthcare. This research contributes to general pools of knowledge about Indian TM healthcare and research interventions for trans healthcare accessibility. It adds to burgeoning public health work on increasingly visible Indian TM communities and understands their grounded experiences with medical systems to contribute to ontological discourses about defining transness in/outside medical contexts

Methodology

This study was composed of interviews with residents of the Mumbai Metropolitan area, chosen due to its accessible urban population and the presence of the Humsafar Trust, a prominent local NGO for LGBTQ+ advocacy. Participants (eight TM individuals and three healthcare providers) were recruited primarily through the Humsafar Trust. Interviews were in person and semi-structured in Hindi, English, or a mix depending on participant preference. The interviewer has a Hindi background, but a translator was available if needed. Interviews averaged around forty minutes, typically conducted at the participant’s residence or work. Recorded interviews were first processed through secure third-party transcription software and then reviewed and coded manually by the researcher. Hindi transcriptions were translated into English by the researcher, with the help of the translator, if necessary. Participants varied in age, occupation, education, and living status. Most TM

participants were trans men, and all healthcare providers were cisgender (their gender aligns with their birth assignment).

Table 1. Demographic characteristics of trans-masculine study participants (*N=8)*.

Characteristics	Number	Percent
Gender identity[15]		
Trans man	6	75.0%
Trans-masculine non-binary	1	12.5%
Non-binary trans man	1	12.5%
Age		
18 - 25	3	37.5%
26 - 35	2	25.0%
36 - 45	3	37.5%
Origin		
Mumbai	6	75.0%
Other	2	25.0%
Primary Interview language		
English	3	37.5%
Hindi	5	62.5%
Religion		
Hindu	5	62.5%
Atheist/Agnostic	1	12.5%
Buddhist	1	12.5%
Unsure	1	12.5%
Occupation		
Employed	4	50.0%
Unemployed	1	12.5%
Student	3	37.5%
Education level		
Graduate	1	12.5%
Undergraduate	2	25.0%
Secondary school (12^{th})	5	62.5%
Living status		
Hostel	1	12.5%
With family	6	75.0%
With partner	1	12.5%

Table 2. Demographic characteristics of healthcare worker study participants (*N=3).*

Participant	Age	Gen.	Interview Lang.	Origin	Occupation	Edu. Level
Part. 1a	32	CW*	English	Goa	Doctor	Graduate
Part. 2a	32	CM*	Hindi	Mumbai	Counselor	Graduate
Part. 3a	52	CM	Hindi	Mumbai	Counselor	Graduate

***** *CW = cisgender woman, CM = cisgender man*

TM participants had two requirements: **(1)** they must be assigned female at birth and identify as transgender, and **(2)** they must currently reside in Mumbai or one of its surrounding suburban areas. These interviews centered around four themes: their journey, current experiences with healthcare services, perspectives on healthcare, and resilience. Healthcare provider interviews covered their healthcare journeys and perspectives on the health needs of transgender patients. All three healthcare workers declined to be recorded but agreed on in-depth notes taken during their interview. The researcher also conducted site visits to the Family Planning Association of India's Mumbai Avabai Wadia Health Center, queer-friendly family planning and sexual/reproductive healthcare center, and STI facilities at the Lokmanya Tilak Municipal General (Sion) Hospital, a free public hospital.

Many ethical considerations were applied to this study upon approval by the School for International Training (SIT) ethics review. Responses remain anonymous, names and revealing details altered, and participants received standardized honorariums provided by the SIT stipend. Interviewees were also briefed about the scope and range of the study and their participation, verbally and via consent form. They were made aware of the researcher's positionality as an Indian-American TM person. Every effort has been made to ensure participants' stories are treated with privacy and respect. Copies of the consent forms, recordings, and identifiable data, including real names, remained only with the researcher. As much as possible, direct quotes have been taken from interviews to avoid misinterpretation. It is very important to the

researcher, who is trans himself, that this study does not exploit the trauma of trans experiences for shock value or consumption. Instead, these data are used solely for the betterment of trans care and the visibility of TM needs.

Results and Discussion

Participants' responses revealed unaddressed systemic, medical, and personal obstacles to TM individuals' access to general healthcare, particularly prior to medical transition. One pre-surgery participant, Rishi (they/ze, 19), describes going to the doctor: "I don't know, maybe it was my childhood likeness, but I used to have a lot of fun. I think that is the major difference… now I just dread it." This feeling of dread discourages Rishi and other participants from seeking the medical care they need. Others echo Rishi, one stating something must be "seriously messed up" for him to go to the doctor.[16] Another participant (Karan, he/him, 25) used to "run very far away from any doctor… no matter how high the fever or anything."[17] This study finds that these barriers to care result from overlapping factors presented below, including increased health concerns, ignorance and stigma, the pressure to disclose one's identity, and forces of reduction to one's body and exclusion in medical settings. Participants also disclose strategies they employ for navigating medicine and coping with medical stressors, as well as ways they believe their healthcare could improve.

Added Health Risks

When Data supports that TM individuals have an increased risk of physical and mental health problems.[18] TM individuals in Mumbai are shown to experience negative mental health consequences due to several factors, including stigma, family rejection, and minority stress—the theory that stigmatization and discrimination impact the health of minority communities.[19] Most TM participants corroborate this, citing previous or ongoing mental health stressors for themselves and their community. Rohit (he/him, 39) says, "maybe after facing this stigmatization, [trans men] feel

mental depression, or some other mental thing," relating the negative mental health outcomes of TM people to their stigmatization from society. The interviewed doctor (she/her, 32) asserts, "they want more attention, more counseling than other people because they are suffering emotional issues, depression, HRT [hormone replacement therapy] changes." Divyang's (he/him, 36) account of his past mental health reflects this description, as he recalls suffering from depression and anxiety:

> Things were going on and I didn't have a *support system*.[20] I didn't speak about them. It falls on us alone … you can get *depression* and *anxiety* when *changes* are happening in your body. Or then like after you start your journey with *T* [testosterone], the *mood swings* start to happen (trans. Hindi).

Mood swings came up frequently during interviews, a recognized side effect of testosterone supplements.[21] One participant describes having had such bad mood swings that sometimes he could not even think or concentrate.[22]

Gender dysphoria—discomfort caused by an incongruence between one's gender and their sex assigned at birth—is a known stressor for many trans people, which can improve through gender-affirmation and treatment.[23] Several interviewees mention the mental risks of gender dysphoria and body discomfort, including Suresh (he/they, 20): "in trans healthcare, I think they should also mention mental health. Dysphoria and body stuff, eating disorders… can be very interconnected." These accounts highlight several overlapping mental health risk factors for TM participants: stigmatization, lack of support, the side effects of medical transition, as well as gender dysphoria and related issues. Interviewees' stories support the theory that in this context, TM people are at higher risk for mental health issues.

Living as TM in Mumbai can have physical health impacts as well as mental, as the two are so often intertwined. Indeed, Fredriksen-Goldsen et. al (2014) demonstrate that physical health problems disproportionately affect trans adults, including lack of access to healthcare and lack of physical activity,[24] which

manifest in several interviewees' answers. Rohit, a trans man and counselor, explains:

> [Mental health] affects your physical health, also. Because if you're not mentally healthy, you may not care about your health, also. If you are trans man, you need a proper diagnosis, you need to properly care about yourself, your health, your food, your diet, other things also. Apart from that, you're facing also physical violence.

He asserts that poor mental health can lead to TM people neglecting to take care of themselves physically and notes the real threat of physical violence for trans men in India. Other participants corroborate Rohit's narrative; two participants mention quitting their physical activity of choice until after medical transition.[25] Dysphoria and prejudice can keep TM people out of physical activities they love, which is a lack of exercise that can impact physical health. It is not just poor mental health keeping them from good physical health, but the systemic discomfort they face as trans people in society.

Other gender-affirming practices, such as chest-binding, can cause undertreated physical side effects despite their important mental health benefits.[26] Rishi describes severe pain in their back from binding, relating it to the extreme heat of Mumbai and the lack of official binder brands in India, and asserting that a "normal" doctor would not understand the "comfort, affirmation, and security" of binding. However, they feel that consulting a doctor about this harm would not be worth it. Physical health risks come along with avoiding the doctor's office as well. Several participants describe only seeking treatment for severe health concerns, which could lead to the neglect of legitimate treatment needs. The fear of discrimination in healthcare settings is associated with transgender peoples' worse general health outcomes, causing delays in care at the "forefront of health challenges for transgender adults".[27]

Data corroborate participants' narratives that existing in Mumbai as a TM person can bring negative mental, emotional, and physical health risks. TM individuals can face mental illness such as anxiety and depression due to the stigma they face from multiple

sides. They can experience mood swings, side effects of HRT, and also distressing gender dysphoria. Physically, these mental health issues can lead to TM individuals struggling to take care of their health, especially due to the lack of access to affirming physical activity and safe healthcare spaces.

Trans Kya Hota Hai?: Ignorance

Medical ignorance—whether it presents as uninformed reactions, questions, or insufficient care—appears as a barrier in all participants' interviews. This ignorance manifests more in public medical settings, but several participants mention private doctors' ignorance as well. Multiple report uncomfortable experiences during body scans; in the following, Aakash (he/him, 30) gets a back CT, and Suresh gets a chest X-ray.

> Aakash: The guy who took the CT scan came and asked me, "sir, why don't you have a penis?" Then I asked, "What?" [He replied,] "Sir, I can't see your penis on the scan. What is this?" Then I said, "I'm a trans person. I'm a transgender person." [He said,] "Okay, okay, okay." So, the medical people are not aware.
>
> Suresh: So, they thought I was a guy, and then I take my shirt off and they can see my binder and the guy was like, "oh, you're a girl?!" … And he's so confused and I'm so confused. My mom just goes and calls the lady doctor and all that. That was a weird experience because it's like, how do you explain [to] people?.

Aakash and Suresh were put in the position of educating medical professionals who did not understand them despite treating them. These kinds of ignorant comments demonstrate how uneducated some healthcare professionals remain about how to speak to transgender patients. Doctors often display "shock"[28] upon learning patients are trans, asking questions like "*trans kya hota hai* [what is trans]?,"[29] "wow, how does this happen?," and "did someone *force* you to do this?"[30] These questions make it so participants have had to educate doctors about themselves in uncomfortable ways. Once, a

private doctor told Suresh, "'you don't look trans… you just want to be a tomboy" like he was "the first trans person they've ever seen." Once, after Divyang recounted his life story at length for a Gender Identity Disorder diagnosis, the doctor simply asked him, "why do you want become this?" (transl. Hindi). After hearing his answer, he then heard the doctor ask that same question to the next ten trans men, making Divyang feel "*ganda*": dirty, immoral, or impure.

This kind of questioning reveals systemic undereducation that demands trans people confront ignorance and take responsibility for educating doctors. As the interviewed doctor says, "we [doctors] didn't have any knowledge about the community when we entered this field… there is no specific point or topic for the LGBTQ community" in doctors' syllabi. This ignorance forces TM patients into situations of confusion, awkwardness, and frustration. As Divyang puts it, "you [the doctor] are providing healthcare, so you need to know everything… I can give you suggestions, but I am not the authority."

Always People See You as Suspicious: Stigma

While ignorance in the previous section covers more unknowingly hurtful behavior directed towards TM people in healthcare settings, outright stigmatization against transness and its perpetuation is quite common for interviewees. Rohit explains,

> Always, people see you as suspicious, like "*yeh toh ladki hai, ladke jaise kyun chal raha hai* [she is a girl, why is she walking like a boy]?" … *toh is type ki chiz hoti hain* [so these kinds of things happen] sometimes in healthcare centers, also. Doctors see you in the boy outfit, but when you speak your voice is very soft like a girl. And when you say your name or your gender, the doctor will be surprised and say something, like *"aap toh ladki ho, aap ladke jaise dikh rahe ho* [you are a girl, you look like a boy]." So, it sometimes feels a little bit uncomfortable and stigmatized…

Suresh agrees, asserting that when they find out you are trans, doctors' "whole outlook on you just changes… They treat you like

absolute garbage or they treat you like some alien,” and he explains that this discourages him “getting into the healthcare system.”

Many participants discuss this alienating gaze and treatment when talking about their experiences in healthcare systems. While visiting a public hospital after an accident, Karan experienced this alienation when he had to show the staff an ID displaying his deadname and female gender-marker. Hospital staff asked him “are you a girl or a boy?” (transl. Hindi), made him state his deadname out loud even though it was visible, and misgendered him. He moved on to the doctor:

> The doctor was an *educated* person, but he also saw me like this. My *case file* was there [listing me as feminine], so he gave me very weird looks. This was after I had been in an accident. He didn’t ask me anything, but he looked at me in a way that was very weird for me… I felt very awkward. He didn’t say anything to me, he just checked me like that [quickly]. [He] looked at my legs a little. He gave me a normal *checkup* and gave me something to take. After a minute he sent me outside. That’s why I don’t go to government hospitals (trans. Hindi).

This story highlights several layers of stigmatization. It showcases the pervasive nature of stigma in the medical system, where not just doctors but other medical staff who interact with patients can perpetuate it. The fact that he is required to show his legal sex and deadname for treatment underscores the systemic nature of this mistreatment, larger than doctors and nurses. Additionally, his half-hearted check-up suggests that this awkward, alienating feeling, even from an “educated” doctor, can hinder a trans patient’s care. Karan, like Suresh, has learned that he cannot feel safe at a public hospital even if he must save money for private.

Some participants discussed being mocked or discriminated against by providers. Aakash describes a moment when he heard two healthcare workers discussing his body: they said, “he’s a trans, he’s not a boy ... I felt very bad about that.” He shares his experience of being admitted to the female ward of a psychiatric institution for depression in 2020:

> I said that "I don't want to be here. Give me a separate room. I can't stay here." Then they say, "you are a female." Then I said that "I'm not a female, I'm a trans person, I am an intersex person." Then the doctor said that "he's having grandiose things. Admit him." Then they gave me sedation and I slept for five days…

This experience—providers gossiping about Aakash's body, diagnosing him with grandiose behavior, and sedating him for being trans—exemplifies the kind of stigmatization and mistrust that Rohit described. It is worth recalling that the IPS professed to de-pathologize trans identities in 2018, two years prior to Aakash's encounter. This contradiction reveals how systemic discrimination can contradict official guidelines because stigmatized sociocultural understandings of transness may lag behind policy. Aakash's further words echo through this study: "if I treat the people like how they treat me, I could have took a gun and shot everyone, but I decided to be a good person… every trans person in India goes through this. It's not my experience, it's the experience of everyone."

"Body Secrets" and Disclosure

Participants discuss the often intense obligation to reveal irrelevant details about their lives, bodies, and identities to doctors. These kinds of compulsory disclosure can be exhausting and are one of the most prevalent deterrents to care in interviews. Rishi has avoided the clinic altogether since their preferred doctor left because returning would mean "explaining [their] entire situation" again. They further explain:

> Each time I would have to go back and [say], "Okay, so when I was sixteen I got to know I was trans, when I was fourteen, I got to know I was queer ... Yeah, I am not a trans man, I am a non-binary trans-masc. person. What does that mean? Okay. It means that-" You feel like a robot...

Rishi's explanation reveals one risk of disclosing one's trans identity: the responsibility to educate the doctor due to ignorance. They assert that this obligation to teach uneducated healthcare

providers about their personal journey discourages them from seeking healthcare. Suresh avoids the public sector due to the same fear of having to explain their “life story” to everyone: “I'm not a celebrity. I'm just a little different.” He asserts, “they should know as medical professionals.” Aakash sticks to his one doctor because he’s “done with talking this shit to everyone I meet.” These stories reveal the pattern of societal demand for transgender people to disclose and memorialize their stories, contributing to how energy-draining healthcare can be. Aakash describes having to explain himself to doctors as “hell.”

Sometimes, doctors ask harmful and personal questions upon learning their patient is trans. Suresh prefers not to come out to doctors out of “safety, because then people will ask you questions, most of them are very invasive.” Revealing you are trans does not just mean explaining what that means and how you came to know this about yourself, but also telling doctors what Aakash terms your “body secrets” and losing needed “privacy.” Karan recounts one instance when doctors were asking, “how do you guys have *sex*, what do you do?,” and he thought, “my parents haven’t even asked me these questions” (transl. Hindi). These violating questions from someone supposedly administering care are even more invasive than what family might ask. Disclosure becomes as much about safety and privacy as it is about having the energy to educate, as it can lead to unnecessary personal questions about TM individuals’ lives and bodies. These questions can be exhausting, dehumanizing, and violate their right to privacy and respect.

As he grieved the passing of a loved one, Suresh’s public psychologist immediately outed him to his mother as trans. The psychologist’s first question upon finding out was, “Does your mom know?... Okay, let me talk to your mom.” This betrayal was “terrible, because it was from a doctor, a professional.” The fact that a “professional” did not understand his need for autonomy makes him feel worse. Other participants express similar fear of being outed by healthcare providers, especially community doctors with connections to their family.[31] Throughout these interviews, the pressure to disclose is a recurring difficulty to TM healthcare

access. Whether the response is shock, ignorance, and stigmatization as described in previous sections, or these kinds of personal and familial violations, disclosure of "body secrets," and demands for explanation, these experiences with doctors make participants wary of revealing their identity to doctors. Such hesitancy can be a barrier to general healthcare and cause negative feelings towards doctors. Through compelled disclosure, some TM participants must exchange dignity, privacy, and safety for basic medical care.

Reduction of Trans People

Interview responses reveal the Mumbai medical system's reductionist perception of transness. Some participants expressed feeling reduced to their body at the doctor. "They look at it in a sense of what genitalia you have, which is a very idiotic way of living."[32] Through this forced gendering based on biological sex, many faced difficulties from healthcare when they first developed secondary sexual characteristics. Suresh recounts the process of going to the doctor before and after developing a female chest:

> As a kid, going to the doctor was fine. I have a flat chest and all, so it doesn't really matter. As I started going through puberty, going to the doctor was becoming more exhausting and more like they're gonna look at me like [I am] a girl.

Suresh highlights the exhausting power of the clinical gaze[33] by focusing on how doctors "look at" him—medical perception is gendered and focused on his bodily changes. The clinic became a gendering space for Rishi when ze started menstruating at ten: "I had to be taken to the doctor, and suddenly everything changed. I was no longer a kid. Now I was a girl." In that moment, the gaze through which the doctor looked at Rishi gave them gender. The fact that the doctor's office was the site of such a huge change highlights the power of medical perception over TM patients. All of a sudden, these children were reduced to their bodies as they began to resemble the "female" category more and more. Even before they

realized they were trans, the clinic transformed from a relatively “gender neutral” space[34] to an exhausting gendering process. Thus, the medical perception of TM patients can reduce them to their body as determined by sex characteristics, erasing everything else.

The medical system also reduces participants’ trans identities by erasing trans-masculinity in favor of trans women. Rohit explains: “[doctors] don’t even know what a *trans man* is, they’ve never heard a word like this. Because when the word ‘*transgender’* is said, they think of *kinnar*” (trans. Hindi). Here, Rohit refers to Indian trans-feminine communities commonly known as *hijras* or *kinnar,* who, while culturally and historically celebrated, are now often marginalized and feared in Indian society. Rohit and others argue that in these medical settings, trans-masculinity is overshadowed by the cultural relevance of marginalized trans-feminine communities. This comes with stigma as well, as *kinnar* are associated with sex work; Suresh complains that if he discloses his transness to a doctor, they think he is “getting laid insane and stuff,” because “the only … representation of trans people is the trans [sex] workers on the streets.” In these situations, the medical system reduces transness to trans women, neglecting the needs and identities of TM people.

Rishi connects this difference in visibility between trans men and women with the gendering medical gaze reducing people to their bodies. They state that being a trans woman has “been more visible,” but as a trans man, “especially pre-op, [doctors] just see your feminine features and [will] be like, ‘you’re just a masculine girl.’” This relates the invisibility of trans men to the doctors reducing them to their body’s “feminine” features and not taking their identity as seriously as they might a trans woman’s. This invisibility was evident at the Sion hospital as well, as both interviewed counselors had difficulty understanding what the researcher meant by trans men even when clarified, instead defaulting to talking about trans women. If transness is only understood through a trans-feminine lens, then TM patients may continue to be misunderstood and reduced to their bodies.

Two participants identify on the non-binary spectrum, and both express frustration at the rigidity of the male-female binary within medical spheres. Suresh explains that even though being non-binary is "such an important aspect of my identity, I can't say it to doctors," because "they won't see the 'they,' they'll see the 'he.'" To avoid confusion when stating their pronouns, they "just say he/him out of convenience" because "[doctors] won't understand a trans non-binary person." The medical gaze seems not just to reduce transness to trans women, but also to binary trans people.

Interviewees express the exhaustion and frustration of their trans experiences being reduced or invalidated by doctors; they detail being reduced to their body, confused with trans-feminine communities, and forced to fit into the gender binary. Other intersectional identities come up in interviews, such as being Dalit (low-caste), intersex, fat, or neurodivergent. All these aspects of TM lives can affect their healthcare needs, but they are often neglected by providers, worsening their quality of care.[35] In these examples, healthcare practitioners ignore TM people's lives and beings and instead see one-dimensional bodies through a reductionist lens.

"Double Stigma": The AFAB Experience

Even as they describe feeling different from a very young age, being raised female is an important part of many participants' lives, as they face what Rohit describes as "double stigma:"

> If you're born as a girl, it's a stigma, because they [don't give] importance to girl children in India. And if you identify as a lesbian, bisexual, or trans-masculine person, it's a double stigma… [English switched to Hinglish] It's clear that India is a *male-dominated state*. Here, males *dominate* the *females* a lot. Most people only want a *boy child* in India… if a girl is born, they feel like that she must be taught to get married and many other things. If you *identify* as a *lesbian*, *bisexual woman, or trans man*, they think that is *western culture,* not Indian *culture*… They get [queer AFAB people] married *forcefully*, sometimes *rape*

> happens—so much stuff is done to them—*conversion therapy*, *other bad treatments*. They are *verbally* and *mentally tortured*, so there is a *double stigma*.

