

# *English Literary File*

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# Patent Failure

By Stephen Redd, English 101

**In** the spring of 2012, the Samsung Galaxy S3 became one of the most eagerly anticipated smartphone releases ever. Expected to ship in the summer of 2012, continuous parades of T.V. commercials, geek bloggers, and YouTube reviewers foretold the imminent arrival of the new king of smartphones. Three months and 18 million units later, the Samsung Galaxy S3 bested Apple's iPhone 4s to become the most popular smartphone on the planet ("Strategy Analytics"). Prior to release though, Apple Computer Corporation attempted to garrote Samsung and ensure the premature death of the prophesized king of smartphones.

Apple's attack against Samsung alleged that the phone's software was composed of ideas to which Apple held the patents. The problem for many is that these patents, and the inventions claimed thereby, seem outright absurd. As an example, Apple patent 305 claims that Apple invented the idea of rounding the corners of square icons (Smith).

Apple is far from the only company to litigate seemingly inane software patents. In 1999, Amazon.com won the infamous one-click case, preventing rival Barnesandnobel.com from selling books through their web site via a single click payment method (Hansell). In 1994, E-Data Corp. attempted to claim ownership over the entire World Wide Web through a patent granted six years prior to the invention of the Web ("Everlasting Software" 1455). Thousands of similar cases over the years feature one company bludgeoning another with incremental, trivial, or obvious software patent claims.

Few argue that the existing software patent system is a healthy one, but deep controversies over how to improve the situation remain. One camp argues for the elimination of software patents on the premise that they do more harm than good, while another argues for reforms to restore sanity and continue to encourage healthy software innovation. Until the matter is settled, it is likely that costly and abusive patent infringement cases will continue to plague the software industry.



Figure 1 Apple phone/Wikimedia Commons

Patents have a long history and are a complex topic comprised of law, judicial precedent, and international treaty. According to the *Oxford English Dictionary Online*, a patent is "a license from a government conferring for a set period the sole right to make, use, or sell some process or invention; a right conferred in this way." Put concisely, a patent is a government-approved monopoly.

Article I of the U.S. Constitution obliges the government to grant patents by proclaiming they "promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries" (Sec. 8, Cl. 8). The Patent Act of 1790 placed the initial burden of patent oversight onto the shoulders of the Secretary of War, Secretary of State, and the Attorney General. By 1836, the task had grown so onerous as to prompt the establishment of an official Office of Patents. Since then, numerous

additional restructurings culminated in today's U.S. Patent and Trademark Office, and the rules by which it operates ("A Brief History").

The issue of what should be patentable, and for how long, has always been thorny; however, the justification for patents is rather simple. Invention is time consuming and risky. An inventor may labor for years only to fail, or a rival inventor may beat him to market. Patents encourage inventors to brave such risks by guaranteeing a limited monopoly over successful inventions, during which time inventors can recoup their costs and earn a profit (Bessen and Maskin 2). Since inventions are of immense public value, patents also ensure public disclosure, thus preventing advanced knowledge from following jealous inventors to their graves (Nieh 307-308).

Traditional patents operate under complex rules, but patent applications must fully describe the intended functionality, as well as the means by which the functionality is achieved. For physical devices, this amounts to a detailed description of the idea, as well as the physical characteristics of the device implementing the idea ("Everlasting Software" 1457). The Patent Act of 1952 codified the modern requirements of a valid patent under U.S. Law. It established a list of the specific categories of invention considered patentable and formalized the requirements that the invention be novel, non-obvious, and useful (35 USC 101, 2007).

The 1952 Patent Act does not explicitly name software as patentable. In 1981, the Supreme Court ruled on the case of *Diamond v. Diehr*, concluding that software does fall under the statutory label of a "process." This early case centered on software as a mere component in a larger invention with physical results, the molding of rubber. While the case made software patentable, it did so only in a narrow set of circumstances. Software patents as we know them today only became possible in 1998 when the Federal Circuit Court ruled in the case of *State Street Bank & Trust Co. v. Signature Fin. Group*. This case set the modern precedent under which software became fully patentable

without the need for specific physical characteristics or outcomes (Nieh 303).

Software patents have always been a contentious subject, raising many concerns across the industry. Is software an invention deserving of patent protections, or does the nature of software render it ineligible? Are patents a useful means of incentivizing software innovation? Does the industry benefit from patents, or has patent litigation resulted in more damage than good? These issues are growing in importance every year, but definitive answers remain elusive.

Opponents of software patents have long contended that the nature of software makes a poor subject for patent protection. Traditional patents include a "functional claim" describing what result to be achieved, as well as a "method claim" detailing how the invention achieves that result ("Everlasting Software" 1457-1460). In reviewing patent claims, the Federal Circuit decides validity based on the claims made in the filing. Concentrating on the functional claim of the invention's achievement comprises the "written description requirement" doctrine, where a focus on the method claim is "enablement doctrine" (Merges 1648-1652).

For patent disputes, both functional and method claims play a role. With physical devices, enablement doctrine has been dominant; the result being that infringement cases are decided by the merits of the method claim. This is important because the method claim of physical patents specifies numerous physical characteristics and behaviors. A subsequent invention, having a similar functional claim to the first, can avoid infringing by achieving the same result in a different way; both having the same functional claim but differing in the method by which the function is accomplished. This allows new, and hopefully better, versions of prior inventions to develop, without infringing prior patents ("Everlasting Software" 1457-1458).

With software, incremental innovation without infringing prior patents becomes troublesome. Software has no physical

characteristics, and so the functional claim is essentially the entire claim. Any method claim in a software patent tends to be highly generic and vague. This has resulted in the Federal Circuit largely abandoning enablement doctrine in favor of written description requirement when deciding infringement cases for software patents. Since software patents are claimed by functionality alone, they encompass a much wider range of invention than is typical for physical patents. Software will always infringe if it achieves similar functionality regardless of how that functionality may be physically implemented (“Everlasting Software” 1464-1466). The functional basis for software patents also results in a broader scope of claims than for physical patents. This often allows software patents to apply to seemingly unrelated software inventions, even ones the original inventor could not have anticipated (“Everlasting Software” 1459-1460).

Proponents of software patents acknowledge the unusual breadth of software patents and the abuse that sometimes follows, but assert that the broad scope is simply a by-product of necessarily generic and vague method claims. Simple reforms could narrow the scope by either returning to a balanced version of enablement doctrine, or through modification to the application process that narrow the scope of functional claims (Merges 1654-1657).

Opponents of software patents hypothesize that overly broad claims are the unavoidable result of an inherent incompatibility between software and the patent system. Software is, by nature, incrementally constructed. Each software project builds on earlier software efforts. For this reason, opponents claim that patent protections are untenable when applied to

software. Patents also require that the functional claim be novel, and non-obvious. If all software is an incremental advance over previous developments, then it follows that all software is an obvious invention, lacks novelty, and is therefore not patentable (Nieh 319-320).



Figure 2 Samsung Phone/Wikimedia Commons

As interesting as the patentability arguments may be, the 1998 State Street decision by the Federal Circuit temporarily settled the matter by proclaiming that software is patentable under current law. The discussion over the last decade has shifted from whether software *can* be patented, to whether it *should* be. Today’s critics ask whether software patents do spur innovation, encourage new entrants to the market, and protect R&D investments (Merges 1628-1629).

As with general patentability, the arguments around the usefulness of software patents also rest largely on an examination of the nature of software. In an M.I.T. working paper, James Bessen and Eric Maskin explain that software innovation is not just incremental, but also complimentary in nature:

This is because these are industries in which innovation is both *sequential* and *complementary*. By “sequential,” we mean that each successive invention builds on the preceding one—in the way that Windows built on DOS. And by “complementary,” we mean that each potential innovator takes a somewhat different research line and thereby enhances the overall probability that a particular goal is reached within a given time. Undoubtedly, the many different approaches taken to voice recognition software, for example, hastened the availability of commercially viable packages. (2-3)

The sequential and complementary view of software development argues that patent protections interfere with the natural process of innovation, which occurs through imitation. Imitation among software developers encourages parallel innovation along different paths, which in turn accelerates the pace of innovation. As a result, they argue, patents limit the necessary free flow of ideas and prevent complimentary imitation, the result of which is lost opportunities and a slower pace of advance (Bessen and Maskin 3-4).

Proponents of software patents argue that there is no evidence that patents have significantly slowed the pace of invention, nor have they prevented the efficient sharing of ideas. Software patents are often licensed between competing companies, allowing non-infringing complimentary development to continue (Bessen and Maskin 3). Others claim that technological advances and financial investment have been the primary source of software innovation and industry growth, while patents have not played a significant role (Merges 1641-1642).

Opinions as to the financial effects of software patents are another hotly contested aspect of the software patent dispute. Publishing in the *Texas Law Review*, Robert Merges provides statistics that show healthy growth for software R&D and venture funding over the years. In 1986, software development claimed only 1% of the R&D budgets at major software companies. By the year 2000, software spending rose to 10% of total R&D expenses (1635). Merges's data also shows that venture investment in software startups has flourished. In 1995, 210 startups received 553 million in venture capital. By 2005, 238 startups claimed 1.1 billion in funding (1639-1640).