Rohit suggests that the experiences of trans men in India are inseparable from their positionality before coming out because they face stigma from multiple sides as AFAB people.

In healthcare, having female organs influences a TM person’s care; they can have gynecological and endocrinological issues which then can cause negative mental health side effects as well.[36] Rohit explains that those raised as women have less mobility, autonomy, and are more bound to familial duty. Some participants expressed fear that doctors with ties to their community might not protect the privacy of their patients and out them to their families, which matters more because they were socialized as women. Divyang explained why he did not come out to his family doctor: “I didn’t tell him anything. I was scared because he’s a *family doctor* and he knows my whole family, so what will happen if he tells them, and they don’t *accept* me?” (transl. Hindi).

Participants describe instances in healthcare settings where they faced discrimination and violation due to being AFAB. Karan shares a moment in Pune where he was “touched” by a doctor: “it was the first time where I felt like I was a girl,” which “doesn’t happen anymore because of my *looks*” (transl. Hindi). Karan associates his assault with being AFAB, as it was a distinctly female-gendered experience. His story reflects Rohit’s TM double stigma, as it manifested simultaneously as sexism and misgendering, trapping and disempowering him in a state of vulnerability. Suresh also discusses the misogyny AFAB trans people experience at the doctor, particularly in the public sector: “if you have a bigger chest, not a masculine chest, they’ll treat you completely like some alien. Like, not alien, but completely like a woman, I guess.” Suresh’s conflation of being treated like an alien and a woman reveals how Mumbai public healthcare alienates feminine-presenting people. Having a feminine higher voice can also lead to dismissal or disrespect.[37] These treatment discrepancies

would extend to cis women, adding to the shared experience between all AFAB people.

In avoiding this kind of treatment, TM people must persistently ask themselves which doctors are safe and often prefer female healthcare providers over males as they better "understand the experience."[38] Rishi explains, "over a man I would see a woman when it comes to a doctor. Because no matter how man I am, I have been a woman," a fact they usually do not share for fear of invalidation. Aakash recounts when his preference for female treatment at an Ayurvedic facility was invalidated:

> I said [to] them that I prefer a female to touch my body. I'm not comfortable with men touching my body. Then she said that "I can't see your boobs." Then I said that it's not about boobs. It's about my body… They said that "we don't do cross things. Females do for females, men do for men," then how will a trans person get that? So, for the Ayurvedic massage, we have to get naked. I haven't done any surgery, and I am not comfortable around men. I told them this thing, but they are not ready to accept. I had to take that treatment with man. I felt very discomfort when the procedure was going. I was lying down naked, and I was not feeling good. It was a very bad experience for me. So, I want to do further, but if I get female assistance only.

Having an AFAB body means that Aakash does not feel comfortable being treated by men, but this experience is not understood or accommodated, arguably amounting to some level of medical assault. This has discouraged him from returning for necessary treatment, suggesting that the medical systems' failure to understand AFAB trans experiences can prove a barrier to TM healthcare.

According to interviews, AFAB people also have less visibility within queer life and healthcare, and many participants prefer to be around AFAB people with shared experiences.[39] Both public hospital counselors interviewed had not worked with openly TM people despite asserting that they would need the provided services. One supposes "they are scared to discuss *sexual issues*

with government doctors due to *shame*” (transl. Hindi).[40] The combination of AFAB double stigma, unsafety, and invisibility leads to unique negotiations TM people must make in healthcare settings.

Navigating Medical Spaces

Having discussed the barriers they face accessing healthcare—ignorance, stigma, the reduction of their transness, and AFAB double stigma—TM participants share their strategies for navigating medical spaces, what might discourage or encourage them from seeking help, and levels of disclosure with which they feel comfortable. Often, navigating medical systems means discovering if a doctor is “trans-friendly or not.”[41] Chandra (he/him, 36) starts “with a little information and [sees] how they respond” (trans. Hindi) before disclosing anything else. Some participants handle these general healthcare systems by avoiding disclosure entirely, revealing “as less as possible” about themselves.[42] This often means deciding to be understood as a girl out of safety. Rishi explains,

> If you are, anyway, going to gender my experiences as female, then you may as well do that assuming that I'm female. I don't want you to already know that I'm not a woman and still know that you're still misgendering. I'd be much happier if you're ignorant and doing it than knowing about it and purposefully.

Others pass as cisgender men. “I can't explain these things to all [in public healthcare] … I will act more masculine so that they will not get confused,” says Aakash, echoed by others. These strategies demonstrate the complex dynamics at play in participants’ general interactions with healthcare and the sacrifices they must make to seek it. TM patients in this context would seem not to assume safety going into a visit, instead prepared to fit in as best they can. Passing as cisgender is worth any emotional or mental effort for the sake of comfortable access to care.

Rishi prefers to consult an online "repository of doctors all around India, gynacs especially, and if they are safe… and there is a specific question in [the repository]: will they be friendly to trans people?" The need for this repository suggests the general lack of accessible trans-friendly healthcare available in India. Aakash says that now he has found trans-friendly doctors who know him, he has become "fixed to these doctors" and he goes to them for everything. The risk of trying new doctors is not worth it. There are also safe clinics people prefer, such as the one transgender clinic in Mumbai where everyone is sensitized and the Humsafar Trust's clinic.[43] There exists this kind of constant negotiation, trying to see how doctors respond, having to decide at any given moment how to act, how to reduce who you are.

Accessibility

Patterns emerge regarding the multifaceted healthcare systems in Mumbai specifically, including the relatively strong presence of accessible support organizations. Rohit explains, in Mumbai, "there are people who know where they want to go and approach [for healthcare] because there are a few support group teams" and "some organizations working for the community." Participants know of and mention utilizing services at organizations and facilities such as the Humsafar Trust, the Tweet Foundation, Gaysi, and the MITR transgender clinic.[44] This contrasts more rural areas where stigma overshadows any existing community, and "most doctors and psychiatrists on the rural side always support the family, not the person."[45] Mumbai's metropolitanism, history of LGBTQ+ advocacy, and size provide TM people more autonomy from their families, access to healthcare rights, and more knowledge.

Nevertheless, financial barriers still impede TM healthcare in Mumbai. With double stigmatization and discrimination, many TM people are already forced into a low socio-economic status, which can then worsen their health. Rohit explains how this cycle occurs:

> People know that they should be *physically fit*, but what happens is, if you don't have *acceptance* at home then you are forced to leave. If you are leaving home then your *education* will not be *complete*. You don't have a *proper job*, so you can't *earn* very much … So how well you will eat depends on if you are earning money (transl. Hindi).

This monetary concern often manifests in the difference between public and private. Anyone can access affordable healthcare through public government facilities, but many do not feel understood or respected there. While some TM participants have had negative experiences in private healthcare settings—Karan says, "private sector people can also be very, very weird" (transl. Hindi)—and great experiences in public,[46], many still discuss the benefits of saving up for the expensive private sector. Karan explains,

> In the *government* sector, like Sion, there are many problems. They treat you like they know everything. They will ask, "why do you have to do this? Why do you have to do all these *kharaab* [bad] things?" (transl. Hindi).

On a more infrastructural level, Aakash criticizes the alienating, overcrowded, and gender-segregated nature of public hospitals, which means TM people "will not be able to stand in the queue because of bullying." Even as TM people are in a higher need of private healthcare for trans-friendly treatment, they also are at higher risk for poverty. They may not be able to afford private healthcare due to marginalization and discrimination. "My opinion is to go only to *private*, take a little time, save money, and go. Our government does not understand," suggests Karan (transl. Hindi), but some health seekers may not have the time or money to go private.

In Mumbai, accessing healthcare also requires Hindi proficiency. Aakash was raised in Kerala with Malayalam; he shares his experience with Mumbai's language barrier: "I don't have language … I know a little bit of Hindi only; I can't go to the doctor." Especially as Aakash and others describe having to explain who they are and what that means to doctors so often, struggling to communicate would further hinder their understanding. These

findings suggest that making healthcare more inclusive of trans-masculinity also means making it financially and linguistically accessible, as well as improving overall trans opportunities.

Respect and Sensitization

Participants were asked to share times when they felt respected in healthcare and what could improve their care. For some, respect is as simple as normal treatment and correct gendering.[47] Rishi explains, "I won't get offended over a healthcare provider trying." Instead, ze classifies respectfulness based on "willingness to listen," a willingness to change one's perspective, and a willingness to ignore the "other stuff" that does not align with a patient's gender expression. Rishi also felt respected when "[their doctor] was telling me about how all of this [discomfort] is majorly routing from my gender dysphoria," suggesting that competent healthcare means knowing how gender dysphoria manifests—knowing about trans experiences.

Respect means not asking unnecessary questions. Aakash sees one doctor whom he loves because "she don't go deeper into me like that." This sentiment is echoed by the interviewed queer-friendly doctor, who speaks about the importance of consensual self-disclosure: "we do not ask them or force them to explain their identity… while doing treatment, I am taking consent from them that, 'if you are ready to tell me about your health then I will treat you better.'" Her focus remains on health, rather than gender, even as she acknowledges the relevancy of the person's context for their treatment. She also emphasizes giving patients the autonomy to reveal how much they feel comfortable with, showing them humanizing respect. This is a sentiment shared by many participants as they discuss respectful interactions with healthcare providers.

Everyone interviewed mentioned the importance of sensitization in both private and public to improve healthcare for TM people. Rohit emphasizes human acceptance over law:

> So many *laws* have been made by now, but not everybody needs to *follow* them. How we *treat* someone *as a human* is

> more important. So, it would be better if there were more *sensitization* on a *personal level* (transl. Hindi).

Underneath all these real systemic barriers, Rohit highlights the personal aspect of TM people’s interactions with the medical system—sensitization means treating trans patients like people. He explains that sensitization means understanding who one is treating, what their culture is, and how to treat them equally, but most trans healthcare is lacking such understanding.

The doctor interviewed explains that through sensitization, they learn about how trans people are “discriminated from society, so if I pronounce [misgender] them wrongly, that feels bad to them.” This small amount of understanding of Mumbai trans life teaches the doctor why pronouns are important and how misgendering perpetuates societal discrimination. Sensitization programs occur in some medical settings but not all, according to the interviewed doctor. For her and several TM participants, society and culture are becoming more inclusive with the help of these trainings, but more is needed. Indeed, counselors interviewed at the public Sion hospital told the researcher trainings would be helpful for treating trans patients so providers can understand their lives better. Sensitization means understanding trans identities, life, and discrimination to treat them with respect and humanizing understanding.

“I am my Own Therapist”: Resilience

Due to the inaccessibility of mental health resources and the heavy stigma TM people face in Mumbai, participants often describe alternative methods for mental health support and getting through medical obstacles. Ending with coping methods highlights their agency and personhood, as they have found ways to remain resilient through traumatic and demoralizing experiences. When asked about how they navigate and cope with difficulties, several TM participants described the families they have found, especially with trans men and AFAB queer people. Those whose families do not understand them or have taken a while to accept them have

demonstrated an incredible ability to manifest home and community for themselves.

Others find strength in personal ways: Divyang explains, "I sit alone and I talk to the moon… my soul, my mind is very relaxed." He explains, "I can manage myself; I can make a *solution* for myself. I am capable of that. So, I will do that first. If I can't, then I go to *other people* to *talk* about it" (transl. Hindi). Aakash states: "I am my own therapist. Whenever I feel bad or I get treated bad, I'll make some art." The communal and personal resiliency strategies that participants discuss remind us of their strength without taking away from the struggles they face.

Conclusion

While this study cannot fully represent the experiences of TM Mumbai residents, findings reveal understudied barriers to their healthcare access, which are particularly prevalent in public health settings. Firstly, TM people in Mumbai can face increased health risks, including the stress of stigma and dysphoria, the lack of access to safe and affirming physical activity, and the physical side effects of transition care. Due to these health factors, it is concerning that TM Mumbai residents would feel unsafe or unwelcome in medical spaces. Participants express disappointment and outrage at the ignorance, stigma, and reductive perceptions they face, such that they must weigh the risks of disclosure (i.e. the responsibility to educate, answer invasive questions, mistreatment, and violation) against their right to comprehensive treatment. Many said they had never been asked these interview questions before, perhaps accounting for the shock that echoes through their words at having to make such difficult negotiations. Female socialization magnifies TM discrimination and immobility as well, causing many TM patients to seek treatment from female providers and find community primarily with other AFAB people. All of these struggles often manifest more strongly in public healthcare settings, meaning that for the majority without the money to pay for private, good, trans-friendly healthcare remains inaccessible. The systemic

disenfranchisement of trans people combined with the impossibly complex context of socio-economic inequality in India means good public healthcare must be trans-competent.

In navigating these exclusive and harmful spaces, participants share a variety of strategies, such as acting more feminine or masculine, hiding parts of themselves, and sticking to the trans-friendly doctors they can find. They assert that healthcare professionals need more sensitization and understanding about trans experiences. Despite the lack of available support, they exhibit resilience by building community and finding comfort individually.

It can be extrapolated from these findings that the major problems of ignorance, stigma, reduction, AFAB marginalization, and unaffordability impact the accessibility of general healthcare for TM residents of Mumbai. Within trans healthcare studies in India, there is a draught of information about TM needs and barriers. While limited in length and scope, this study provides much-needed data about the Mumbai TM population’s healthcare experiences, which have yet to be adequately studied or addressed. These results corroborate broader studies about TM health obstacles such as stigma and inaccessibility,[48] while providing context and experiences specific to the socio-cultural and economic setting of Mumbai. This study works towards the visibility of trans men within LGBTQ+ research and contributes to bodies of knowledge in trans studies, medical anthropology, and public health in India. Data about the need for respect and sensitization in the medical sphere, as provided by participants, can help strengthen intervention initiatives for improving trans health and liberation.

Limitations and Further Study

Due to this study’s limited duration and resources, the scope of its results is also limited. Although further empirical applications can be extrapolated, this paper only consults the opinions of eleven people from Mumbai. Additionally, the interviewer’s limited Hindi skills and inexperience with Marathi meant data may have been lost

in translation, or interviews may not have flowed as well as possible.

Future studies should expand the length and scope of this research to analyze results with a larger sample size more indicative of the needs of the full TM community in Mumbai. A more scoping review of TM routine healthcare in India would also be a welcome addition to trans healthcare scholarship, allowing for better comparisons of regional specificities in trans healthcare across the country and the world. Additionally, research needs to be done into the successful implementation of intervention strategies proposed here—particularly TM sensitization—and how to maximize their effectiveness. In all, the researcher encourages any and all respectful research done for the TM community in India and across the world. It is essential for our needs to be met and for our community to find its voice.

Notes

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3. The Transgender Persons (Protection of Rights) Act, No. 40 (2019).

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6. Yadavendra Singh et al., “Gender Transition Services for Hijras and Other Male-to-Female Transgender People in India: Availability and Barriers to Access and Use,” *International Journal of Transgenderism*, vol. 15, no. 1 (2014): 1-15, https://doi.org/10.1080/15532739.2014.890559.

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8. Shamayeta Bhattacharya and Ghosh, Debarchana, “MAHI: a multidimensional access to healthcare index for hijra, kothi, and transgender individuals,” *International Journal of Transgender Health* (2024): https://doi.org/10.1080/26895269.2023.2301306.

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11. Venkatesan Chakrapani et al., "Affirming and negotiating gender in family and social spaces: Stigma, mental health and resilience among transmasculine people in India," *Culture, Health & Sexuality* vol. 24, no. 7 (2021): 951-967, https://doi.org/10.1080/13691058.2021.1901991.

12. Our Health Matters team, "Our Health Matters: Indian Trans Men and Transmasculine Health Study;" and Venkatesan Chakrapani et al., "Access to transition-related health care among transmasculine people in India: A mixed-methods investigation," *PLOS Global Public Health,* vol. 4, no. 10 (2024): https://doi.org/10.1371/journal.pgph.0003506.

13. Ayden Scheim et al., "Health of transgender men in low-income and middle-income countries: a scoping review."

14. Chakrapani et al. (2023); *Our Health Matters* (2023); Raghuram et al. (2024); Scheim et al. (2020).

15. For this study, the researcher purposely does not focus on how trans participants define themselves or ask them to articulate their gender identities for larger audiences. Terminology such as "non-binary trans man" were volunteered by the participants who used them, but not explained due to their irrelevancy to the subject at hand, which is healthcare. Regardless of their gender identity label, all interviewees here self-identified as trans-masculine.

16. Suresh, interview with the author, April 16, 2024.

17. Karan (translated from Hindi), interview with the author, April 23, 2024.

18. Ayden Scheim et al., "Health of transgender men in low-income and middle-income countries: a scoping review."

19. Venkatesan Chakrapani et al., "Affirming and negotiating gender in family and social spaces: Stigma, mental health and resilience among transmasculine people in India."

20. In translated quotations, italics indicate words retained from the original, untranslated. These moments have important implications for the queer expressivity of both languages in the global postcolonial setting. Due to the natural hybridity of Mumbai Hindi and its native incorporation of many English words, notation is determined at the researcher's discretion.

21. R. B. Santos et al., "Gender-Affirming Hormone Therapy: Physical and Sociopsychological Effects, Impact and Satisfaction," *Cureus* vol. 15, no. 3 (2023): https://doi.org/10.7759/cureus.36484.

22. Karan 2024.

23. Louis Lindley and Galupo, M. Paz, “Gender Dysphoria and Minority Stress: Support for Inclusion of Gender Dysphoria as a Proximal Stressor,” *Psychology of Sexual Orientation and Gender Diversity* vol. 7, no. 3 (2020): https://doi.org/10.1037/sgd0000439.

24. Karen I. Fredriksen-Goldsen et al., “Physical and Mental Health of Transgender Older Adults: An At-Risk and Underserved Population,” *The Gerontologist* vol. 54, no. 3 (2014): https://doi.org/10.1093/geront/gnt021.

25. Rishi 2024; Suresh 2024.

26. B. A. Jarrett et al., “Chest Binding and Care Seeking Among Transmasculine Adults: A Cross-Sectional Study,” *Transgender health* vol 3, no. 1 (2018): https://doi.org/10.1089/trgh.2018.0017.

27. Kristie L. Seelman et al., “Transgender Noninclusive Healthcare and Delaying Care Because of Fear: Connections to General Health and Mental Health Among Transgender Adults.” *Transgender Health* vol. 2 (2017): 117-28, https://doi.org/10.1089/trgh.2016.0024.

28. Rohit (translated from Hinglish), interview with the author, April 9, 2024.

29. Karan 2024, translated.

30. Chandra (translated from Hindi), interview with the author, April 9, 2024.

31. Divyang (translated from Hindi), interview with the author, April 9, 2024.

32. Suresh 2024.

33. Here the researcher invokes the Foucauldian medical gaze as discussed in *The Birth of the Clinic*, in which Foucault demonstrates the power of a kind of clinical “gaze” over patients. Through this gaze, the medical practitioner, in an attempt to understand and order someone’s medical existence, “must subtract the individual, with his particular qualities” and the disease becomes only what exists on “the plane of visible manifestations.” The medical gaze reduces a patient to a disease, and creates that disease such that its identification depends on physical, bodily similarities to others. The patient as an individual, their life, and social conditions, all lose value to the gaze in favor of spaces on their body. This reducing gaze rings true for the examples raised in this section wherein trans patients are reduced to sites on their body, specifically their genitalia, and ordered as such. (Michel Foucault, “Spaces and Classes,” *The Birth of The Clinic* (Tavistock, 1973)).

34. Rishi 2024.

35. Aakash 2024; Rishi 2024; Suresh 2024.

36. Medical doctor, interview with the author, April 17, 2024.

37. Suresh 2024.

38. Rohit 2024; Suresh 2024.

39. Suresh 2024; Rishi 2024; Aakash 2024; Rohit 2024.

40. Counselor 1 (translated from Hindi), interview with the author, April 23, 2024.

41. Suresh 2024.

42. Rohit 2024.

43. Pravin (translated from Hindi), interview with the author, April 9, 2024.

44. Aakash, Rohit, Pravin, and Karan, 2024.

45. Rohit 2024.

46. Rishi 2024.

47. Suresh and Karan, 2024.

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Sacrifice and Silence: Neoliberalism, Right-Wing Populism, and the Repression of Pro-Palestinian Student Movements at the University of Alberta

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ABSTRACT: This paper explores the intersection of neoliberalism and right-wing populism in the repression of pro-Palestinian student activism at universities, with a focus on the University of Alberta. Since October 2023, students across Canada have mobilized to demand their universities divest from companies complicit in the genocide of Palestinians, disclose financial holdings, defend the right to protest, and condemn the genocide. In response, university administrations, influenced by neoliberal policies and right-wing populist ideologies, have increasingly securitized campuses and relied on police violence to silence dissent. By framing peaceful activism as a threat, institutions sacrifice students' democratic rights to protect economic interests. This paper explores how the United Conservative Party (UCP) government has influenced the suppression of pro-Palestinian student activism by promoting a right-wing populist narrative that Others pro-Palestinian students and alienates them from the greater campus community. Additionally, this paper criticizes the role of Equity, Diversity, and Inclusion (EDI) initiatives for failing to support genuine systemic change. Ultimately, universities have become complicit in upholding oppressive structures, where dissent is criminalized to protect the neoliberal order.

KEYWORDS: neoliberalism, right-wing populism, EDI, social justice, student movements, Palestine

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The rise of right-wing populism and the influence of neoliberal policies at universities across Canada have led to the increasing suppression of student activism, particularly regarding student movements in solidarity with Palestine. Since October 2023, Israel intensified its genocide against Palestinians in an effort to expand the apartheid state, military occupation, and settler colonial project.[1] In response, student-led movements around the world have mobilized to call upon their universities to meet several demands. The Students for Justice in Palestine's (SJP) collective demands for the University of Alberta are to disclose financial practices and holdings, divest from companies complicit in the genocide of Palestinians, defend the right to protest, and condemn the ongoing genocide in Palestine.[2] However, calls for these demands are met with significant institutional resistance, repression, and police violence. At the University of Alberta specifically, President Bill Flanagan and senior administration authorized Edmonton Police Services (EPS) to violently raid the student encampment within days of its establishment, resulting in mental and physical injuries to protestors and a deepened sense of alienation from the greater University community.

This paper argues that the rise of right-wing populism in Alberta and the influence of neoliberal policies intersect to sustain the suppression of student movements in solidarity with Palestine. This intersection uses the neoliberal tradition of framing peaceful dissent as violent and threatening, rendering students as 'sacrificial citizens' who must forfeit their rights and pursuit of justice for the economic interests of the institution.[3] Moreover, this paper explores this dynamic and its influence on transforming universities into spaces where dissent is not only discouraged but actively silenced and met with state-sanctioned violence. In doing so, this paper will highlight failures of neoliberal policies, such as Equity, Diversity, and Inclusion (EDI), in addressing and eradicating systems of oppression that perpetuate right-wing ideologies and uphold neoliberal agendas. EDI policies at the University of Alberta serve to create and maintain a facade of progressive inclusionary policy while actively criminalizing social justice movements and non-violent dissent,

failing to support the very systemic change it claims to foster. Ultimately, this analysis seeks to demonstrate how student activists at the University of Alberta are not only advocating for global justice, but also challenging the very same oppressive foundations of neoliberalism and right-wing populism within academic institutions and the greater province.

Right-Wing Populism in Alberta: Reframing Palestinian Activism as a Threat

Alberta's political climate, particularly under the United Conservative Party (UCP) government, is witnessing a growing alignment with right-wing populist narratives. Drawing on Freire's concept of oppression which dehumanizes the oppressed by denying their agency and reducing them to objects within systems of control, these narratives vilify marginalized communities and dissenting voices to consolidate power and deflect attention from the failures of neoliberal policies. [4] Central to these narratives is the entrenchment of whiteness as an invisible norm, which reinforces systemic inequities and sustains the marginalization of racialized and Indigenous communities. Right-wing populism often divides society into two opposing groups: the 'pure people,' portrayed as the white, morally righteous, hard-working, and tax-paying, and the 'corrupt elite,' often represented by marginalized communities such as immigrants, racial minorities, and activists, who supposedly corrupt the values of the 'pure.'[5]

This exclusionary and overtly racist framework scapegoats marginalized communities for societal problems, reflecting on what Shildrick describes as the neoliberal tendency to regulate and marginalize bodies deemed excessive or non-normative, reinforcing economic and social hierarchies through interconnected systems of exclusion. [6] Rather than addressing systemic failures such as job losses, stagnant wages, and the high cost of living, this framework shifts the blame onto continually oppressed populations, reinforcing exclusion and inequality. By framing these communities as a threat to moral and economic stability, right-wing populism creates a

justification for repressive measures. This ensures that structural inequities perpetuated by neoliberalism remain unchallenged.

The division between two opposing groups can be extended to social justice movements in response to the growing right-wing populist movements in Alberta. On one hand, the Coutts border blockade attempted to disrupt economic activity between Canada and the United States in an act of protest against COVID-19 restrictions and vaccine mandates. At the time, RCMP officers arrested 13 people for crimes ranging from possession of weapons, including guns and a machete, to conspiracy to commit murder of police officers.[7] Concerningly, despite the violent nature of this form of protest, Alberta's UCP Premier Danielle Smith framed it as a "win" because it achieved its intended goal of weakening COVID mandates, aligning with the right-wing populist ideals that glorify defiance against authority by the 'pure' as a legitimate characterization of freedom and democracy, even when such actions involve public endangerment.[8] This rhetoric is consistent with Premier Smith's troubling pattern of controversial comparisons, such as her widely criticized views of equating the perceived oppression of anti-vaxxers to the persecution of Jewish people during the Holocaust, a comment that rightfully garnered backlash for trivializing historical oppressions and genocides to bolster populist agendas.[9]

On the other hand, the University of Alberta administration villainized the People's University for Palestine solidarity encampment, established on the quad, as the 'violent Other.' University administration played a key role in the Othering of organizing efforts by student collectives through media statements that fueled anti-Muslim, anti-Arab, and anti-Palestinian sentiments, framing the collective as inherently 'dangerous, 'violent,' and in need of the police services to ensure campus safety.[10] Similarly, the UCP government who supported the violent anti-mandate protests were swift to delegitimize this student collective. Following University of Calgary's decision to call in the police to violently dismantle their student encampment, Premier Smith stated that she would "watch and see" what the University of Alberta learns from

the police response in Calgary, implying her approval of police violence against peaceful protestors.[11] Furthermore, MP Michael Cooper, notorious for his Islamophobic remarks—including reading a white supremacist's manifesto in parliamentary hearings and referring to Muslims as "goat herder cultures" when discussing Muslims within Canadian democracy—quickly labeled the activities of SJP as "antisemitic" and suggested the students were organizing "pro-Hamas rallies," further inciting anti-Muslim and anti-Palestinian bigotry, fear, and stigmatizing the movement by implying a trend of radicalization on University campus.[12][13]

In the context of pro-Palestinian organizing, the rhetoric of Othering the group against the status quo from our provincial government and university administration mirrors what Steinberg describes as the "political weaponization of antisemitism," where false accusations are used to silence legitimate criticism of Israel and intimidate activists.[14] While Steinberg acknowledges that antisemitism is a real and dangerous phenomenon, particularly from alt-right and white-supremacist groups, he emphasizes that fabricated charges of antisemitism detract from addressing the actual problem of antisemitism.[15] By condemning pro-Palestinian activism as 'antisemitic,' political and University leaders not only silence peaceful dissent but are also inactive in their efforts to address legitimate concerns of antisemitism. Labelling pro-Palestinian students as inherently violent or aligned with terrorism enables politicians, including Premier Smith and MP Cooper, to shift public sentiments against the movement and justify harsh police responses. Similarly, Hashlamon's (2022) concept of 'rhetorical debility' highlights how institutional subjugation suppresses the rhetorical practices of marginalized groups, including pro-Palestinian activists, by delegitimizing their protests and framing them as threatening, while privileging expressions that conform to neoliberal ideals of respectability, whiteness, and safety.[16] In the pro-Israel lexicon, 'terrorist' and 'Palestinian' have become virtually synonymous; these accusations are a feature of what is now recognized as "anti-Palestinian racism," a tool used to silence legitimate criticism of Israel and delegitimize Palestinian

solidarity movements.[17] Haggart argues that this tactic to censor political opponents by labeling them as 'antisemites' represents a "McCarthyist impulse," a practice he condemns as fundamentally anti-democratic.[18] While often idealized as being about equality and freedom for all, democracy within neoliberal frameworks is shaped by the economization of its principles, distorting these ideals and reducing freedom to merely an economic concept.[19] This political strategy ultimately renders pro-Palestinian students as 'sacrificial citizens,' forced to bear the brunt of the University's broader neoliberal project, where maintaining institutional stability and economic interests take precedence over protecting the rights and democratic freedoms of students.

Neoliberal Universities & Securitization

In the context of neoliberal universities, students increasingly risk unwillingly becoming "sacrificial citizens," a term Brown uses to describe individuals whose rights and interests are sacrificed to maintain institutional stability and economic priorities.[20] Endowments, investments, and partnerships with major corporations are becoming more prevalent in higher education, reflecting the increasing corporatization and neoliberal orientation of universities; these private interests in education have corrupted a variety of social justice goals, shifting the focus from equitable access and community engagement to profit-driven agendas and market viability.[21] Therefore, instead of recognizing students who demand divestment as legitimate political actors engaged in social justice movements, they are viewed and sacrificed as expendable when their activism threatens the university's neoliberal project. The university administration's rhetoric further reinforces this Othering of the SJP collective, framing their efforts as disruptive and detrimental to the campus community. By categorizing these students as 'outsiders' or 'unlawful,' the university effectively strips them of their agency and legitimacy.[22]

Through these processes, neoliberalism naturally conflicts with the goals of anti-colonial social justice movements.

Neoliberalism adopts securitization practices as a tool to confine social justice movements, framing them as threats to institutional stability and public order. In the case of the University of Alberta's decision to clear the pro-Palestinian encampment, students were accused of being in "violation under the *Trespass to Premises Act*," a common neoliberal tactic to enforce boundaries and restrict dissent.[23] Trespass laws and the notion of private property are used as a complete justification to repress any sort of criticism of university actions, reflecting broader neoliberal logics, where securitization practices—such as the use of police, surveillance, and physical barriers—are deployed to maintain control over private spaces and suppress activism. The selective enforcement of "the private from the public, the protected from the open, the familiar from the strange, the owned from the common" highlights the tyrannical and fascist nature of right-wing attacks on social justice movements.[24] These tactics delegitimize movements that challenge the neoliberal order, reinforcing arbitrary definitions of what qualifies as social justice or legitimate freedom of expression and what does not, exemplified in the contrasting responses from the UCP regarding the Coutts blockade and the pro-Palestinian encampments within the province. This selective application of public and private property adheres to right-wing populist narratives, casting legitimate demands for justice by non-right political actors as threats to authority. By criminalizing peaceful protestors as trespassers, the university leveraged these securitization tactics to delegitimize social justice activism and reinforce the neoliberal order, where economic and institutional interests are prioritized over democratic engagement and public dissent. In criminalizing peaceful protestors as trespassers, the University of Alberta utilized these tactics to undermine social justice activism that directly threatens the foundations of the university as a neoliberal institution.

EDI – Diversity Without Justice

Neoliberal policies, such as Equity, Diversity, and Inclusion, often serve to reinforce the settler-colonial, white status quo rather than promote genuine systemic change. Instead of addressing the underlying issues of inequity and repression, EDI measures frequently operate as neoliberal tools, creating a facade of progressiveness while maintaining the very structures that suppress dissent and activism. As a result, these initiatives obscure the realities of inequality and allow institutions to present themselves as socially, morally, and ethically responsible without enacting meaningful change. The University of Alberta's *Strategic Plan for Equity, Diversity, and Inclusivity* acknowledges that the eight guiding principles, including human rights and respect for reconciliation with Indigenous Peoples, are "more fundamental than institutional policies." (CITE) While these guiding principles project an image of progressive change and inclusion, the institution's actions often contradict these ideals, exposing the dissonance between its stated goals and practices.

Coon & Parker (2021) argue that such policies rebrand past practices of legalized segregation and exclusion as corporatist logistics of race and racism in higher education.[25] Universities and other neoliberal institutions will participate in what Coon and Parker (2021) describe as racial capitalism and performative non-performativity, where surface-level efforts of diversity and inclusion, especially in marketing practices, serve to highlight as evidence for structural change; whereas, their actions argue the counter.[26] Universities often discuss structural race in relation to access and enrolment for BIPOC students, staff, and faculty, framing this as a 'solution' to structural inequities. This new racism within neoliberalism, which focuses on superficial inclusion, is dangerous as it ignores race as a factor and promotes this idea that we are already living in a post-racial society.[27] Institutions, like the university, will engage in diversity work to present an image of racial inclusion and structural change; however, Sara Ahmed argues that diversity within the constraints of such frameworks and institutions becomes more about "changing perceptions of whiteness rather than changing the whiteness of organizations."[28] The

University's Strategic Plan for EDI outlines five themes, including a focus on "workforce" where the university not only commits to EDI in recruitment and retention but also preparing "faculty and staff… to contribute to equity and inclusivity." (CITE) While this theme positions staff as central to advancing EDI, it also raises concerns with faculty and staff, particularly those from equity-seeking groups, being burdened with performing the diversity work of the institution, further perpetuating the very inequities EDI claims to address. Thus, enacting racial inclusion as the primary indicator of structural change not only reinforces institutional whiteness but, as Ahmed argues, turns inclusion itself into a mechanism that upholds exclusion by ignoring deeper systemic inequalities.[29] EDI frameworks embedded in institutions ultimately have been revamped as market-friendly concepts, steering them away from potential tools for social justice and structural changes to mere branding strategies.

For example, a photo of Frank Page, the Manager of the Threat Assessment Program for the University of Alberta Protective Services (UAPS), epitomizes how revolutionary theories and movements can be reduced to mere symbols when co-opted by neoliberal institutions. The image depicts Frank Page the morning of the dissolution of the encampment, in uniform and wearing a Pride flag pin, while actively directing violent police responses against BIPOC and gender-diverse protestors (SJP, n.d). Jasbir Puar's concept of homonationalism highlights how symbols of 2SLGBTQ+ inclusion, such as the Pride flag, are mobilized within settler colonial and neoliberal frameworks to reinforce state authority and obscure oppressive practices.[30] Moreover, Puar critiques the practice of pinkwashing, where representations of queer rights are used to project a progressive image while simultaneously enabling or justifying systemic violence and oppression, particularly against racialized and Muslim communities.[31] In the context of Israel, pinkwashing not only serves to legitimize the settler entity by justifying the ongoing settler colonial occupation and genocide against Palestinians but also gains validation through the global normalization of homonationalist

practices, which frame 2SLGBTQ+ inclusion as evidence of progressive values while obscuring systemic violence.[32] As a result, it is important to note that EDI initiatives, while ostensibly promoting inclusivity, can encounter resistance framed as a defense against perceived dangers to the status quo. The heightened visibility of marketable symbols like the Pride flag, intended to promote support and safety for 2SLGBTQ+ rights, can paradoxically be perceived as a threat by those who view such representations as challenging established gender norms.

The concept of the new racism within neoliberalism not only promotes the notion of a post-racial society but also complicates the role of Equity, Diversity, and Inclusion initiatives in holding institutions accountable. In an attempt to portray a progressive, decolonial image, the University has also outlined a 5-year Indigenous Strategic Plan that "hopes to break down some of those colonial barriers" that we see within the University institution.[33] However, the Indigenous Graduate Students' Association (IGSA) condemned the University's actions as performative, criticizing its superficial approach to decolonization and Indigenization, especially in the context of its hypocritical, brutal response to the encampment, which IGSA argued to be in defense of settler colonialism.[34] Additionally, two Métis PhD students resigned following the violent police sweep of the anti-genocide protest camp, stating in their open letter that if the University intends to suppress calls for divestment through police violence, "then [they] have no choice but to cease to provide [the University] with [their] money or [their] labour to invest."[35] Furthermore, student collectives that the University continually incorporates into its branding strategies of inclusion, such as the Black Students' Association (BSA), the Muslim Students' Association (MSA), and the Indigenous Students Union (ISU), to name a few, have further evidenced this trend through public backlash. These collectives took to posting open letters on their respective social media accounts to condemn the University's response to protests against settler colonialism, criticize the use of police violence to dismantle the encampment, and/or echo the calls

for the resignation of the President, Bill Flanagan.[36] [37] [38] EDI initiatives do not merely fail to hold institutions accountable for reinforcing oppressive systems; they actively foster and internalize these measures within their policies, perpetuating cycles of inequality and exclusion, ironically enough. A report by Independent Jewish Voices Canada on the suppression of pro-Palestinian speech in Canada found that EDI initiatives frequently included antisemitism training that "depicted Palestinians, their campaigns, and/or criticism of Israel as antisemitic."[39] This not only reflects a troubling alignment with right-wing narratives but also highlights how policies designed to promote inclusivity can inadvertently perpetuate the racial connotations that drive the political weaponization of antisemitism, in the context of Palestinian organizing on campuses.

Conclusion

The intersection of right-wing populism and neoliberal policies at the University of Alberta enable and encourage the suppression of pro-Palestinian movements, by framing protests and dissent as inherently violent and a threat to institutional stability – or, the institution's neoliberal branding and right-wing pandering. By rendering student activists as 'sacrificial citizens,' these policies force student collectives to forfeit their rights and voices in the name of economic interests, effectively silencing calls for justice and equity. Furthermore, the use of securitization—such as police responses and the enforcement of trespass laws—reinforces a culture of fear that deliberately stifles dissent. These measures not only control public spaces but also deter future activism, ultimately maintaining the status quo while undermining the fundamental principles of democratic engagement and social justice. Reflecting on the larger landscape of Albertan politics, the contrasting responses to the violent Coutts blockade—which received approval from the UCP government as a legitimate expression of dissent—highlights disparity to the violent suppression and condemnation faced by the pro-Palestinian collective on campus. This discrepancy

highlights the hypocrisy in how social movements receive political reactions based on their alignment with the prevailing right-wing populist narrative.

Similarly, EDI initiatives at the University of Alberta reinforce existing power structures, rather than challenge them. While these policies are ostensibly designed to promote inclusivity and address systemic inequalities, they operate as neoliberal tools that foster the roots of oppression. By co-opting revolutionary theories and frameworks within the neoliberal institutions, EDI policies create a façade of progressiveness while failing to hold institutions accountable for their roles in perpetuating violence and inequality. This is evident in the performative nature of branding efforts that highlight marketable symbols without enacting systemic change. The responses from various student groups—such as the Black Students' Association, the Muslim Students' Association, and the Indigenous Graduate Students' Association—further highlight the limitations of EDI initiatives, as these student collectives condemned the University's response to the pro-Palestinian protest encampment. Furthermore, Indigenous students criticized the University's performative actions regarding decolonization, citing the University's failure and hypocrisy in responding to global anti-genocide and anti-settler colonial protests while claiming to support Indigenous self-determination at home. Ultimately, the shortcomings of EDI initiatives not only fail to dismantle oppressive systems but also contribute to their reinforcement, further complicating the struggle for transformative social justice within the neoliberal framework.

The University of Alberta, like many other Canadian universities, insists on maintaining a neutral stance regarding Israel/Palestine. However, there is no moral or ethical justification for neutrality in response to genocide, oppression, and apartheid. By choosing not to fund one side over the other, divestment seems to be the most neutral stance the University can ethically take.

Notes

[1] Omar Barghouti, "BDS: Nonviolent, Globalized Palestinian Resistance to Israel's Settler Colonialism and Apartheid," in *Journal of Palestine Studies,* (2021), 108.

[2] Students for Justice in Palestine (SJP) UAlberta. (@sjp.uofa), (n.d.).

[3] Wendy Brown, "Sacrificial Citizenship: Neoliberalism, Human Capital, and Austerity Politics," in *Constellations: An International Journal of Critical & Democratic Theory*, (2016), 5.

[4] Paulo Freire, *Pedagogy of the Oppressed,* (2015).

[5] Lise Gotell, "The United Conservative Government, Right-wing Populism, and Women," in *Anger and Angst* (Black Rose Books: Montreal, 2023), 487-488.

[6] Margrit Shildrick, "Critical Disability Studies: Rethinking the Conventions for the Age of Postmodernity," in *Routledge Handbook of Disability Studies*, (2012), 2.

[7] Kieran Leavitt, "Danielle smith says Coutts blockade was a 'win' because it got rid of covid vaccine mandates," in *Toronto Star*, (2023).

[8] Ibid.

[9] Joel Dryden, "In resurfaced video, Danielle Smith said the vaccinated fell for 'charms of a tyrant' referencing Adolf Hitler," in *CBC News Calgary*, (2023).

[10] University of Alberta, "Statement on 'Students for Justice in Palestine' event," (2023).

[11] Dean Bennett, "Alberta Premier 'Glad' Gaza Protest in Calgary Ended as Encampments Escalate," in *The Canadian Press*, (2024).

[12] Fatima Syed, "'There Is an Awful Lot of Room for Intolerance' in Scheer's Conservative Party: Trudeau," in *Canada's National Observer*, (2021).

[13] Michael Cooper, (@MichaelCooperMP), (2023).

[14] Bernie Steinberg, "For the Safety of Jews and Palestinians, Stop Weaponizing Antisemitism," in *The Harvard Crimson*, (2023).

[15] Ibid.

[16] Yanar Hashlamon, "Rhetoricity at the End of History: Defining Rhetorical Debility under Neoliberal Colonialism," in *Rhetoric Society Quarterly*, (2022), 52(1).

[17] Nestel and Gaudet, "Unveiling the Chilly Climate: The Suppression of Speech on Palestine in Canada," in *Independent Jewish Voices Canada*, (2022), 18.

[18] Blayne Haggart, "Academic Freedom, Weaponized Antisemitism, and the Big Chill." In *Centre for Free Expression*, (2024).

[19] Wendy Brown, "Sacrificial Citizenship: Neoliberalism, Human Capital, and Austerity Politics," in *Constellations: An International Journal of Critical & Democratic Theory*, (2016), 5.

[20] Ibid, 8.

[21] Coon and Parker, "Racial Evasion Policy: University Leadership Responses to Incidents of Racism in the Age of Neoliberalism," in *Journal for Critical Education Policy Studies*, (2021), 345-346.

[22] University of Alberta, "Message to the U of A community: Update on encampment - May 11" in *The Quad*, (2024).

[23] Ibid.

[24] Wendy Brown, "Neoliberalism's Frankenstein: Authoritarian Freedom in the Twenty-First Century 'Democracies'," in *Critical Times*, (2018).

[25] Coon and Parker, "Racial Evasion Policy: University Leadership Responses to Incidents of Racism in the Age of Neoliberalism," 346.