Software patent abolitionists argue that the growth of the software industry and of software R&D spending occurred despite patents, not because of them. When looking at R&D spending within companies, instead of across the industry, the trend during the 1990s showed that companies were diverting funds into the creation of large patent portfolios at the expense of R&D

budgets (Neih 310). The licensing of patents has not served to promote the responsible sharing of ideas, but has instead become a necessary means of defend against patent litigation, or the threat of such. This cold war strategy drains money from software development and diverts it into unproductive legal maneuverings. A 2003 report by the U.S. Federal Trade Commission remarks on this trend toward increased patent spending:

Moreover, as more and more patents issue on incremental inventions, firms seek more and more patents to have enough bargaining chips to obtain access to others' overlapping patents. One panelist asserted that the time and money his software company spends on creating and filing these so-called defensive patents, which "have no . . . innovative value in and of themselves," could have been better spent on developing new technologies. (United States. Federal Trade Commission 6-7)

Building defensive patent portfolios drains budgets at a controllable rate, but patent abolitionists are just as concerned about the less predictable costs and risks associated with patents that do go into litigation. In the *New York Law School Law Review*, Andrew Neih writes that, "software patents have a 4.6% likelihood of being involved in a lawsuit, the second highest among all categories of technological patents" (312). Software patent litigation is also increasing, up from 5% of the total number of patent suits filed in 1984 to 26% of all patent suits filed in 2002. The high probability of litigation forces less spending on software development, and discourages venture investment in new software projects (Neih 314-315).

Patent supporters claim that litigation is an expected, and proper, result of patent protections granted to software inventions. The purpose of a patent is to provide legal protection; therefore, it is reasonable to expect that litigation will occur whenever a patentees needs to defend their intellectual property. With software patents becoming an accepted norm during the late 90s, it is reasonable that the number of patent claims has risen along with the number of filings. Patent supporters acknowledge the many high-

profile cases of patent abuse, but caution that patents work well in more cases, though the successes do not enjoy the same level of publicity. The evidence does not show that the litigiousness of some software companies offsets the positive incentives and protections that software patents provide (“Everlasting Software” 1474-1475).

The issues around software patents have come to the public’s notice more frequently in recent years. Recent infringement cases against Google make a prime example. Google, having entered the software market relatively recently, has a smaller patent portfolio than most of its established competitors. Google has become a popular target of patent suits from established software giants such as Apple, Oracle, and Microsoft. Oracle sued for patents related to Oracle’s Java programming language (Brodkin). Microsoft has been licensing patents to phone manufacturers who use Google’s Android operating system and filing suits against any who refuse to license. Microsoft now earns more profit from the sales of Android-based smartphones than Google, despite the fact that Microsoft contributed nothing to the development of the Android operating system (McDougall). Apple has also been suing Google along with almost every manufacturer of smartphones using Google’s software (Barrett).

The pressure on Google from patent suits grew so great, that in August 2011 Google shelled out \$12.5 billion to acquire Motorola. The entire motivation for the deal was to acquire Motorola’s extensive patent portfolio in hopes of defending itself against competitors who prefer to compete in court, rather than the market (Thomas). In the meantime, Apple continues to win injunctions that have prevented the sales of several smartphones made by HTC and Samsung, while Microsoft continues to extort license fees from most smartphone manufacturers. Google finally won its lengthy case against Oracle in the spring of 2012, but the court victory came at enormous expense (Mullin).

Google’s woes are just the tip of a very large and ugly iceberg. Similar patent disputes have erupted all over the industry, especially in the emerging tablet and smartphone markets where innovation is critical and competition is fierce.

Patent advocates and abolitionists continue to disagree on solutions, but recent legal events have renewed the hopes of both camps. The 2010 ruling of the Supreme Court in the case of *Bilski v. Kappos* has bolstered the anti-patent movement’s viewpoint. In this complex case, the court called into question the validity of business process patents, which closely mirror the legal theory behind software patents. While the case was too narrow as to invalidate software patents outright, the ruling did express the Supreme Court’s doubts as to the validity of functional process patents. The *Bilski* case fails to settle the matter of software patents, but it does imply that, in future cases, the court may declare software non-patentable (Neih 323-326).

Those who prefer a reformed software patent system had some of their desires granted through passage of the America Invests Act of 2011. This legislation enacted numerous reforms to the current patent system, several aimed at curtailing the rising abuses seen in the software industry. The new law seems to have fallen short in many critical ways, but it does make progress toward real patent reform. Two of the most important changes are that prior-user rights can be a viable defense in infringement cases, and non-practicing entities (NPEs), which hold patents but do not sell goods or services based on the patents, are required to file separate suites rather than targeting multiple companies in a single case. Reformers are not fully appeased by the final bill, but the enactment of such legislation shows that Congress is at least aware of the need for significant reform (“Patently Inadequate” 18-20).