[26] Coon and Parker, "Racial Evasion Policy: University Leadership Responses to Incidents of Racism in the Age of Neoliberalism," 351.

[27] Ibid, 363.

[28] Sara Ahmed, "Institutional Life," (2012), 34.

[29] Ibid, 43.

[30] Jasbir Puar, "Postscript: Homonationalism in Trump Times," in *Terrorist Assemblages: Homonationalism in Queer Times* (Durham: Duke University Press, 2017), 223–241.

[31] Ibid.

[32] Ibid.

[33] Geoff McMaster, "Braiding past, present and future: U of A launches Indigenous-led strategic plan," in *University of Alberta Folio*, (2022).

[34] Indigenous Graduate Students' Association (IGSA), (@igsa_uofa), (2024).

[35] The Progress Report, “An open letter from two U of A PhD students resigning from the U of A after violent sweep of anti-genocide protest camp,” in *The Progress Report*, (2024).

[36] Black Students’ Association (BSA), (@uabsa), (2024).

[37] Muslim Students' Association (MSA) - University of Alberta, (@msauofa), (2024).

[38] Indigenous Students’ Union (ISU), (@indigenous.su), (2024)

[39] Nestel and Gaudet, “Unveiling the Chilly Climate: The Suppression of Speech on Palestine in Canada,” 19.

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Homonormative Patriotism: Queer Solidarity with Palestine and the Imperial Imaginary

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ABSTRACT: As Israel's public image falls increasingly out of favour on the international stage, campaigns of pinkwashing have re-emerged as important political tools for Israel and its imperial allies. With these developments in mind, this paper explores the recent rising tensions in colonial states where queers have resisted complicity in the ongoing colonial occupation of Palestine, and the more recent intensification of genocide. It begins by offering a brief history of heteronormative patriotism in the Western world, as well as its eventual development into what Jasbir Puar describes as homonationalism. With this history in mind, it explores the ways in which the "unsettlement" of both queerness and anti-colonialism links the movements for queer liberation and decolonization together in a context of increasing homonationalist sentiments.[1] It ends with a discussion of two case studies of queer resistance to pinkwashing, providing an analysis of the contemporary state of pinkwashing in an era of heightened queer resistance.

KEYWORDS: Palestine, homonationalism, queer solidarity, imperialism, terrorism, western hegemony

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In the 1990s, responding to a crisis of public image, the Israeli government took on the "Brand Israel" campaign, in which the state of Israel was marketed as an island of modernity and progress in the Middle East. Particularly, Israel's extensions of rights to its gay population was touted as a symbol of its progressiveness and exceptionality in what was painted as an otherwise culturally 'inferior' area of the world. The hosting of WorldPride by Israel in 2006 cemented this new global image of Israel as an exceptionally modern state, whose inclusiveness of its gay and lesbian citizens rendered it worthy of praise on the international stage.[2] This new branding of the Israeli state was resisted by queers internationally, who recognized this new 'gay friendly' branding as an attempt by Israel to distract from their mass violations of human rights in the occupied Palestinian territories. Indeed, as Jasbir Puar points out, the 1990s represented both an era of increasing rights for gay and lesbian Israelis, as well as a decade of increasing Israeli encroachment on Palestinian territory and subsequent violence against Palestinians.[3] This strategy of employing a country's record on gay rights as distraction from that same country's mass human rights violations became labelled as 'pinkwashing,' and campaigns against this practice quickly took on international prominence.

Following the October 7 Hamas attacks on Israel, we continue to witness the collective punishment, in the form of mass genocide, that Israel's defense forces have meted out against the Palestinian population, particularly in the Gaza strip. As Israel's public image falls out of favour once again on the public stage, campaigns of pinkwashing have re-emerged as important political tools for Israel and its imperial allies. This paper explores the recent rising tensions in colonial states where queers have resisted complicity in the ongoing colonial occupation of Palestine and the more recent intensification of genocide. It begins by offering a brief history of heteronormative patriotism in the Western world, as well as its eventual development into what Jasbir Puar describes as homonationalism. With this history in mind, it then explores the ways in which the "unsettlement" of both queerness and anti-colonialism link the movements for queer liberation and decolonization together

in a context of increasing homonationalist sentiments.[4] It ends with a discussion of two case studies of queer resistance to pinkwashing. The first is a content analysis of a recent Israeli comedy sketch show entitled "What a Wonderful Country" that engages in a caricature of international queer support for Palestine. The second case study examines the decision on behalf of Canadian government to drop out of Capital Pride following the organization's statement of solidarity with Palestine. These case studies are discussed within the historical context provided, providing an analysis of the contemporary state of pinkwashing in an era of heightened queer resistance.

Theoretical Framework

The political history of queer inclusion in the Western world can be traced back to the Cold War era. In both Canada and the United States, the early 1960s saw the emergence of federal programs that aimed to uncover, and subsequently fire, 'homosexuals' employed in government offices. Justification for this project derived from the belief that gays and lesbians employed in government were prime targets for Soviet blackmail. It was not only the "character weakness" of these individuals that rendered them susceptible, but also the precarious societal position that they found themselves in as a result of their identities.[5] Soviet spies, it was thought, could threaten to reveal their sexual identities to their families and networks if they did not comply with their demands.[6] From these Cold War era programs emerged a sort of heteronormative patriotism, in which the archetypal 'good citizen' of the Western world practiced a heteronormative lifestyle.

Writing on the surveillance of gays and lesbians in Canadian government in the 1960s, Gary Kinsman posits that the governmental insistence upon heteronormative lifestyles during this era was used as a disciplinary and normalizing tactic that served to fight against global revolutionary sentiments. Kinsman argues that the Cold War was a war for "neocolonialism, imperialism,…empire building," and, ultimately, "white hegemony."[7] Western nations stopped at nothing short of the total destruction of Global South

countries in the name of stunting growing international Soviet influences and cementing their own neo-imperialist interests. The endless American interventions into Afghanistan are a prime example of this phenomena.[8] In response to global revolutionary sentiments, America and its allies cracked down on all forms of subversion, ensuring a national adherence to "white hegemony."[9] Part of this adherence to the project of white hegemony included the proliferation of the nuclear, heteropatriarchal family. Those who strayed from this model of sexuality thus found themselves on the outskirts of citizenship in the Western world.

As the Cold War subsided in intensity, heteronormative patriotism expanded its boundaries to allow certain gays and lesbians to experience membership in the national community. Jasbir Puar dubs this phenomenon "homonationalism."[10] Beginning around the close of the twentieth century, as human rights language became valuable currency on the international stage, marriage and other civil rights were extended to gays and lesbians in the United States and Canada as proof of the progressiveness of the Western world. This was in turn contrasted with the homophobia of other states, feeding into a narrative that Global North states are further along on a continuum of civilization than their Global South counterparts.[11] This newfound membership of gays and lesbians in Global North states, however, came with caveats. Puar highlights the ways in which gays and lesbians were required to live a *homo*normative life that mirrored the heteropatriarchal structures of heteronormativity. Namely, a homonormative life was an apolitical existence that did not challenge the imperial agenda or the white hegemony of the homonationalist state.[12] Gays and lesbians could not be *too* radical, *too* queer, or *too* subversive in their existence. They could not challenge the imperial agenda of the white Western state.

If homonationalism requires an acceptance of the state's imperial agenda, then a queer resistance to homonationalism must commit to a rejection of imperialism and other forms of colonial domination. Before continuing here, it may be helpful to define queerness within the context of this paper. To a certain extent, this

is a contradictory exercise, considering that the meaning of queerness employed here borrows from Heike Schotten, who argues that "the definitive feature of queer is its refusal to be defined."[13] This is, however, an important contradiction to embrace, as the queer's definitional denial "becomes the mark of refusal to regimes of the normal, a resistance in particular to the specific regimes and subjectifying effects of heteronormativity."[14] This (non)definition of queerness acts in direct contradiction to homonationalism, which demands assimilation within the wider heteropatriarchal order. As Schotten points out, there is thus a certain inherent solidarity between the queer and the anti-colonial —specifically the Palestinian's— existence. As Edward Said writes, the Palestinian, too, refuses to assimilate, or disappear, into the larger imperial order. The queer and the Palestinian thus both challenge the imperial state through their refusal to assimilate.[15] Rather, these subjects exist, as Scott Morgensen writes, as "uncontained objects…of colonial and imperial control."[16] Thus, as Schotten writes, both anti-colonial and queer politics find in common an "aspiration toward constant unsettlement."[17]

Jasbir Puar and Amit Rai take Morgensen's observations here further, arguing that the problematic existence of both the queer and the anti-imperialist have been melded together in the imperial imaginary to create the "monster-terrorist-fag," an Orientalized object of perverse sexuality that threatens the very core of Western subjectivity. The "monster-terrorist-fag" came into existence, of course, as war on terror discourses blossomed in America. Puar and Rai begin their analysis with a discussion of the posters appearing around New York City following the attacks of September 11, which portrayed Osama Bin Laden being anally raped by the Empire State Building with the caption beneath "So you like skyscrapers, bitch?"[18] Jasbir Puar and Amit Rai have described these posters, as well as other sexually violent post-9/11 depictions of Bin Laden, as representing a Western desire to "emasculate bin Laden and turn him into a fag."[19] These discourses of a sexually deviant Osama Bin Laden reveal the myriad of ways in which the subversive violence of terrorism and the subversive

existence of queerness are connected in nationalist discourses that aim to protect the nation from both the terrorist and the queer.

Building on Foucault's writings on the "abnormals" of society, Puar and Rai describe the ways in which the terrorist, in the American imagination, has been constructed as a sort of 'monster' that must be both disciplined and corrected.[20] Part of this construction of the "monster-terrorist" involves the pathologization of the terrorist subject. As Lisa Stampnitzky has also argued, contemporary discourses on terrorism dismiss the social, economic, and political causes of actions labeled as terrorism, instead opting for explanations that pathologize a terrorist's emotional and psychological state. Terrorists are labeled as fundamentally irrational actors who have no 'civilized' control over their violent urges.[21] A key part of this pathologization involves an Orientalized understanding of terrorists. Terrorists are portrayed as Orientalized foreign 'others,' whose upbringing in 'pre-civilized' cultures has led to their existence as fundamentally irrational and violent actors. The Lacanian idea of the 'Other' is crucial in these kinds of pathologizing discourses. As Jacques Lacan originally argued, the 'Other' exists as a foil to the self, and acts as a surface onto which the insecurities and fears of the self can be projected. In nationalist discourses, the collective national 'self' projects its insecurities onto collective racialized 'others,' effectively scapegoating entire groups of people.[22]

Part of this terrorist's "failed psyche," Puar and Rai argue, is a perverse, queer sexuality that rejects the structure of the stable heteronormative nuclear family.[23] This rejection of stable heteronormativity is viewed as a consequence of the terrorist's upbringing in an Orientalized environment of both hypersexuality and sexual repression. A key part of the terrorist's existence as an "abnormal" in the Western imagination is his stunted and perverse sexuality that forms a part of his existence as a fundamentally irrational and violent actor. The "monster-terrorist," then, becomes the "monster-terrorist-fag."[24] A national fight against terrorism must therefore reject the perverted psyche of this "monster-terrorist-fag," and instead subscribe to a "heteronormative patriotism" that rejects

the stunted psyche of the terrorist Other. Crucially, this "heteronormative patriotism" in turn serves to discipline the national population and ultimately "produce patriotic, docile subjects."[25]

Ultimately, this constructed "monster-terrorist-fag" operates as a foil to the homonational, as that "uncontained object…of colonial and imperial control" that Morgensen references as an ongoing challenge to the contemporary imperial state.[26] While homonormative gays and lesbians are, to a certain extent, welcomed into the Western political community, the queer and its association with this uncontained "monster-terrorist-fag" remains a subject of fear and contention in the colonial and imperial state. In the following discussion, I present two cases of queer resistance to imperial and colonial pinkwashing projects in Palestine and the ways in which state response to this resistance reveals the conditional and performative solidarity of the Western state with its queer citizens.

Discussion

"Welcome to Columbia Untisemity"

Following months of a relentless and brutal Israeli assault on the Palestinian civilian population in Gaza, student protests emerged internationally, demanding that universities divest funds from companies that profited off of this assault as well as from the larger project of the occupation of Palestine.[27] Columbia University in the United States became one of the first universities to attract global attention for their student protests against the genocide in Gaza and for institutional divestment from Israel. Responding specifically to these protests at Columbia University, the popular Israeli sketch comedy show "What a Wonderful Country" released a sketch entitled "Welcome to Columbia Untisemity."[28] Through a mockery of queer student solidarity with Palestine, the sketch aims to delegitimize support for Palestinian resistance. As I will demonstrate below, this sketch echoes many of the historical

narratives discussed above that aim to discipline subversive movements and subjects.

"Welcome to Columbia Untisemity" begins with a shot of two caricatured queer students at Columbia University. They have exaggerated dyed hair and piercings, emulating the kinds of subversive self-expressions that are associated with the queer community. The sketch is a mockery of radical student broadcasting and begins with one student announcing that their organization is one "where everyone is welcome: LGBTQH." "H?" asks the second student, to which the first student replies "Hamas!"[29] This immediate association of queer identities with terrorism is telling of the implicit connections made between queerness and violence in the imperial imagination. This connection is cemented further as the two students conference in via video-call their "BFF (Bestie Freedom Fighter)," Abu Fatua, who is portrayed as a member of Hamas calling in from a "tunnel under the Gaza hospital."[30] This imagined location of a member of Hamas is of course echoing the ongoing Israeli narrative that justifies their bombing of hospitals—a war crime—by reiterating that this is where the terrorists are hiding.[31] The students then compliment Abu on his head covering, deeming it to be "oppression chique."[32] This overt reference to Abu, a made up terrorist, as fundamentally 'oppressed' reflects the ways in which terrorist actors are pathologized in the imperial imagination. This forms a key part of the imperial narrative that the violence of terrorism stems from oppressive cultures that produce irrational and maladjusted citizens.

As the sketch continues, the two students who represent this "LGBTQH" organization are portrayed as fundamentally uninformed and ultimately idiotic for supporting the Palestinian cause. One student expresses that he wishes he could join Abu in the fight for freedom in Gaza. Abu responds that if this student comes to Gaza, he will "throw you off the roof, you homosexual dirt," to which the student responds "Did you hear? They want to throw me a rooftop party!"[33] This exchange reflects an ongoing global discourse that criticizes queer support for Palestine by arguing that Palestine, as a homophobic state, would not support them in return.

Queer supporters of Palestine are portrayed as uninformed of the violence they would face if they entered the Palestinian state, and this sketch represents this stance exactly. As the video continues, Abu wishes death upon the queer students multiple times, saying "it's better you just kill yourself," and ending the call with "Die!"[34] The students do not register these threats, instead reiterating their unequivocal support for the made-up terrorist-object Abu.

The exchange of violent threats from Abu towards the students, and the students non-registration of these threats, leaves much to be unpacked. Firstly, I would like to relate these exchanges to Jasbir Puar's observations that, in homonationalist states, homophobia against white queers is consistently portrayed as significantly more repugnant than racism.[35] Puar explains that homonationalist narratives often racialize homophobia, labeling racialized countries and cultures as more homophobic than their white counterparts. This, of course, denies that racialized queers exist. Queer Palestinian scholar Sae'd Atshan echoes Puar's observations, stating in a recent interview that "it's racist… to argue that the struggle against racism that's directed against Palestinians should somehow be halted or undermined because there's homophobia within Palestinian society."[36] Atshan further emphasizes that these kinds of discourses erase the existence of queer Palestinians, effectively conflating a homophobic state with its people, suggesting that Palestinians are inherently homophobic.[37] In the current narrative surrounding Israel and Palestine, the Palestinian state's homophobia is portrayed as morally outweighing the IDF's ethnic cleansing of Palestinians. Despite their blatant and exceedingly violent racism, Israel still touts itself as progressive on the world stage because of its supposed support of its (white) gay population. In the sketch at hand, the terrorist Abu's homophobia is highlighted as proof of his whole culture's 'backwards' homophobia. His uttering of death threats towards the students is a racist portrayal of Palestinians as inherently and violently homophobic.

Furthermore, the exchange of death threats between Abu and the students allows the Israeli state to mask its own internal

homophobia through a projection of homophobic sentiments onto an imagined other. Although Israel is often portrayed in global discourses as a gay "safe haven," what this Israeli sketch ultimately sells as comedy is violence being perpetuated against unsuspecting queer subjects.[38] The fact that queer students are being told to kill themselves by racialized terrorists is, in this sketch, marketed as hilarious. This sketch thus embodies a perfect case study of the ways in which imperial states project their own internal fears and insecurities onto racialized 'others.' By making up a terrorist figure who tells young queers they do not deserve to live, the writers of this sketch are truly addressing an internal discomfort with the subversive existence of queers in their state. This analysis is reflected in the arguments of Harritaworn et. al, who, in their analysis of "Gay Imperialism," write that "white people become interested in orientalised gender and sexual regimes at specific times, which have more to do with developments in their own culture than with the other."[39] Clearly, support for the Palestinian cause emanating from an internal white Western source has caused a great deal of discomfort for Israel. This discomfort has resulted in, as this sketch demonstrates, a link being made between queer and terrorist organizations, with the implied argument being that both groups need to be eradicated by the state.

The blatant homophobic and racist mockery of queer support for Palestine in this sketch is a perfect case study of the ways in which the imperial state disciplines its citizens who stray too far from the hegemonic status quo. Although queers are, in theory, accepted in the Israeli state, hetero/homonormative patriotism is still a prerequisite for membership in the national community. Heteronormative patriotism may have extended its boundaries to allow certain gays and lesbians membership in the state, but their acceptance is contingent on the sacrificing of the more radical parts of their identity. If these more radical tendencies are not left behind, the state will discipline this subversion, placing these groups into what Kinsman describes as an "an administrative collecting category into which, at various historical moments, assorted social and political practices can be placed and thus be read

out of the normal and national social fabric."[40] Radical queers who challenge the racism and violence of the imperial state are placed into the same "administrative collecting category" of the "monster-terrorist-fag," an object that represents everything abhorred by 'civilized' Western society. The goal of the imperial state remains, as the above sketch demonstrates, to produce "patriotic, docile subjects" that do not challenge the state's violence.[41]

Ottawa's Capital Pride 2024

As the "Welcome to Untisemity" sketch demonstrates, the colonial and imperial state remains uncomfortable with its queer citizens who refuse to disappear into the homonationalist order. Queers who challenge the state's imperial or colonial agenda are subsequently punished through mockery, discrediting, and vilification. This paper's second case study explores another instance of queer resistance against the hegemonic colonial order, in which the state's response reveals the homonationalist imperative that remains at the core of the Western state's support for its queer citizens.

Following the lead of other queer organizations across the globe,[42] on August 6, 2024, Capital Pride in Ottawa, Ontario released a statement condemning the ongoing genocide in Palestine, and expressed particular concern around Israel's history of pinkwashing its violent campaigns of ethnic cleansing.[43] Examples of such tactics include the erecting, by IDF soldiers, of pride flags over villages they have razed to the ground.[44] Recognizing pride's politically subversive roots, Capital Pride's statement of solidarity with Palestine affirmed, in the organization's own words, its commitment to "the promise of liberation that guides our work."[45] Upon the release of this statement, many of the parade's regular attendees quickly began to drop out. Non-attendees at 2024 Capital Pride included the City of Ottawa, including the Mayor, Mark Sutcliffe, the Liberal Party of Canada, and many of the city's publicly funded hospitals and schools.[46]

Capital Pride, like many other large-scale, state-sponsored pride events, has faced increasing criticism over the years for its

increasingly depoliticized messaging.[47] This statement of solidarity, in its outright refusal to participate in the homonationalist practice of pinkwashing, marks a significant shift in the effectiveness of homonationalist messaging and a resurgence of queer politics in the Western world. It follows, then, that as a response to this queer refusal, Capital Pride was met with the retraction of state support for its activities. Similarly to the work of the "What a Wonderful Country" sketch described above, Capital Pride's refusal of homonationalist sentiments was met with vilification and disinformation by the state. Employees of institutions who had dropped out of pride festivities received messages from their employers that painted the statement as creating an "unsafe environment," encouraging hate, and even as being outright anti-semetic.[48]

Others, however, suggested that Capital Pride had not gone far enough in their statement. The grassroots group Queers Against Pinkwashing, for example, published a report of recommendations for Capital Pride following the release of the organization's statement, encouraging the group to cut further complicit sponsors from festivities, and to make more connections between the work of anti-colonialism and queer liberation.[49] Indeed, Jasbir Puar has pointed out the shortcomings of Western organizations that call out pinkwashing yet fail to recognize that the "shared history of practice of colonialism" renders settlers in the United States, Canada, and Israel bound together through "practices of power and empire on the international stage.[50] Rather than simply "disidentify" from the imperial project of Israel, a queer approach to imperial and colonial resistance must act to recognize why, in the first place, global gays and lesbians are called upon to encourage this project. As Puar writes, the importance of global gay subjects as "propaganda targets" for the Israeli government demonstrates the ways in which settlers around the world, particularly in the United States and Canada, are inherently bound to the settler colonial project in occupied Palestine.[51] Homonationalist messaging merely obfuscates the ways in which gays and lesbians, too, are capable of benefitting from settler colonialism, imperialism, and the racism that these

practices perpetuate. A true resistance to this messaging must recognize, rather than obfuscate, the ways in which *all* settlers benefit from the harms of global colonialism and imperialism.

Despite the statement's drawbacks, the immense government-led backlash that Capital Pride faced in response to their initial pushback against pinkwashing demonstrates the urgency of the Canadian state's commitment to homonationalist sentiments. Even though Capital Pride failed to make deeper connections between the processes of queer liberation and decolonization, the response to this initial, perhaps even surface level, pushback against homonationalism and pinkwashing is exemplary of the Western state's conditional solidarity with its queer citizens. The refusal to participate in Western homonationalism has revealed that the imperial and colonial state continues to live in fear of that "uncontained object… of imperial and colonial control" that challenges its agenda of colonial expansion and control. Once again, the spectre of the "monster-terrorist-fag" was invocated here, as events of Capital Pride became vilified by Canadian government as "unsafe," "antisemetic," or as simply encouraging hate and division.[52]

Conclusion

While international queer solidarity with Palestine grows in momentum, the imperial state's prioritization of producing "patriotic, docile subjects" becomes all the more transparent.[53]

The state's tactics in producing these kinds of apolitical homonormative subjects include a mockery of queer solidarity, as the Israeli sketch show demonstrated, or a complete discrediting of organizations that question the state's imperial aspirations, as the governmental defamation of Capital Pride's solidarity attempted to accomplish. The image that the imperial state hopes to produce from its punishing of the political queer is that of Puar and Rai's "monster-terrorist-fag:" a figure of both subversive violence and sexuality that threatens to unravel the hegemonic status quo of the Western state.

Indeed, as Heike Schotten emphasizes, it is the refusal of both the queer and the Palestinian to disappear that binds both causes together. Neither subject accepts assimilation into the larger colonial and imperial order. The absconding of both the queer and the Palestinian from the net of this hegemonic order is what connects them as objects of fear in the imperial imagination. Both subjects remain as unanswered questions of contention to the imperial state, as problems that will not simply "go away."[54] It is thus vital to recognize these inextricable ties between the two causes, both of which ultimately demand liberation from the assimilatory imperial order.

If queer resistance against homonationalism is to continue, however, an acknowledgement of the ways in which all settlers, globally, are tied to projects of imperialism and settler colonialism is necessary. As Puar notes, it is no coincidence that LGTBQIA+ individuals in the United States and Canada are called upon by Israel to legitimate their colonial violence. Unpacking the ways in which settler colonial states, such as the United States, Canada, and Israel, perform colonial violence in tandem with each other is vital in resisting this very violence. As the online project "Queering the Map" writes in their introduction to the work of queering space, "queer liberation must mean decolonization, and decolonization must mean queer liberation."[55] It remains to be seen, however, if queer organizations will commit to a return to their subversive beginnings in the face of mass state suppression, even if this means a return to the sidelines of state membership.

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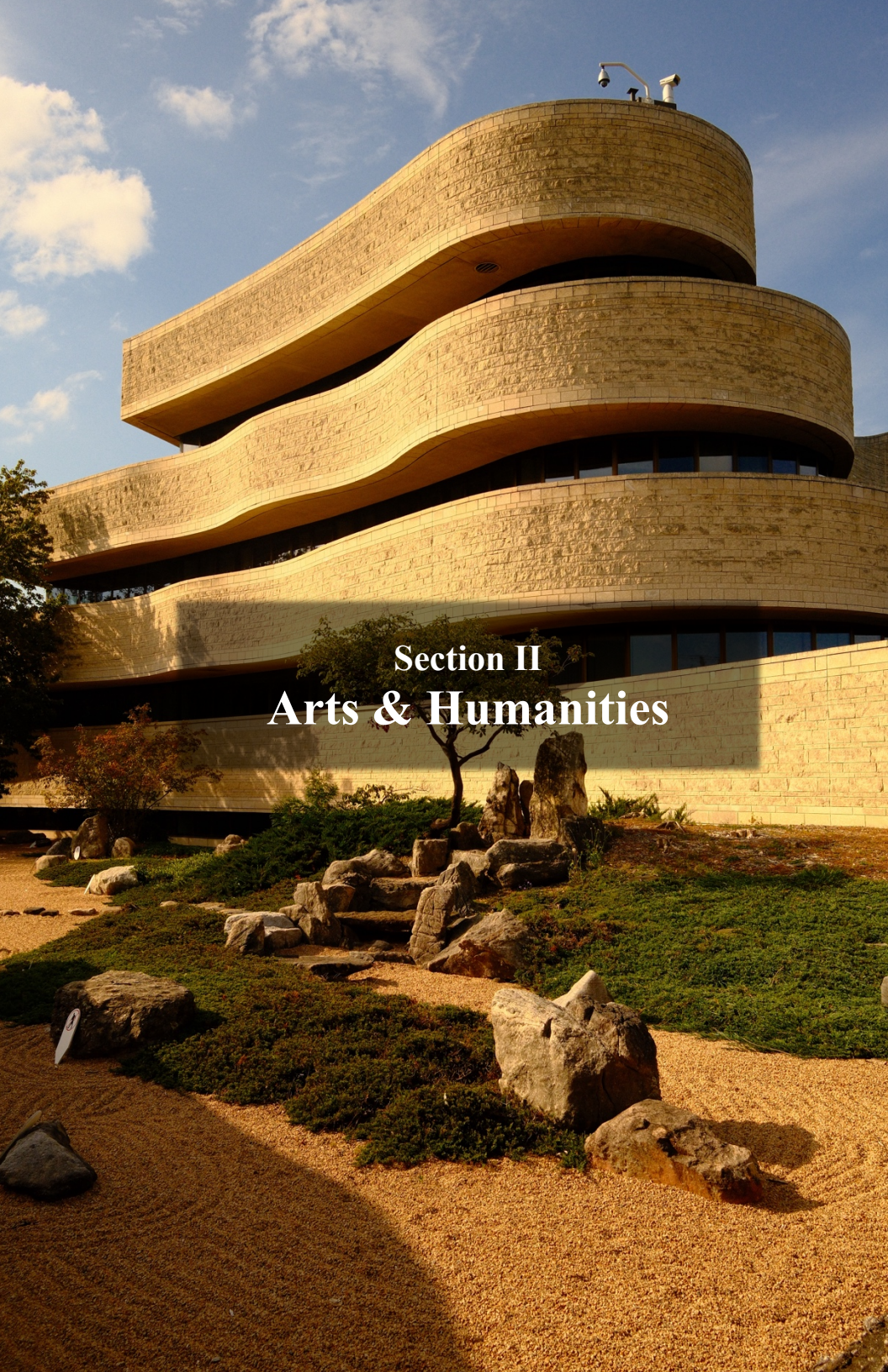

Section II
Arts & Humanities

Tsuru Aoki and Anna May Wong: Clothing, Life and Death, and The Ambivalence toward the Haunting Past

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ABSTRACT: This research employs Anna Anlin Cheng's concept of Ornamentalism to examine the costumes in three Hollywood films featuring Asian actresses: Tsuru Aoki's The Wrath of the Gods and The Dragon Painter, as well as Anna May Wong's Daughter of the Dragon. While Tsuru Aoki is often overshadowed by her association with Sessue Hayakawa, her contributions as an esteemed actress in early cinema deserve more focused examination. Similarly, Anna May Wong's Daughter of the Dragon has not received the scholarly attention it warrants. This research aims to bridge these gaps by analyzing the culturally specific costumes that shape the star images of Aoki and Wong, both on and off the screen. Additionally, the study explores how costumes interact with culturally specific visual elements, narrative structures, and the female body to construct and deconstruct Asian racial identities within these films. By considering the transnational reception of these films and the sensory and material culture surrounding their production, this research reveals the ongoing dialogues and interdependencies among American and Asian women during the early 20th century as they navigated and shaped their racial and gender identities.

KEYWORDS: Asiatic femininity, Hollywood, Feminist Theory, Cinema, postcolonial discourses, Asian American, Spectatorship, Material Culture

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This research employs Anna Anlin Cheng's *Ornamentalism* to investigate the costumes in Tsuru Aoki's *The Wrath of the Gods* and *The Dragon Painter* and Anna May Wong's *Daughter of the Dragon,* exploring them as contested and enduring sites of race-making.[1,2,3,4] The paper aims to elucidate how costumes interact with other culturally specific visual elements, narrative structures, and the female body to (de)construct Asian racial identities throughout these films. These intricacies were often overlooked within static analytical paradigms such as orientalism, commodification, and discussions on film authorship. The research will harmonize Cheng's Ornamentalism with Rey Chow's ethnic spectatorship and feminist film historiography advocated by Catherine Russell.[5,6] The former takes films' transnational reception into account, while the latter explores the sensory and material modern culture within which films were produced, distributed and experienced. It intends to reveal the ongoing dialogues and interdependencies among American and Asian women of that era, as they sought to shape their racial and gender identities.

Tsuru Aoki is often remembered as Sessue Hayakawa's wife, both on and off-screen. In Daisuke Miyao's *Sessue Hayakawa: Silent Cinema and Transnational Stardom,* Aoki's roles in films like *The Wrath of the Gods* and *The Dragon Painter* were primarily studied to support analysis of Hayakawa's screen image and film reception.[7] However, Aoki was an esteemed star actress in her own right, entering motion pictures before Hayakawa, a facet often overlooked in scholarly discourse. Sara Ross, article in 2005 is the first journal article on Tsuru Aoki.[8] It discusses how Tsuru Aoki's star image represents a shift in feminine values, serving as an aspirational example for American women without posing any threats. In a more recent article by Guth in 2021, Aoki's private life and public image are studied to support the analysis of her character Umeko in *The Dragon Painter* and its relation to an identically titled novel and Japanism.[9]

Contrary to Tsuru Aoki, Anna May Wong has garnered substantial scholarly attention, according to the Oxford Bibliographies, there have been 42 scholarly publications on Wong

from 1976 to 2017, encompassing various facets of her life.[10] These include biographies, her experiences bridging China and America, her film and stage career, transnational cultural studies, and discussions on race, gender, beauty, and orientalism. Despite this, Wong's film, *Daughter of the Dragon,* has been underexplored due to its perceived status as lowbrow cultural production.[11] This point is further reflected in Chow's 2020 biographical article of Wong's life and career in Early Hollywood. Though offering a detailed overview of Wong's public persona, private life, and films, Chow overlooked *Daughter of the Dragon*, which received a potent publicity campaign from the major production studio in Hollywood—Paramount Pictures.

Hodges' 2012 biography stands as an early account of Anna May Wong's life from her vibrant, eventful years to the quieter times when she continued to strive for new breakthroughs.[12] In his analysis, Hodges delves deeply into Wong's personal correspondence and international press coverage, dedicating a significant portion of the book to her seven-year transatlantic career. The fourth chapter, in particular, explores the interplay between film narrative, visuality, and transnational reception, with a focus on Wong's cinematic image in works such as *Shanghai Express*, in which she starred alongside Marlene Dietrich, and *Daughter of the Dragon*, where she performed opposite Sessue Hayakawa.[13] In contrast, Katie Gee Salisbury's recent biography provides an even more comprehensive account of Wong's life, tracing her journey from her early experiences in her family's laundry business to her rise to stardom in films like *The Thief of Bagdad*.[14] Salisbury's work emphasizes Wong's resilience and her profound influence in challenging racial stereotypes, providing both personal and professional insights that are valuable for this research. Moreover, Sean Metzger's article examines Wong's representation in late-1930s American cinema, particularly her positive portrayal of Chinese clothing, which contributed to reshaping cultural perceptions of China in the United States.[15] Although not directly connected to the films we are researching, Metzger's analysis offers valuable theoretical support for understanding Wong's clothing choices in *Daughter of the Dragon*.

This research uses clothing as a connecting thread between the star images and lives of two Asian female stars in Hollywood, Tsuru Aoki and Anna May Wong, within the context of three films: *The Wrath of The Gods*, *The Dragon Painter* and *Daughter of the Dragon.* In these films, the characters are all attired in culturally specific costumes and their lives are influenced by the enduring traditions of their ethnic origins. They also serve as compelling sites for discussing evolving cultural and political discourses in the United States, Japan, and China, which continually shape the cinematic and personal identities of Asian women.

The Wrath of the Gods: The Rescued Kimono as an Emblem of Purified Japanese Taste

In Miyao's examination of *The Wrath of the Gods,* the kimonos worn by Yamaki (played by Hayakawa) and Toya-san (portrayed by Aoki) are portrayed as symbolic representations of Japan, conveying a static, exotic, and picturesque essence. While Miyao's analysis offers valuable insights, its orientalist framework occasionally overlooks nuanced subtleties inherent in visual presentations.

Anna Anlin Cheng's Ornamentalism challenges the isolating tendency of orientalist interpretations, which detach objects from the female body, reducing them to object/subject or consumer/consumed dichotomies. Cheng advocates for a more dynamic approach—exploring the formation of Asian female personhood through the interface of ontology and objectness.[16]

Similarly, Rey Chow's adeptly uncovers the shortcomings of Orientalism and post-colonialism, which often tend to mythologize and essentialize Eastern history, thereby erasing its inherent subjectivity. By focusing on film, Chow underscores the significance of this medium as a dynamic space where ethnic identities continuously negotiate and transform. She urges a nuanced understanding of cultural logic within film imagery, highlighting the pivotal role of ethnic spectatorship in decoding these intricate dynamics.[17]

Examining Toya-san's kimono through an ornamentalist lens reveals a significant evolution. Initially symbolizing a restrictive form of Buddhism limiting a woman's pursuit of love, the kimono transforms into refined artistry, echoing moral and spiritual qualities akin to Christianity. This transformation could be further reinforced by Chow's concept of ethnic spectators from both the United States and Japan.

The Wrath of the Gods, based on the dramatic eruption of the Sakura-jima volcano in 1914, narrates a story of the cursed family with Toya-san. As the film unfolds, Toya-san displays deep inner turmoil and sorrow, marked by her love relation with Tom Wilson, because the prophet Takeo claimed that she was cursed by Buddha as a surrogate sacrifice for her brother's transgressions. This curse decrees the extinction of their race should anyone marry Toya-san. Despite feeling unjustly treated by the gods and wholly innocent in the incident, Toya-san finds herself bearing the burden of this ancient religious condemnation, caught between her affection for Tom Wilson (Frank Borzage), a European-American sailor shipwrecked near their isolated shack, and her duty to protect her race.

As the sole identifiable woman depicted wearing a kimono in the narrative, the attire serves as a constant reminder of her identity and the predestined fate of a Japanese woman. Metzger highlights that clothing fabric not only expresses social relations but also entails inhabiting a particular habitus and necessitates specific movement practices aligned with cultural norms.[18] The kimono, with its multiple layers and thick belt, imposes constraints on movement, requiring compliance with arbitrary commands of the ancient spirit. The kimono Toya-san wears not only symbolizes societal expectations but also visibly regulates her body, restricting her movements and subjecting her to societal scrutiny. After Prophet Takeo warned the fisherman at the seaside to stay away from Toya-san because she was a woman cursed by the Buddha, Toya-san left the shore under the fisherman's gaze. She sobbed, wiping her tears with a handkerchief in her right hand, while taking small, unsteady steps as she staggered away. Toya-san's kimono seemed to wrap around her like the

Buddha's curse, forcing her to accept this arbitrary fate and endure the suffering alone.

This cultural and sartorial disciplining of the body did not improve after Toya-san was saved by Tom Wilson. Instead, it gradually intensified as the gaze shifted from Japanese patriarchy to that of European men. In the latter part of the film, the kimono replaces Toya-san's body and subjectivity. Hanoke, the Jinrickisha driver, discovered Toya-san's forbidden love with Tom and later reported it to the local community. This revelation ultimately led to a riot when the two married in the local church. Despite initially displaying dissent toward the Buddha gods before meeting Tom, her affection for him prompts a state of worry, timidity, and fear—a regression to her earlier demeanor upon just hearing of the curse. As the narrative progresses toward their Christian marriage, instead of embracing hope and love, Toya-san becomes engulfed by the fear of imminent condemnation from her people and the Buddha gods. Contrary to the anticipated regaining of her subjectivity through Christianity, Tom's dominance becomes evident as he dictates the changes in the latter part of the story and assumes the role of the savior. Toya-san seems to be valuable only when conforming to the preassigned role of Japanese culture in Tom's perspective—namely, her weak, submissive appearance, devoid of decision-making ability. Toya's gradual loss of female autonomy accentuates the kimono's significance, which becomes a surrogate for her personhood, cherished by the Euro-American savior.

At the end of the film, Toya-san is the only Japanese rescued by the merchant man. As she boards the boat, Toya-san is portrayed with a refined hairstyle and a well-attired kimono, a stark contrast to her earlier disheveled appearance with untidy hair and a soiled kimono during the escape from the volcanic eruption. This transformation signifies the culmination of the rescue of Japanese culture. Toya-san the character, aligning with Cheng's notion of subject as object, in which her subjectivity is either merged or functions solely through the objectification represented by the kimono. In this context, it's not Toya who finds salvation, but rather the kimono—an emblem symbolizing ancient and sophisticated

Japanese culture, stripped of superstition and sanctified by Christianity. More importantly, while the initial scenes showcase all the leading male actors adorned in kimonos, Aoki's character, Toya-san, is notably absent, further reducing her role to a mere representation of assimilable Japanese culture. Her image as an actress is erased, leaving only the character in the film. Both Aoki's agency as an actress and Toya-san's subjectivity as a character are suppressed.

The historical parallel between the film and Japan's forced opening to the West in 1853, spearheaded by Commodore Matthew Perry's U.S. naval squadron, underscores the influx of Japanese culture, art, and style into America. Japanese Taste disseminated through various channels—ranging from intellectuals appointed by the Japanese government to European fascination with "Japonisme", art exhibitions, magazines, and Vaudeville theaters.[19] Much like Toya-san and her kimono's arrival in America through sea merchants, Japanese culture and art designs were imported through the sea for an American appetite. Likewise, the production studio, Ince thought that employing Japanese subjects and actors would refine and cater to middle-class tastes, especially among middle-class women interested in Japanese Taste.[20]

Toya-san's kimono, introduced via a merchant ship, embodies the fusion of Japanese Taste and Christian values, resonating with the aspirations of middle-class American women amidst the shift towards modernity. From the late 1890s to the early 1910s, Japanese Taste held nostalgic significance as a premodern and primitive counterbalance to encroaching modernity, which posed a threat to Victorian morality.[21] The perceived simplicity of Japanese art mirrored Christian ideals emphasizing sincerity and the pursuit of heaven, qualities embraced by middle-class women in Christian households.[22] This cultural transition integrated Japanese art, embodying both moral and artistic values, as a bridge between urban life and traditional Christian ideals in the evolving landscape of modern industrialized society.

The film employs symbolic visual language to depict the construction of Japanese Taste: facilitating the importation of Toya-

san's Christian-sanctified kimono into American domestic life, emblematic in her marriage to Tom. Interestingly, a parallel fate unfolded in Aoki's real life shortly after filming *The Wrath of the Gods* in 1914, as she married Hayakawa and stopped portraying leading roles.[23] Publicity of Aoki's marriage life demonstrated an intriguing contrast between her visual representation and textual descriptions. Despite numerous articles describing her everyday attire in the latest French or American fashions in words, she was most frequently photographed wearing a kimono.[24]

The focus on Aoki's visual representation in a kimono over descriptions of her Westernized persona unveils the hierarchy within her star image: Aoki's Japanese Taste, portrayed through her collection of kimonos, meticulously maintained Japanese garden, and doll-like appearance with a soft voice, constituted the primary allure for middle-class women. Conversely, her westernized image, crafted to render her non-threatening to American society and align with the nationwide Americanization movement among early twentieth-century middle-class Americans, played a secondary role. Furthermore, Aoki's integration into American society primarily centered on domestic aspects through modern consumer goods and lifestyle. While the production studio Ince's fictionalized biography of Aoki emphasized her conversion to Christianity, Americanized character and Western education background, in line with the Americanization movement, her assimilation did not extend to pursuing a professional career or engaging in public life.[25] In essence, the problem arises when her Westernized image eclipses her Japanese identity. An illustration of this is evident in her role in the film *The Courageous Coward*, where she was promoted as a Japanese woman merely imitating her Western counterparts.[26] This conclusion contrasts with Sara Ross's interpretation of Aoki as an inspiring figure adept at balancing traditional and modern feminine values both on and off screen. A closer examination of the evolving significance of her kimono offers a differing perspective, illustrating how American women perceived Aoki as a sophisticated symbol of imported Japanese material culture.

Toya-san and Aoki collectively epitomize the delicate elements of Japanese Taste, sanctified by Christian faith and imported for Americans to adorn their homes and navigate the complexities of modernity. American middle-class women, by embracing this cultural import, presented an admirable image of families and individuals. In contrast, Hayakawa, performing as Yamaki in *The Wrath of the Gods,* enjoyed more freedom in navigating traditional and modern personas. Hayakawa portrayed an Americanized Japanese immigrant in his pivotal film *The Cheat*. He was never seen in kimonos or sandals on the streets of Hollywood.[27] In fan magazine articles featuring Hayakawa, Aoki was depicted as a compliant wife, and her ability to hold onto Hayakawa was linked to her perceived capability to provide domestic comforts, thus playing a subordinate role in the formation of Hayakawa's stardom.[28] Consequently, Aoki faced a dual form of repression stemming from the kimono: one symbolized the purified, "safe" consumption of Japanese culture by American women, while the other embodied a set of cultural traditions shaping her body and roles in her marriage with Hayakawa, ultimately depriving her of subjectivity as a real woman.

The film, including the character Toya-san, rather than being perceived as aspirational, faced criticism from the Japanese audience for its unattractive portrayal of Japanese people. Despite its release at the Fujikan Theater in Asakusa on September 15, 1918, *The Wrath of the Gods* faced a ban from exhibition after less than a week due to its portrayal of Japanese society in a primitive and disgraceful light.[29] Critical voices, notably from the Pure Film movement in Japan, condemned the film's portrayal of Japanese individuals, considering it aimed to appease foreign tastes, in response, these critics and filmmakers dedicated themselves to producing authentic Japanese films for the international market.[30] Consequently, both Toya-san and Aoki's personhood became distilled into an acceptable form of Japanese Taste, salvaged by American men to rejuvenate the subjectivity of middle-class American women.

The Dragon Painter: The Death and Resurrection of Japanese Taste through Americanized Kimono

In the late 19th and early 20th centuries, the United States witnessed the emergence of a culture of authenticity in response to consumerism and industrialization. The historian T. J. Jackson Lears suggests that the urbanized consumer culture left the educated class feeling disconnected from reality.[31] This led them to seek authenticity, exemplified by the adoption of Japanese Taste among middle-class Americans.

Show business capitalized on authenticity through the commercialization of films featuring the other. The emergence of Japanese Taste as a popular discourse owed its empowerment to female consumers, as seen in *The Wrath of The Gods.* Additionally, female creative talents, such as Mary McNeil Fenollosa, author of the novel *The Dragon Painter,* contributed to this rising trend by introducing Japanese Taste through various mediums like novels, art collections, and Hollywood cinema.

Four decades ago, *The Wrath of the Gods* and *The Dragon Painter* garnered acclaim from influential archive institutions in the United States. This acclaim was attributed to their utilization of Japanese casts and narratives sourced directly from Japan, supposedly offering a more genuine portrayal of Japanese life and characters.[32] However, this apparent authenticity masks a deeper issue of latent orientalism.

The film *The Dragon Painter* presented an idealized and romanticized version of Japan, aligning with the familiar imagery American audiences had encountered in the late 19th century. Detailed analysis in Miyao's book reveals that while *The Dragon Painter* was independently produced by Hayakawa's studio, Haworth, the film's primary focus remained the reception by American viewers rather than catering to Japanese audiences' desire for authenticity.[33] Hayakawa faced criticism due to the lukewarm reception of films released around the same time, raising concerns about his appeal to American audiences. Meanwhile, Robertson-Cole, Hayakawa's film distribution partner, gained increasing influence over his productions, reducing Hayakawa's creative autonomy. To revive Hayakawa's popularity, Robertson-Cole strategically promoted *The Dragon Painter* to align with the

American audience's perception of authenticity, employing clichéd symbols like dragons and kimonos in advertisements.[34]

The Dragon Painter was marketed as an authentic depiction, yet its cultural elements largely reflected an Americanized perspective, deviating from accuracy. Scenes depicting Kano Indara's Japanese-style garden were filmed in California, part of the commercial gardens constructed by George Turner Marsh around 1896.[35] Milton Menasco, the film's art director known for his Hollywood posters, likely created the two dragon paintings showcased in scenes introducing Kano Indara.[36] Additionally, the character Umeko, after her wedding, continues to wear a long-sleeved kimono, traditionally not worn by married women, and maintains the shimada hairstyle, typically changed to the less ostentatious marumage.[37] These instances strongly suggest that the film's portrayal of Japanese cultural motifs aligned more with the superficial understanding of American audiences engrossed in the Japanese Taste craze rather than offering an authentic representation.

The character Umeko, portrayed by Aoki, vividly embodies Japanese Taste. Her room is replete with quintessential symbols: featuring tatami mats, fusuma, Japanese sliding doors, and shoji, adorned with folding screens depicting Japanese-style paintings, complemented by vases and paper lanterns. Umeko, adorned in luxurious kimono in initial scenes, blurs the boundary between herself and the ornamental elements that surround her by engaging in activities like painting or arranging hair accessories in front of a Japanese-style table.

This decorativeness of Umeko and her film settings, mirror Cheng's depiction of the iconic Victorian image of the Chinese Lady Afong Moy—an image where racial and sexual attributes are displaced by sartorial splendor. Each object within Afong Moy's environment, from chintz and silk to furniture hinting at mahogany or rosewood, tea, sugar, porcelain, and the Asian woman herself, carries a profound weight of colonial and imperial history.[38] Both cases underscore the documented role of people and objects from Asia, whether real or imagined, in shaping various facets of American modern life.

Umeko's transformation throughout the film mirrors the evolving relationship between the kimono and Japanese art tradition. Her sacrifice embodies the preservation of Japanese culture amidst the challenges of modernity. In *The Wrath of the Gods,* she portrayed an unfortunate woman cursed by a Buddhist god, serving as a surrogate sacrifice for her brother's sin. However, in *The Dragon Painter,* Umeko is not seen as a woman but as the spirit of a lost princess transformed into a dragon. Here, Umeko symbolizes Japan's splendid artistic tradition, existing solely to inspire Tatsu (played by Hayakawa), the prodigious painter, with creative inspiration.

Umeko's father, Kano Indara, a renowned painter in search of a protege and successor to carry on the prestigious lineage of master paintings, lamented the absence of a son to inherit the Indara legacy. Uchida, a friend of Kano Indara, discovers Tatsu's artistic talent and introduces him as a potential disciple to Indara in Tokyo. Since Tatsu would only agree to be Indara's disciple after finding his princess, Umeko, daughter of Kano, becomes the sole means for Kano to perpetuate the family's art tradition. Her marriage to Tatsu is not a romantic union but rather a transactional arrangement.

The pinnacle of the film unfolds as Umeko, adorned in kimono, performs a traditional Japanese dance with a silver fan amidst a Japanese-style floral arrangement, accompanied by a samisen and Japanese drums played by her housemaid. During their initial meeting in this dance scene, Umeko's identity and presence dissolve into a mesmerizing spectacle of Japanese artistic heritage, captivating the screen for over forty seconds without any dialogue. Tatsu's profound fascination and astonishment are evident, as he falls in love not with Umeko as an individual but with the amalgamation of art tradition embodied through her.

In this portrayal, Umeko's essence as a woman is eclipsed, supplanted by the rhythmic harmony of Japanese music, traditional instruments, silver fans, fusuma doors adorned with hand-painted motifs—transforming Umeko into a vessel delivering pure aestheticism to the space. This scene aligns with Tom Gunning's concept of the cinema of attraction, which characterized early Hollywood cinema (1895-1907), and later assimilated into narrative

cinema.[39] It was intended to astonish audiences and pique curiosity, significantly influenced by prevailing ethnographic and scientific discourses about other cultures rather than serving a primary narrative purpose.[40] *The Dragon Painter* projected an imagined Japan familiar to American audiences during a time when exotic cultures were presented through ethnography and travelogues.

Umeko's character, as perceived by Tatsu, transcends her female identity, becoming more emblematic of a vessel than a woman. Tatsu's sorrow over Umeko's disappearance is palpable as he clutches her kimono, as if embracing her body. Scenes portraying the 'dead' Umeko with a disheveled kimono and trailing hair echo traditional Japanese depictions of female ghosts in theater and art.[41] Strikingly, it's only upon seeing Umeko's ghost, not her physical self, that Tatsu commences painting his masterpiece.

In the end, the film leaves uncertainty about Umeko's physical reunion with Tatsu, pondering whether her appearance was a sudden vision or reality. Nonetheless, this uncertainty becomes inconsequential when seeing the story as a whole—an elusive princess metamorphosing into a dragon, fueling Tatsu's artistic inspiration. This princess spirit embodies traditional Japanese cultural heritage, further manifested through Umeko's presence. By the film's conclusion, Tatsu has absorbed the essence of Nihonga painting and showcased it successfully to Western art collectors. Umeko's purpose seems fulfilled, rendering her physicality inconsequential, as it sublimates into the delicate fabric of Japanese Taste, symbolized by the kimono. Consequently, the essence of Japanese culture, seemingly fading, is reborn in American, specifically the Japanese Tea Garden in California. Umeko's body and subjectivity willingly succumbed to three patriarchal influences: her father's lineage, Tatsu's journey towards self-actualization through integrating art tradition, and the aesthetic tradition predominantly shaped by Japanese men.

The narrative is similar to those of Euro-American adventurers, poets, and artists—largely men—who struggled for authenticity in the far East, despite the boundaries of their society. In the 1890s, Japan's art landscape experienced a phase of

modernization with European painters and sculptors imported to civilize and instruct in the ways of modern art.[42] Edward Peil Sr.'s portrayal of Kano Indara epitomizes the Euro-American desire to rescue and protect authentic Japanese art amidst the complexities of modernity. This process of modernity is embodied by Uchida, Kano's friend and a mining engineer, as he surveys Kyushu's remote mountains for coal deposits using European-imported technical drawings in the film.

The on-screen anxiety portrayed in *The Dragon Painter* is intricately connected to off-screen motivations. The novel, authored by Mary Fenollosa, wife of the renowned Japanophile Ernest Fenollosa, encapsulates the Western desire to preserve Japanese culture and integrate into a modernized society.[43] Ernest Fenollosa arrived in Japan at the invitation of Japanese authorities, assuming a teaching role in philosophy at Tokyo University in 1878.[44] Bestowed with the name Kano Eitan (Yeitan) by Kano Eitoku (1814–1891), a prominent figure in the school with ties to the Imperial family, Ernest Fenollosa was once a celebrated figure.[45] However, Ernest's expertise in Japanese art faced professional setbacks due to increasing nationalism. Mary dedicated the book to Kano Eitan, symbolically involving her husband in the resurgence of Japanese painting and asserting her authorial control by using her married name.[46]

The novel *The Dragon Painter* emerged during the era when Japanese Taste gained popularity. As cited in Guth, William Hosley emphasizes the critical involvement and leadership of women, both as consumers and creators of art, in promoting the Japanese style.[47] These female authors, including Mary Fenollosa, addressed a predominantly female readership, using Japan as a focal point to scrutinize and challenge Victorian gender dynamics. Through her work on the novel, Mary Fenollosa not only attained professional recognition but also secured financial independence, marking her as a modern professional woman. However, this transformation came at the expense of Umeko's subjectivity within the narrative. Toya-san's role in *The Wrath of The God* illustrates the purification and fusion of the kimono with Japanese Taste. Umeko embodies the function and consequence of this convergence, epitomizing Japanese Taste as

a tool to navigate modernity for Westerners through an exploration of primitive and authentic art.

Notably, Umeko transitions from object to subject through her interactions with objects. In Tatsu's painting exhibition for Euro-American connoisseurs, Umeko's disappearance by drowning in the water is juxtaposed with the emergence of a mythological female figure—presumably, this represents Umeko's inference from the plot—adorned in a lavish kimono, leading a man, potentially Tatsu. Both figures walk hand in hand in the wild, symbolizing bravery and liberty. This painting technique, pioneered by Kano Hōgai, formed the foundation of Nihonga, an art form blending tradition with modern nationalistic ideals.[48] Interestingly, Nihonga was the style that actress Tsuru Aoki's adoptive father studied before moving to the United States.[49] Born in Tokyo, in 1899, at eleven years old, Aoki traveled to the United States with the Kawakami troupe and became the adopted daughter of Aoki Toshio (Hyosai), an artist in San Francisco.[50] Aoki likely played a creative role in a crucial painting depicting Tatsu's professional success.[51] The significance of this painting suggests Tsuru Aoki's tribute to her adoptive father's passing seven years prior.

Aoki's personal experiences as a Japanese American immigrant surfaced through abstract and synthesized means rather than organic expression, albeit confined within Euro-American connoisseur of Japanese culture in this film. However, considering it as an act of resistance would be overly optimistic. Both American and Japanese audiences remained largely unaware of Aoki's background due to deliberate misinformation circulated by film producer Lasky in magazines promoting *The Wrath of the God*s. In those two examples, both Umeko's subjectivity as a character and Aoki's as an actress are ambiguous. Due to the lack of concrete evidence indicating their direct interventions in the film's narrative, their agency is difficult for the audience to perceive.

Daughter of the Dragon: Dressing for Self-Expression and Subversion of Oriental Beauty

Daughter of the Dragon, produced in the 1930s, emerged during an era characterized by recurring themes of lust and oriental beauty in films focusing on Chinese characters. Hollywood films of that time often portrayed China as an alien civilization, seemingly devoid of inclinations toward democracy, spotlighting corruption, violence, poverty, and prostitution prevalent in modern China.[52] Compared to Aoki's films studied earlier, *Daughter of the Dragon,* was produced and influenced by distinct political discourses, emerging more than a decade later.

Anna May Wong was raised in Los Angeles by second-generation Chinese Americans. Wong entered the film industry as an extra while attending high school.[53] Her breakthrough came with the starring role in *The Toll of the Sea* as Lotus Flower and gained prominence as the first highly visible female Asian American film star during the 1920s.[54]

Wong's films have a dreamy, surreal quality that romanticizes an exotic, alien oriental civilization, distinctly different from Aoki's carefully crafted authenticity aimed at the American audience. *Daughter of the Dragon*, in which Anna May Wong portrayed the character of Ling Moy, draws heavily on ancient symbolism, most notably the dragon. The film further incorporates elements like gunplay, secret panels, and torture chambers, all of which contribute to its portrayal of a culture that, though rooted in antiquity, is depicted as both malevolent and alien to the Western audience. The sense of alien is further reinforced when Ling Moy prayed to ancestors in front of the painting of the dragon, symbolizing the spirit of Chinese tradition. The pair of shining eyes of the dragon echoes the shining costumes of Wong, signifying a mythical lineage between the two. In the United States, a demeaning depiction and fascination with Eastern cultures created opportunities for actors like Wong to take on roles that perpetuated the negative stereotypes associated with the East.[55]

Unlike Aoki, who consistently portrays characters in kimonos across her two films, Anna May Wong's character, Ling Moy, undergoes various wardrobe changes that align with the storyline in *Daughter of the Dragon.* Paramount invested a thousand

dollars—far surpassing the costume budgets of other actors—into Anna May's elaborate Chinese gowns.[56] She adorns Peking opera headdresses and Western-style bare legs in the opening scene. During a love scene with Petrie, Ling Moy's father Fu Manchu's foe, she opts for a Western hairstyle and attire. In a romantic moment with Ah Kee (played by Sessue Hayakawa), the Chinese detective investigating Fu Manchu's case, she insists he wears the robe of the Eastern Rank, while Ling Moy herself dons a coat resembling Pei Zi from the Tang Dynasty—a long scarf with long sleeves over her clothes. She plays the pipa, a Chinese stringed instrument, and softly sings a Taishanese dialect song for him. The use of Chinese music, attires, and surroundings symbolically connects them to China's shared history. Overall, the opulent and glamorous outfits within Ling Moy's lavishly designed house create a surreal atmosphere. Her seamless attire changes throughout the film underscore her intricate and ambiguous identity.

Wong was conscious of how her differences propelled her career. Embracing her public image as an enigmatic, mystical figure suggests she leveraged racist perceptions to some extent to maintain the public's intrigue with her. The early 1930s witnessed a resurgence of Orientalist fashions. Long popular since the late eighteenth century, combinations of Chinese silks and Indian cottons, Turkish gowns, and Arab burnooses, worn by icons like Greta Garbo and Joan Bennett, symbolized luxury, feminine allure, and contemporary style.[57] Reflecting on the Chinese influence in her American attire, Wong noted, "I realize that I look better if my gowns have a suggestion of China about them. And it's good business too!"[58] While Wong was often defined by her race, she skillfully used it as a means of setting herself apart from other actors vying for roles and recognition.

Wong's active use of ethnically specific costumes for character development aligns with Hobsbawm's concept of invented tradition. Hobsbawm delves into the shift from empires to the development of modern nations, highlighting that many perceived old traditions are relatively recent or even newly created.[59] The advent of early cinema occurred amidst a rapidly transforming society,

resulting in the erosion or dismantling of social norms that previously aligned with old traditions. This process led to the emergence of new traditions, for which the old ones were unsuitable, or when these traditions and their custodians proved insufficiently adaptable. The portrayal of Japanese and Chinese cultural motifs in American cinema becomes a canvas where traditions are either revived or newly fashioned.

The fluid, metamorphic image of Ling Moy, revealed Wong, as a Chinese American, evolving and transitioning between tradition and modernity. Somehow, this also resonated with the surreal imagination of Chinese women among the American audience. This portrayal effectively invents a new tradition by blending old cultural elements with modern Western influences. By embracing this gaze, Wong asserted the power to define and shape perception. Wong welcomed this surreal imagination of her ethnicity, partly because, as a second-generation immigrant, she also recognized China through imagination before her first trip to China in 1936. During her European tour on May 11, 1935, Anna May Wong attended a reception at the Chinese Embassy in London, where she met Hu Die, one of China's prominent film actresses.[60] Although no photographs exist of their encounter, Hu Die's oral autobiography provides a vivid description of the event. She recalls, "At the tea party that day... Wong, who was tall and wore a colorful garment with very wide sleeves, topped her outfit with a red and black straw hat. The hat resembled those worn by Qing soldiers, and the entire outfit was so distinct that it has remained etched in my memory."[61] This initial impression, with particular emphasis on Wong's exotic attire, alludes to the uniqueness of her style, which contrasted sharply with the fashion of Chinese women at the time. Specifically, the reference to the Qing military hat evokes an image of cultural otherness, suggesting that Wong's appearance might have embodied a deliberate attempt to blur cultural lines. Therefore, Wong's understanding and portrayal of Chinese clothing might have been imagined. Nonetheless, Wong's time in Europe played a significant role in cultivating a newfound self-confidence, enabling her to pursue more substantial roles beyond the stereotypical "exotic" side characters that

Hollywood often relegated her to. Throughout her career, Anna May Wong visited Europe multiple times, with her first trip occurring in 1928. She returned to the continent several times in the 1930s. During her 1928 stay in London, Wong notably rejected an offer from Hollywood screenwriter and talent agent Ben Hirschfield to star in *Piccadilly*, a major English production.[62] Wong explained that *Piccadilly* was "the most lavish production ever attempted here in English. I have a wonderful part, one of the three featured roles," signaling her growing independence and desire for more meaningful roles.[63] In an interview with a French reporter for *Pour Vous*, Wong explained her affection for Europe, noting that "the people there had less contempt for the colored races,"[64] allowing her to be her authentic self. She further shared stories from her childhood and spoke fondly of her family back home. Upon her return to Hollywood, Wong became increasingly vocal about her dissatisfaction with the limited and often stereotypical portrayals of Asians and Asian Americans in Hollywood cinema.[65]

Wong's visit to China in 1936 allowed her to deepen her understanding of Chinese cultural heritage while also embracing her identity as a Chinese American woman. It was during this visit that Wong first traveled to Shanghai, where she later met with Hu Die. A photograph (Figure 1) from the Association of Chinese Americans for Social Justice illustrates Wong wearing a cheongsam in a style reminiscent of Hu Die's, highlighting the evolution of her sartorial choices. The significance of this outfit—a Cantonese-style cheongsam—lies in its cultural symbolism.[66] The cheongsam symbolized a shift toward female emancipation in China, especially from the late 1920s onwards, as it provided women with greater freedom by eliminating the restrictive layers of traditional clothing.[67] Wong's adoption of the cheongsam marked a significant shift in her personal style, signaling her growing identification with Chinese heritage. This contrasted with her earlier career, during which she frequently embraced the flapper look, highlighting her modern and liberated aesthetic as part of her public persona in the 1920s and 1930s.[68] However, the challenges throughout her visit crushed her hopes of reconnecting with her culture and people. Wong became

painfully aware of the fact that she was "a woman without a country" and seen as a "foreign girl in a Chinese dress".[69] She had difficulties communicating due to the differences in Chinese dialect, forcing her to employ an interpreter, and was constantly criticized by the government throughout her stay. In both America and China, she was regarded as a foreigner, and yet she finds strength from this painful, problematic postion to form a Chinese American identity.

Figure 1. A group photo of Anna May Wong and Hu Die, a famous Chinese female movie star.

After her 1936 trip to China, Wong began to cultivate a more distinctly Chinese persona, both on-screen and in the media. This transformation was most apparent in her nearly exclusive choice to wear custom-made cheongsams. In the short film *Hollywood Party*, a 20-minute production set at a Chinese-themed tea party in Southern California, the film featured musical performances and a fashion show attended by Hollywood celebrities.[70] Through this fashion show, Wong showcased three distinct qipaos she had brought back from her trip to China, while also demonstrating her linguistic fluency

by speaking Mandarin to her Asian assistant. By this time, Wong's proficiency in multiple languages was well-known, as she had performed in English, French, and German, and had also used Cantonese in early talkies.[71] Through her strategic use of Mandarin and her choice of the qipao, Wong embodied a new sense of Chinese American modernity.

Wong's efforts can be seen as a challenge to Cheng's analysis in Ornamentalism, particularly in her examination of Wong's performance in *Piccadilly*. Cheng highlights how, in a dancing scene, Wong's subjectivity seems to extend to an animated object, blurring the boundaries between herself and the object, thus freeing her from the audience's gaze.[72] However, Cheng's analysis doesn't delve into the perspective of the onlookers or their power positions, nor does it adequately consider Wong's autonomy and agency in shaping her on-screen image.

Despite being often ignored or misunderstood, Wong actively sought to find her voice and advocate for ethnic minorities stuck between cultures in America. She utilized her voice off-screen to deconstruct her on-screen image. According to Peng, in her initial sound film made in Hollywood, her pronounced British accent, unlike her attire, sought to reveal rather than hide the divisions between visual and auditory elements.[73] Wong's portrayal in a surreal, fantastical space provided by American audiences allowed her to reveal the complexity of her identity, even challenging American stereotypes.

Having spent several years in Europe, Wong likely felt more secure in her mixed identity and used her attire to make nuanced cultural statements, subtly challenging both American and Chinese perceptions. This approach allowed Wong to establish an impeccable and widely recognized sense of style, enabling her to pay homage to her spiritual homeland later on. During her European tour from December 1934 to early 1935, Wong sang about the experience of being a half-caste woman on theater stages, expressing her racial loneliness. She tailored her songs for each country, aiming to resonate with and bridge understanding with audiences regarding her in-between position.[74] Upon her return from Europe, Wong vocally

expressed discontent with the representation of Asians and Asian Americans in Hollywood. She criticized the portrayal of Chinese people as villainous, treacherous, or a snake in the grass.[75]

Wong's active advocacy for Chinese clothing and her push for greater visibility of Asian performers in Hollywood underlines her connection of racial identity with fashion. Her proactive engagement reflects a continual process of shaping a fluid and intricate identity by infusing fresh meanings into Chinese symbols, drawing from both American and Chinese influences. While it might appear that she's playing into the stereotypical fantasy of ancient China, Wong consistently introduces her unique perspective to captivate the audience, whether or not they consciously notice it. This uniqueness is more pronounced than Aoki's painting in *The Dragon Painter*. Through this approach, she invents a new tradition that belongs to the Chinese American narrative. Her actions demonstrate her unceasing endeavor to navigate her identity across cultures. Wong's appropriation of misrepresented cultural symbols from America and potentially misunderstood Chinese fashion contributes to the crafting of her distinctive identity. This uniqueness might have perplexed audiences from both countries, showcasing Wong's ambiguous position amidst diverse cultures, but it's precisely this ambiguity that makes her intriguing and appealing.

Conclusion

Aoki refrained from discussing politics in her public life, choosing instead to share life wisdom and showcase her lifestyle. Her consumption patterns often reflected either Japanese taste or an Americanized lifestyle, aligning with the dominant political discourse of the time in America. Conversely, Wong actively shaped her identity by consciously consuming Chinese goods and purposefully wearing culturally specific attire. When analyzing their star images, it's easy to overlook that both Aoki and Wong, despite being ethnic minorities, were integral parts of the female consumer base in the United States, exerting influence in shaping vernacular modern culture.

In an era characterized by modernization and industrialization, women found empowerment in defining themselves through consumption, leading to the emergence of an entire industry catering to their interests. American female audiences and consumers significantly influenced the portrayal of Asian women on screen, actively seeking their modern identities through these representations. Despite fulfilling the imagination of the American audience, both Aoki and Wong displayed varying degrees of resistance on screen, revealing the subjectivity and complexity of their Asian identities. This exchange of desires and needs circulated among women of various ethnicities, fostering mutual influence. Both American and Asian women utilized history and the past to construct and shape their images. They engaged in an ongoing process of invention and reinvention, aligning themselves with the evolving spirit of the times.

Notes

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[3] William Worthington, dir., *The Dragon Painter* (1919; New Yorker Video, 2008), 53 min., DVD, 720p.

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[14] Katie Gee Salisbury, *Not Your China Doll: The Wild and Shimmering Life of Anna May Wong* (Dutton, 2024), https://search.ebscohost.com/login.aspx?direct=true&db=cat03710a&AN=alb.10451041&site=eds-live&scope=site.

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[17] Chow, *The Rey Chow Reader*, 113.

[18] Metzger, "Patterns of Resistance?: Anna May Wong and the Fabrication of China in American Cinema of the Late 30s," 9-10.

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[20] Miyao. *Sessue Hayakawa: Silent Cinema and Transnational Stardom.* chap.2.

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[67] Metzger, "Patterns of Resistance?: Anna May Wong and the Fabrication of China in American Cinema of the Late 30s," 2.

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Manufacturing The Enemy: An Analysis of the Media's Villainization of Arabs and Framing Tactics

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ABSTRACT: The consistency of our values and perceptions are reinforced daily by the media we consume. The way in which a piece of media is framed can entirely shift one's perspective, shaping opinions and public perception on critical issues. In the case of villainization, the framing of a news article can push someone away from a cause and entirely dismiss it or draw them in by capturing their sense of care. The media has captured and controlled many of our ideologies, promoting them as the correct way of thinking. This plays an integral role in societal perceptions of the Middle East. Why do negative connotations come to mind when one hears Syria, Iraq, and Afghanistan? This article will explore how Western media representations of Middle Eastern and Islamic peoples often rely on negative framing to perpetuate hegemonic power structures. Through an exploration of modern media tactics, we examine vilification while also acknowledging the complexities and nuances of media dynamics. This article asks us to critically engage with media representations and advocates for a more self-reflective approach to consuming media.

KEYWORDS: Middle East, democracy, multiculturalism, nationalism

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Introduction

With the Palestinian movement on the rise, the mediatization of news has increased proportionally. News coverage has taken new forms, with the development of digitalization and mediatization raising questions about the validity of the news. Historically, awareness of media bias has dated back to the theorization of the public sphere, though now it is more powerful than ever, with the term media taking on new connotations. In addition to the biases of traditional publishing outlets like the New York Times (NYT) and the Cable News Network (CNN), social media actors like Britain First have used their platform to distort the content put out by major publishers even further. The social impact of media has intensified as social media takes on the biases of content creators and who push constructed narratives.

This article investigates how media framing influences societal behavior towards Middle Eastern communities, with attention to practices that perpetuate vilification by looking at headlines obfuscating the Gaza Genocide, and visual representations of Muslim women as victims and purveyors of a dangerous culture. This paper utilizes framing theory as its primary theoretical approach – this allows us to challenge common perceptive thoughts and biases. The theory serves an important role to understand how the concept of framing is used by publishers and writers to deliver distorted content to their audiences.

Framing Theory

Framing theory offers a lens to understand how media shapes public perceptions by interpreting storylines and categorizing information to specific audiences. The media's influence on public perceptions has been exacerbated by the many options people consume. Storylines and streams of thought are "interpreted" through framing, which categorizes information for a target audience and caters to specific audiences.[1] Frames can be categorized in three separate ways: perception, principles, and cultural constructs.[2] Perceptive frames involve association with familiar events shaped by an individual's

experiences. This frame divides people by their principles as they filter information to process it, creating a perceived reality that inherently makes sense to a niche group.[3] Additionally, cultural construct is the higher level of framing as the culture of the individual shapes their experiences, morals, and values.[4] These experiences shape the receiver's common sense and create the so-called perceived reality.[5] Culturally, the data that is being consumed by the readers should be understandable to each society and cater to its morals to be received successfully. Societies are shaped by public figures and hegemonic powers, which can leave framing in the hands of the wrong people. [6]

In our modern world, people have high grounds and advantages politically, financially, and socially. If a state of power holds a specific viewpoint, the rest of the world is influenced to change their own framing to match those in power. We see repeatedly in history that propaganda supports systematic hierarchies, sometimes causing the downfall of marginalized groups.[7] For example, take this New York Times article from 2023 titled: "Hundreds Reported Killed in Blast at a Gaza Hospital." The title makes it seem as though these hundreds of innocent Palestinian civilians that were murdered by Israel have been "killed" from a natural "blast," when in fact it was a war crime committed by the Israeli government.[8] Such framing of a dire issue minimizes critical engagement and perpetuates narratives favorable to hegemonic powers, in this case to shield the reputation and savior complex of the West and fuel their own narrative.

Another recent example of this is shown in a CNN article that is titled "Human Rights Watch accuses Israel of genocide by 'deliberately' restricting water in Gaza."[9] The title speaks for itself, insinuating that the people of Gaza are lying when they say that water restrictions are caused by Israeli occupation, which is common knowledge for the lay person. The article then shows a child holding three bottles of water, insinuating that there is water available in Gaza. Not only does this type of media create a frame for Israel as the good guys in this situation, but it also paints Gazans as liars. Rather than reporting news, it is pushing a narrative.

Cultural Relativism and Saviour Complexes

A significant issue in the media's portrayal of Islamic and Middle Eastern peoples is a lack of cultural relativism, which often leads non-Western practices to be viewed through a Eurocentric lens.[10] A prevalent example of this is the 1947 *Universal Declaration of Human Rights*; Saudi Arabia raised concerns regarding Articles 16 and 18, which relate to freedom of marriage and religion.[11] Due to Saudi Arabian cultural practices, the articles did not match their societal standards, though they were met with accusations of oppression.[12] These reactions and responses fail to consider cultural and religious contexts underpinning Saudi Arabia's stance, illustrating a boarder, harmful tendency to universalize Western norms.[13] This exemplifies a pattern of Western media forgoing cultural relativism by mobilizing rhetoric.[14] Consequently, the framing becomes centered around Western superiority.

This can also be explained by savages, victims, and saviors (SVS), a three-dimensional compound metaphor of "a contest that pits savages against victims and saviors."[15] White people and Western societies are portrayed as the saviours, while the savages and victims are people of color and less fortunate individuals, a black-and-white construction that pits good against evil. The West has created a discourse that is predictable and unidirectional, affirming their upper hand and consequently using it to spread information that is in their best interest. This is a pattern that has been seen in Western media; good versus bad are seen as objective black-and-white categories. Furthermore, because the narrative is created in assumption of public safety, it claims Arabs are inherently savage terrorists, making it unsafe for the West to assume innocence before guilt.[16] The SVS metaphor rejects cultural relativism, instead supporting a Eurocentric ideal.

Villainizing Media Tactics

Using framing theory, one can see the types of media tactics used to villainize Islamic and Middle Eastern peoples. Western media frequently uses specific wording, analogies, and images to paint these

groups as terrorists. This excuses Western dominance by asserting a saviour complex. In recent history, we can identify 9/11 as a pivotal event in the rise of hate for Arab culture. The aftermath exemplifies how these tactics have fueled an uprising of Islamophobia around the world. The victim narrative was then shifted in to their benefit, to reframe the invasions of Afghanistan and Iraq.[17] The underdog prevails against the savages! A notable tactic is taking pictures and stories out of context, manipulating them to become ideological tools that reinforce negative stereotypes. The US Department of Defense released many articles speaking in a heroic manner to enforce this frame after 9/11, "But, on that day and every day since, the United States has demonstrated that we would never bow to fear and hatred."[18]

Another common tactic is the use of specific language to assert cultural superiority. This is seen vividly through the work of Lila Abu-Lughod, a Palestinian American anthropologist who sheds light on the topic of Muslim women in Islam and how they are viewed as oppressed, specifically in Afghanistan. Western media often make deliberate word choices to create a narrative that Muslim women must be "saved" from their own culture.[19] Furthermore, this language is employed without evaluating the cultural and historical significance of choices

Muslim women make, which removes their individuality.[20] Before Muslim and Arab women get any historical background to their own stories, they are automatically labeled as victims of oppression who need saving.[21] Western feminism holds a superiority complex and since Western society is seen as the savior, it is then labeled as the correct ideology and practice. This issue is most clearly represented in the rhetoric against hijabi women. Western feminism views women covering up as oppression, while Muslim culture views covering up as a gesture of empowerment. While oppression of women is prevalent all over the world, placing this label on a large demographic creates unfounded perceptions and strips agency from Muslim peoples. This creates a collective punishment for Muslim women and men by labeling one as oppressed and the other as the oppressor. There is a lack of cultural relativism and nuance when

approaching the life of Muslim women; though this is not unique to the West, it is more prevalent and powerful there, as discussed previously. Paul Evans's picture makes a clear distinction between how cultures perceive one another, in the absence of any context (Figure 1). Depending on cultural background, someone may find one or the other more insulting.

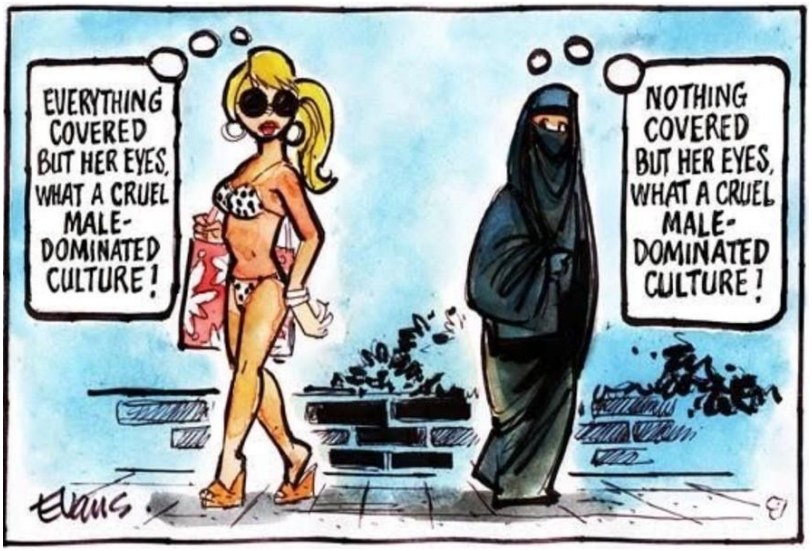

Figure 1. Evans, Malcolm Paul. "Burkas and Bikinis." Alexander Turnbull Library, January 6. 2011. https://tiaki.natlib.govt.nz/#details=ecatalogue.628296

A notable photograph taken out of context is the photograph taken by Lana Slezik of Malalai Kakar (Figure 2) as part of a profile. A famous Afghani police officer, Kakar was an advocate for women's rights in Afghanistan and would often go on missions to protect women.[22] The photograph shows her wearing the burqa on top of her police uniform as she holds a pistol. Shortly after the picture was taken, Kakar went on a rescue mission.[23] As the photograph went public, UK media jumped at the opportunity to conclude that the burqa is used for violent purposes, using the photo against Kakar and Muslims in general. Western media framed the photo to villainize Islam by creating false propaganda. This presents an ironic reality: the same media which preaches for freedom of choice bashed a woman for making the wrong choice. One sees in this example a

continuing erasure of context that intentionally reaffirms Islamophobic stereotypes. This reveals challenges that media faces in balancing accuracy and reinforcing powerful narratives around the world.

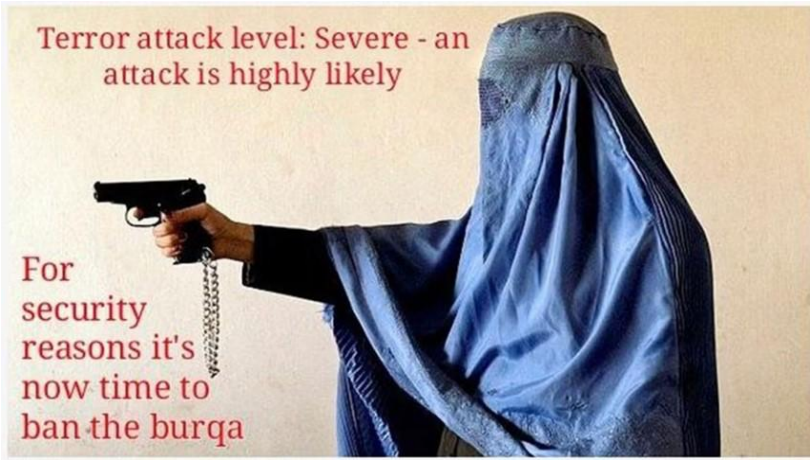

Figure 2. Screenshot shows the image of Lieutenant Colonel Malalai Kakar which was posted on Facebook by Britain First. Saul, Heather. 2014. "Britain First Picture: Photographer 'Horrified' after First Afghan Policewoman Killed by Taliban Used for 'Ban the Burka' Campaign."

How These Tactics Assert Western Dominance

The media uses several different tactics to frame specific narratives and perspectives against Islamic and Middle Eastern peoples. But why? These narratives reaffirm the focus of power in the West. Such rhetoric creates a perfect scenario where the foreigners are the villain, and the West is the hero that prevailed against all odds.[24] The power they hold with the media allows them to control the reputation of others and themselves. This is extremely beneficial to the West as they could frame any threat as bad and shun them against the world. Their power and reputation allow them to use the media to reaffirm themselves as saviors of the good world. Though it is crucial to note that not all Western media aims to create this narrative and perpetuate biased representations. To generalize Western media in one category would be playing in their court;

instead, we must highlight patterns in specific contexts and emphasize the need for critical engagement. Future research could benefit from larger data samples and rigorous methodological approaches to examine these dynamics more comprehensively.

Conclusion

The best way to combat these strategically constructed narratives and frames is to be more self-critical and analytical when consuming media. The public rhetoric should be questioned, how perceptions came to be and why are some cultures are inherently viewed as good or bad. It is important to challenge our beliefs that often stem from our cultural values or media narratives. The use of framing and media tactics has created a generalized belief of the SVS dynamic, out of involuntary ignorance due to our media consumption. Therefore, it is more important than ever to be aware of how information is portrayed and question one's automatic perceptions. Using the frames of the SVS metaphor to categorize and identify pieces of media, we can reduce bias on either end of the spectrum and critically observe media.

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Section III
Natural & Applied Sciences

Searching for Significance: An Evolutionary Advantage in Autism Spectrum Disorder

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ABSTRACT: This paper explores theories and evidence supporting visual search ability being an evolutionary advantage in people with Autism Spectrum Disorder (ASD), resulting in the persistence of the Broader Autism Phenotype (BAP) in the gene pool. Through evaluation of the existing psychological literature, an overview of the evolutionary advantages of superior visual search ability is presented. Specifically, focus is centred on advantages in threat detection and foraging behaviour. Explorations of the experimentally found superiority among those with genetic markers for autism are also discussed through the perspective of destigmatization of the disorder. The paper details that the superiority holds among various experimental paradigms with moderate effect sizes even in variable age groups. It overviews the Autism Advantage and evaluates the validity of research in this area. The paper concludes that individuals with ASD have generally advantageous visual search abilities in comparison to neurotypical control populations which may be indicative of an evolutionary trade-off of the disorder.

KEYWORDS: Autism Spectrum Disorder, developmental disorders, psychology, evolution, biology, evolutionary psychology

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Everything in the human genome comes from somewhere– but some heritable traits are not as obvious as others in how they have provided an evolutionary advantage. This holds true for cognitive diversity, deemed 'disorders' in today's world, that contain a heritable genetic component and that have persisted in the gene pool over time. One of these less obviously advantageous disorders is Autism Spectrum Disorder (ASD). ASD is an umbrella term encompassing a spectrum of previously separately diagnosed conditions, including Autistic Disorder, Aspbergers, Childhood Disintegrative Disorder and Pervasive Developmental Disorder.[1] This condition, ASD, is clinically characterized by difficulties in social interactions and restricted and repetitive behaviour patterns.[2] ASD is common in the general population, affecting approximately one in one hundred children worldwide today[3] and has been demonstrated to be highly genetically heritable.[4] Due to its genetic relevance, it has been shown that relatives of individuals with ASD can also exhibit characteristics indicative of autism. This is referred to as the Broader Autism Phenotype (BAP)[5] and has special relevance when discussing the advantages associated with some of these traits.

As stigma surrounding ASD has waned, diagnosis has increased and developmental professionals, clinicians, and people with autism have changed their tune, with a paper from Bagatell showing that many look at autism as an opportunity to provide support rather than something to be cured.[6] In line with this view, researchers have found areas in which there seems to be an 'autism advantage', like visual search ability, the area of interest for this paper. Visual search is characterized as the ability to locate a target stimulus among distractor stimuli[7] and has been suggested to be involved in multiple processes that contribute to species survival.

In the sections to follow, this paper will delve into humans' historical need for visual search ability in our evolutionary past and will relate it to the superior abilities displayed by those with Autism today in order to highlight one of many reasons for the persistence of the Broader Autism Phenotype within the species. This paper will elucidate the link between the superiority in visual search

and the continuation of a genetic cognitive difference in the gene pool, previously thought of as mainly disadvantageous.

Visual Search and Survival

Visual search, as described above, consists of looking for and finding a target among several neutral distractors.[8] These target or distractor stimuli can be almost anything, but research on visual search is often focused on things like faces, symbols (see fig. 1), or more complex stimuli like natural scenes. Each of these research paradigms is mirrored in or includes aspects of the real world, and it is for this reason that researchers take such interest in the ability of various groups to sift through them for a relevant target. The aspects of the real world that this section will focus on are threat detection and foraging behaviour, both of which have been quasi-reproduced in visual search experiments, and both of which have evolutionary significance in their aid in survival for the human species.

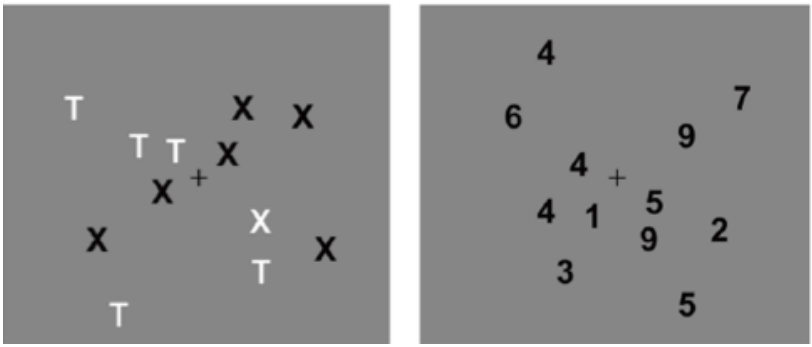

Figure 1. Examples of two visual search tasks, one using conjunctive search of colour and letters and one using numbers. (Source: Aya Shirama, Nobumasa Kato, and Makio Kashino, "When Do Individuals With Autism Spectrum Disorder Show Superiority in Visual Search?," Autism 21, no. 8 (November 29, 2016): 942–51, https://doi.org/10.1177/1362361316656943.)

The ability to detect threats directly correlates with the ability to survive. This simple statement means that the better one's ability is to notice something that is in opposition to their survival, the better their chances at passing on their genes to their offspring. Much of the research on threat detection often includes discussions of the

evolution of anxiety and other psychological phenomena.[9] Some scholars theorize that the detection of threats leads to these threat responses (anxiety, alarm responses), which leads to conservation of reproductive resources (life, health), which ultimately contributes to Darwinian fitness.[10] This multipart chain of events is all to say that being able to search the environment for that which the brain deems 'threatening' is advantageous to an individual's survival and their ability to pass on their genes. In the laboratory, researchers use visual search paradigms with targets meant to resemble threatening stimuli,[11] like predators or angry faces, and contend that these search experiments can be extrapolated to show threat detection ability. The better an individual is at searching for this target, the better their threat detection, and the better their Darwinian fitness.

Another aspect of survival in the evolutionary past is success in foraging behaviour. Foraging behaviour, defined broadly as feeding and as a series of actions one takes to procure food, including relocation,[12] aids the ability to feed oneself, a self-evidently crucial aspect of reproductive fitness. With regard to visual search, many species, humans included, use visual search strategies when foraging.[13] This type of visual search is sometimes called hybrid-search or complex search,[14] and consists of looking for multiple of the same target among distractors, rather than just a single target. Experiments of this type involve stimuli that consist of certain shapes among similar or dissimilar distractors. An individual's ability to find success in this type of visual search paradigm, which is analogous to foraging behaviour, signifies to the researcher that they would have success in finding food and ensuring survival for many species, humans included.

The Autism Advantage: Evidence From Research

Visual search, in the general psychological literature, is anything but under-researched. As of the last few decades, however, autism research specifically has begun to incorporate visual search, following the phenomenon that some researchers deem the 'autism advantage' in this area. The visual search research on ASD in the

literature has focused on a few specific areas: social, non-social, and natural. Here, we will discuss the abundance of evidence regarding people with ASD's superior ability in virtually all visual search paradigms while diving into specific examples associated with the advantageous traits discussed above.

Within the literature there exists a plethora of primary research, as well as reviews and meta-analyses, regarding visual search in autism which come at the question from every possible angle. Overarching reviews of the topic consistently find that regardless of the experimental paradigm employed, ASD groups typically perform significantly better than neurotypical groups when tasked with visual search.[15] One such paper finds variation in effect size depending on the paradigm being tested, with more complex search tasks, including conjunctive search, showing a higher effect size than simple search tasks.[16] It is worth noting that studies find many of these experiments tend to be biased toward ASD participants without intellectual disability.[17]

To illustrate the autism advantage using examples, one can look at foundational research done by O'Riordan et al. at the University of Cambridge,[18] as well as subsequent research that demonstrates consistency in visual search superiority over many different paradigms and experimental groups. Plainly, visual search ability for target shapes has been demonstrated to be superior in groups with autistic traits versus typically developed groups, especially among children.[19] This result holds when the participant group is adjusted to be only toddlers still in development,[20] as well as older, adult populations.[21] The consistency of this result continues when the experimental paradigm changes as well. Different types of search, like hybrid search mentioned when discussing foraging, yield results that show people with ASD continuing to outperform neurotypical control groups. These paradigms include conjunctive and complex visual search tasks,[22] as well as search tasks specifically designed for threat detection, like the previously mentioned study concerning predators.[23]

Whether these paradigms are comparable to the real world–live threats, constantly moving threats, etc–is still up for debate.

While these are valid concerns due to the difficulties of reproducing non-lab conditions within the lab, some researchers have attempted to assuage these doubts by continuing to increase the complexity of these tasks. Joseph et al., for example, employed dynamic search paradigms with moving targets and found that the ASD group has no disruptions in search superiority as with a static paradigm.[24] Of course, the concerns remain. The lab will never be a replication of real-life conditions, and gaps remain when looking at the problem at hand from this viewpoint which helps outline the importance of further research in this area.

Conclusion and Discussion

Through evaluation of the literature, it is abundantly clear that, despite a small number of caveats, visual search is generally superior among those with ASD when compared to neurotypical control populations in the vast majority of paradigms available in the lab, even if the size of this superiority varies. This advantage could make up one aspect of certain evolutionary trade-offs of the disorder, i.e. lesser social cognitive ability for increased visual search ability. In the present day, social cognition may play a much larger role in an individual's life over visual search, especially visual search regarding threats or food. This can help to explain the stigmas that think of ASD characteristics as much more disadvantageous than advantageous.

If increased visual search ability helps to preserve reproductive ability and survival by providing advantages in threat detection or foraging behaviour, and those with ASD characteristics are overwhelmingly more accurate and faster at visual search, then it must follow that those with ASD likely have an advantage in this field, helping their genes to persist over time.

This logical progression is underexplored in the literature and thus provides a path forward for evolutionary psychologists and researchers working to destigmatize ASD. Neurodiversity termed 'disordered' evokes thoughts of disadvantages and disadvantages only. When looking through an evolutionary lens, however, we can understand the ways in which people with ASD and similar genetic

markers (BAP) are advantaged, not only in survival and the far away past, but also, albeit less-so, in every-day life, as we use visual search, simple and complex, in our daily tasks. An evolutionary lens applied to a hereditary condition like ASD, is imperative in achieving an in depth understanding of the disorder.

Notes

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Exploring the Crossroads of Innate and Adaptive Immunity Against Mycobacterium Tuberculosis

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ABSTRACT: This review examines the complex interactions between *Mycobacterium tuberculosis* and host immunity, with a focus on *Mtb* and immune evasion. Upon inhalation, *Mtb* infects alveolar macrophages, inhibiting phagosome-lysosome fusion to survive. Dendritic cells are later activated, driving CD4+ T cell differentiation and IFN-γ release to enhance macrophage bactericidal activity. *Mtb* may be sequestered in granulomas, which contain the infection but facilitates *Mtb* persistence during latency. Further, cytotoxic T lymphocytes eliminate infected cells, while regulatory T cells modulate immunity. Overall, host immune responses must balance between pathogen control and tissue damage. Thus, *Mtb's* immune evasion mechanisms pose a significant challenge for vaccine development and therapeutic intervention. Understanding these interactions is critical for uncovering novel strategies against *Mtb* infection and improving public health outcomes.

KEYWORDS: Mycobacterium tuberculosis, Tuberculosis, Innate immunity, Adaptive immunity, Host-pathogen interaction, Immune evasion, Granuloma formation, Macrophages, Complement system

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The Mucosal Barrier and Innate Inflammatory Signalling

Tuberculosis (TB), caused by *Mycobacterium tuberculosis* (*Mtb*), is an airborne infectious disease that remains one of the leading causes of death globally.[1] The clinical spectrum of TB ranges from latent, asymptomatic, and non-transmissible states to active, transmissible, and potentially life-threatening forms.[2] *Mtb* primarily infects the mucosal tissue of the respiratory tract, leading to symptoms such as persistent cough, fever, and fatigue.[3] A deeper understanding of the pathogen's disease mechanisms and its interaction with the host immune system is essential for developing more effective therapeutic strategies and controlling the global TB burden.[4]

Upon inhalation, *Mtb* settles within the alveoli of the lungs, initiating its interaction with the lung mucosal barrier.[5] This barrier consists of the alveolar lining fluid (ALF), an aqueous-hypophase, which serves as the first line of defence within the alveolar space.[6] ALF contains essential soluble innate components, including complement proteins, which play a critical role in early immune responses against *Mtb*.[7] Notably, ALF-hydrolases actively alter the *Mtb* cell wall, enhancing the ability of human macrophages to recognize and eliminate the pathogen.[8]

Simultaneously, *Mtb* activates a family of human toll-like receptors (TLRs) on the membrane surfaces of immune cells, such as macrophages.[9] Among these, TLR2 and TLR4 play pivotal roles in initiating antimicrobial responses against *Mtb.*[10] These receptors initiate intracellular signalling pathways in leukocytes through both pro- and anti-inflammatory cytokines, enhancing the expression of adhesion molecules on immune cell surfaces.[11] Although the role of TLR4 remains debated, Park et al. demonstrated its importance in regulating neutrophil recruitment and cytokine production.[12] For instance, proinflammatory cytokines such as interferon-gamma (IFN-γ) and anti-inflammatory cytokines such as interleukin 10 (IL-10) are triggered by TLR4 during *Mtb* infection.[13] Notably, TLR4 deficiency in mice resulted in an uncontrolled *Mtb* infection due to disrupted IL-10 signalling and neutrophil depletion.[14] TLR2, on the other hand, is critical for inducing tumour necrosis factor-alpha (TNF-α), a key

inflammatory cytokine essential for macrophage activation, as shown by Underhill et al.[15] Thus, TLRs are instrumental in enhancing antimicrobial defences and initiating signalling-mediated immune responses against *Mtb*.[16]

Macrophage Recruitment and Granuloma Formation

In the alveolar space, Teitelbaum et al. highlight the crucial role of macrophages in phagocytosing *Mtb*.[17] *Mtb* interacts with specialized epithelial cells, called M cells, that facilitate the transfer of *Mtb* to lymph nodes.[18] While *Mtb* is in the epithelial lining of the lungs, intraepithelial macrophages begin phagocytosis.[19] A reduction in intraepithelial macrophages significantly increases susceptibility to *Mtb* infection as fewer macrophages can contain the pathogen.[20] Following initial infection, *Mtb* can persist in the epithelial lining for up to 36 hours, delaying its migration to the lymph nodes and remaining in the lungs.[21] *Mtb* can also enter the alveolus and get phagocytosed by alveolar macrophages.[22] While most *Mtb* is phagocytosed, some bacteria survive and reside within phagosomes.[23] By surviving in this intracellular compartment, *Mtb* disrupts macrophage signalling pathways, maintaining the phagosome's pH above the level required to generate reactive oxygen species (ROS) and lysosomal enzymes—both essential to bacterial killing.[24] This ability to influence host immune responses enables *Mtb* to create a conducive environment for persistence and survival.

To support overwhelmed macrophages, the immune system recruits additional immune cells to form granulomas, a hallmark of TB.[25] Granuloma formation is driven by the upregulation of TNF-α, which promotes phagolysosome fusion and induces apoptosis.[26] [27] The granuloma consists of a core of infected macrophages surrounded by various immune cells, creating a containment structure designed to isolate the pathogen and prevent its spread.[28] However, the center of the granuloma can undergo caseous necrosis—the premature death of damaged or infected cells—resulting in necrotic material.[29] While this process aids in containing the pathogen, it does not completely eliminate *Mtb*, causing the bacteria to persist.[30]

Immune Cell Recruitment Through Complement Activation

Early interactions between the complement system and other innate immune factors play a critical role in the formation and maintenance of granulomas.[31] Complement regulatory proteins, such as C3b and C4b, coat the surface of *Mtb* through opsonization, enhancing macrophage recognition and phagocytosis to promote bacterial lysis.[32] [33] Additionally, complement proteins like C5a and C3a enhance inflammation, which engages natural killer (NK) cells and neutrophils to the site of infection.[34] These cells contribute to the immune defence by limiting infection and minimizing tissue damage.[35] [36] These coordinated interactions between complement proteins and immune cells are essential for controlling the pathogen and maintaining immune homeostasis during infection.

The complement system also actively engages with NK cells, which are key early responders in innate immunity recruited to sites of *Mtb* infection.[37] Although traditionally known for targeting tumours and virally infected cells, NK cells have also been shown to bind to and kill *Mtb*.[38] Vankayalapati et al. reveal that NK cells express cytotoxic receptors—NKp30, NKp44, and NKp46—that enable them to recognize and lyse *Mtb*-infected macrophages.[39] The cytokines IL-2 and IL-12 enhance the antimycobacterial activity of NK cells by inducing the expression of NKp44.[40] This facilitates direct interactions with its corresponding ligand on the surface of *Mtb*-infected macrophages, leading to the production of IFN-γ and further activating macrophages to contain and eliminate the infection.[41] By activating NK cells, these cytokines strengthen immune defences, making bacterial replication and spread more difficult.[42] [43] Additionally, Lu et al. propose a direct killing mechanism in which NK cells release cytoplasmic granules containing perforin and granulysin through nanotube-like structures.[44] These granules compromise the integrity of the bacterial cell wall, contributing significantly to *Mtb* death and reinforcing the importance of NK cells in controlling TB infections.[45]

The complement system's final interaction involves neutrophils–highly motile innate immune cells that migrate to the

lungs in response to chemokine signals, particularly IL-8, released by macrophages.[46] Neutrophils express complement receptors, Fc-receptors, and TLRs, enhancing pathogen recognition and facilitating phagocytosis through specialized phagosome vesicles.[47] These phagosomes fuse with granules containing antimicrobial enzymes and ROS, aiding pathogen clearance.[48] Furthermore, neutrophils amplify the immune response by secreting TNF-α, a proinflammatory cytokine that promotes granuloma formation and macrophage activation.[49] They also release interleukins such as IL-1β and IL-6, contributing to inflammatory signalling and immune cell recruitment.[50] Additionally, neutrophils can undergo a unique form of cell death known as NETosis, releasing neutrophil extracellular traps (NETs) to capture and immobilize *Mtb*.[51] In contrast, Hedlund et al. demonstrated that following interactions with *Mtb*, neutrophils can undergo accelerated apoptosis instead.[52] These apoptotic neutrophils, unlike those undergoing NETosis, do not release NETs but instead activate mucosal dendritic cells (DCs) through specific surface molecules, further supporting immune responses and strengthening host defence mechanisms.[53]

Adaptive Immunity Initiated by Dendritic Cells and T Cells

Dendritic cells serve as essential antigen-presenting cells (APCs), bridging the innate and adaptive immune response.[54] Upon infection, DCs residing in the lung mucosa recognize *Mtb* through TLRs and initiate phagocytosis for antigen processing.[55] These infected DCs then migrate to the draining lymph nodes, where they present *Mtb*-derived antigens to $CD4^+$ and $CD8^+$ T cells via MHC class I and II molecules, respectively.[56] Tian et al. demonstrated that DC depletion in mice impaired the generation of effective $CD4^+$ T cell responses, leading to uncontrolled *Mtb* replication in the lungs.[57] Through MHC class II presentation, DCs activate $CD4^+$ T cells, which rely on cytokine signalling to mount a strong inflammatory response.[58] IL-12, released from APCs such as macrophages, promote the differentiation of $CD4^+$ T cells into T helper 1 (Th1) cells.[59] Th1 cells produce IFN-γ, a critical cytokine that enhances macrophage activity,

improving their ability to engulf and kill *Mtb*.[60] Once the infection is controlled, the immune system generates memory $CD4^+$ T cells that retain antigen recognition, facilitating a faster and more robust response upon re-exposure to *Mtb*.[61] This protective memory immunity ensures an efficient defence in future encounters. Murine studies further underscore the importance of $CD4^+$ T cells, showing that their depletion results in compromised immune responses, increased bacterial burden, and TB progression, highlighting their critical role in controlling *Mtb* infection.[62]

Substantial evidence supports the protective role of $CD4^+$ T cells against *Mtb*, but determining the specific contribution of $CD8^+$ T cells remains challenging due to differences in antigen recognition.[63] $CD4^+$ T cells recognize exogenous antigens presented on MHC class II molecules, while $CD8^+$ T cells detect cytosolic antigens through MHC class I molecules.[64] Since *Mtb* primarily resides within infected cells, extracellular antigen presentation by $CD4^+$ T cells is more easily observed than the intracellular presentation required for $CD8^+$ T cell activation.[65] However, Flynn et al. demonstrated that $CD8^+$ T cells play a crucial role in controlling *Mtb* infections, as mice deficient in $CD8^+$ T cells due to β2-microglobulin gene disruption exhibited impaired control of infection compared to wild-type mice.[66] Like $CD4^+$ T cells, $CD8^+$ T cells produce IFN-γ, enhancing macrophage antimicrobial functions and promoting granuloma formation.[67] In vitro studies of human cells show that $CD8^+$ T cells also possess cytolytic capabilities similar to NK cells, releasing perforin and granzymes into the synapse between the $CD8^+$ T cell and *Mtb*-infected cells.[68] Perforin creates pores in the membranes of infected cells, enabling granzymes to enter and induce apoptosis.[69] Proper regulation of these cytolytic functions is essential for maintaining immune homeostasis and preventing excessive tissue damage during infection.

Regulatory T cells (Tregs), a subset of both $CD8^+$ and $CD4^+$ T cells, modulate immune responses against *Mtb*.[70] Tregs use anti-inflammatory cytokines to suppress the proinflammatory responses necessary for controlling *Mtb* growth, preventing excessive tissue damage.[71] However, this immunosuppression can also be detrimental

in limiting the spread of *Mtb.*[72] Yu et al. found that as TB severity increases, $CD8^{+}CD28^{-}$Treg cells increase to control excessive immune activation.[73] They also reported elevated levels of $CD4^{+}CD25^{++}$ Treg cells in the peripheral blood of TB patients compared to healthy individuals, indicating that persistent immune activity promotes Treg expansion.[74] This increase in Treg cells can be problematic, as their heightened anti-inflammatory activity may impair the body's ability to clear *Mtb*, suppressing the production of key immune factors such as Th17 cells and IFN-γ.[75] [76] Such conditions allow *Mtb* to survive and potentially transition into a chronic disease state.[77] Although Tregs primarily target T cells, Xu et al. demonstrated that they can also act on other immune cells, such as B cells, further suppressing immune responses essential for pathogen clearance.[78]

B Cell-Mediated Antibody and Phagocytic Responses

B cells play complex and sometimes contentious roles during an *Mtb* infection, with antibody production being a key mechanism, particularly involving immunoglobulin G (IgG) and A (IgA).[79] Studies indicate that children with disseminated TB exhibit significantly reduced IgG levels compared to those with localized TB, suggesting a correlation between IgG responses and disease severity.[80] This is further supported by findings of elevated IL-21 in TB lesions of IL-21R-deficient mice, highlighting IL-21's role in promoting IgG isotype switching in modulating IL-10 production.[81] [82] [83] B cell-deficient mice display elevated IL-10 levels, while B cell transfer reduces mortality, decreases lung bacterial burden, and limits granuloma progression.[84] However, some research indicates that variations in IL-21 and IL-10 expression may not directly influence disease outcomes.[85] IgA also plays a protective role in *Mtb* defence.[86] IgA-deficient mice show increased lung bacterial loads, reduced IFN-γ and TNF-α production, and elevated IgM levels, indicating heightened susceptibility.[87] Beyond conventional antibody pathways, recent studies suggest an alternative mechanism known as antibody-dependent cellular phagocytosis (ADCP).[88] Through ADCP,

antibodies bind to Fcγ receptors on alveolar macrophages, promoting opsonization, enhanced phagosome maturation, and increased microbicidal activity, thus restricting *Mtb* growth.[89] [90] Despite these insights, further research is necessary to fully understand the diverse and sometimes contradictory roles of B cells in both defensive and regulatory processes during *Mtb* infection.

Conclusion

The innate and adaptive immune systems coordinate a complex, multifaceted response during *Mtb* infection. From the initial encounter in the alveoli, TLRs enable early pathogen recognition, while macrophages attempt to eliminate *Mtb* through phagocytosis.[91] [92] Upon macrophage infection, TNF-α upregulation drives the formation of granulomas, which act as containment structures to isolate the bacteria and prevent its spread.[93] [94] The complement system plays a crucial role by recruiting NK cells and neutrophils—NK cells kill infected cells via cytotoxic receptors, while neutrophils immobilize *Mtb* with NETs, an essential mechanism in limiting bacterial dissemination.[95] [96] Additionally, neutrophil apoptosis activates mucosal DCs, which connect innate and adaptive immunity through antigen presentation.[97] Within the adaptive response, $CD4^+$ and $CD8^+$ T cells release IFN-γ, enhancing macrophage activity, while Tregs regulate inflammation to prevent excessive tissue damage.[98] [99] B cells, activated later in TB infection, produce IgG and IgA antibodies that influence disease severity; reduced IgG levels correlate with more severe, disseminated TB, while IL-21 regulates IgG production and immune responses.[100] [101] [102] B cell deficiency worsens infection outcomes, but B cell transfer reduces bacterial load and limits granuloma progression.[103] Through the coordinated efforts of these immune components, the body establishes an intricate defence that not only controls infection but also informs the development of long-term therapeutic interventions against TB.

Despite extensive research into the immune response against *Mtb*, significant gaps remain, hindering the development of effective interventions primarily due to the limited investigation of subclinical

Mtb infection.[104] Though research into early disease manifestations has gained momentum, routine diagnostic tools–most prominently tuberculin skin tests–have yet to distinguish between latent and active disease, delaying treatment and increasing transmission risk.[105] However, advances in IFN-γ release assays (IGRA), digital PCR, and host blood transcriptomics present a promising avenue.[106]

Further complicating intervention development is the incomplete understanding of TBs complex interplay between innate and adaptive immune responses. While innate immunity is crucial for early pathogen recognition and initial control, the precise roles of adaptive immune components, including T cell subsets and B cells, in long-term protection remain unclear.[107] In particular, the balance between proinflammatory and regulatory T cell responses and the contribution of CD8+ T cells requires deeper exploration.[108]

Moreover, *Mtb* remains a formidable global health threat, mainly due to its evolved ability to rapidly develop multidrug resistance.[109] The development of resistance to drugs like rifampin highlights the need for more targeted and effective treatments, regardless of the financial return.[110] Understanding the interplay between innate and acquired resistance mechanisms in *Mtb* will be key in identifying new drug targets, improving existing therapies, and overcoming the challenges posed by resistant strains.[111] While several medications previously overlooked for TB treatment are available or under clinical investigation, a more precise understanding of the bacterium's resistance mechanisms is necessary to make these treatments more effective.[112]

Addressing these gaps will not only improve therapeutics but also drive the development of strategies to predict and control TB progression in diverse, immunocompromised and coinfected populations, ultimately enabling more personalized approaches to TB treatment and prevention.

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