Unless Congress significantly reforms software patent law or the Supreme Court abolishes them entirely, the patent war will likely continue to accelerate. Currently, the most visible disputes have been between industry titans with enough resources to fight protracted patent battles and amass the necessary defensive

portfolios to survive. Left unchecked though, the patent war will spread to smaller companies and compromise innovation for more popular consumer products. Small shops will find themselves nuked out of existence by established players wielding their mighty arsenals of patents, while real software innovation stagnates in favor of lawyers' salaries and spiraling litigation costs. Software patents, as they stand today, only incentivize inventive ways to file overly broad patent claims.

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# *Should Welfare Recipients Be Drug Tested?*

By Erica Bennett, English 102

**In** the *U.S. News Digital Weekly* article titled “Should Welfare Recipients be Drug Tested?” Senator David Vitter addresses the ongoing debate about whether or not drug testing should be required in order to receive welfare. Senator David Vitter states that all welfare recipients should be drug tested in order to ensure that only the families that deserve the money get it and to make sure that drug addicts get the help that they need. However, I believe that by drug testing this group of people, the government is not only intruding into private lives but also is unfairly assuming that welfare recipients are abusing drugs at a higher rate than the rest of the population. While Vitter’s article may contain some good ideas, his argument consists of erroneous statements and a lack of factual evidence that would lead to an act of discrimination by our government.

One of Vitter’s main arguments is that mandatory drug testing would not affect people any more than a similar requirement by a private employer whose employees undergo drug screening prior to employment. While it is true that there are some jobs that do require a drug test prior to employment, the employees have a choice in the matter. If they do not wish to take a drug test, or if they fail the test, they can choose to find another job. However, by making it mandatory that welfare recipients be drug tested, they do not have a choice. If welfare recipients fail a drug test or refuse to take it, they don’t have the option to find another government to get the assistance that they need. Most welfare recipients are in need of public assistance due to situations that they cannot control. For example, if a single mother of three kids gets laid off due to the harsh economy, at some point, she has no other choice but to ask for help. Eventually, she may have to utilize public assistance that the



Figure 3 Lab Testing/Wikimedia Commons

government has put in place such as food stamps, Medicaid, or welfare. If the government makes drug testing mandatory, the single mother of three has only one choice to make—do whatever the government requires to feed her kids. While drug use is illegal and not to be encouraged, the penalty for doing drugs should not be homelessness or starvation for whole families. By taking choices away from the people of the United States, it also takes away their freedom. Not only is this unfair, it is unconstitutional.

Every citizen of the United States of America is protected by the fourth amendment of our U.S Constitution. This amendment protects us against unreasonable searches and seizures, meaning the government does not have the right to search your person without probable cause. Does the fact that people apply for or receive welfare warrant probable cause to “search” their body through blood or urine testing to see if they have used drugs? No. Therefore, by forcing this particular group of people to submit to mandatory drug screening, it is not only discriminatory but also an invasion of privacy and unconstitutional. If the government can say that drug testing a welfare recipient is constitutional, then we must also say that anyone who drives on a government subsidized road should be drug tested as well. After all, as

Thomas Jefferson stated in the Declaration of Independence, “all men are created equal.” Some may disagree with this comparison; however, the government provides funds to build roads people use on a daily basis, just as they also provide financial assistance (welfare) to people in need. By choosing to single out this particular group of people, the government is assuming that welfare recipients use drugs at a higher rate than the rest of the population, and that needing financial assistance makes it probable that they have committed a drug crime. Not only is this an erroneous assumption, it is also completely discriminatory and unfair.

Senator Vitter continues to argue that “requiring screenings would give addicts a key incentive to seek help so that they can once again be healthy, support their own families, and make positive contributions to our society.” Here, Vitter suggests that by making drug testing mandatory, drug addicts will have the opportunity to get another kind of government help in order to positively contribute to society. This is a good idea, and with the proper evidence it could be a strong claim. However, Vitter does not mention what the government is going to do—if anything—to provide these “addicts” with the help they need. If these “addicts” are applying for government assistance, it is obvious that they are in a financial crisis. It is also no secret that drug treatment is not cheap. Not to mention that the locations of drug treatment facilities may require them to travel out of state and thereby put more strain on the family since those seeking treatment could not work while in a drug treatment facility. Vitter does not suggest that the government will assist in paying for the help that they need, so there is no real guarantee that drug screening will help addicts receive

treatment. Going back to the previous example, if a single mother of three children gets laid off from a job, which ultimately requires her to apply for government assistance and she fails a

drug test, Vitter’s proposal would harm her and her family. Her government assistance is immediately taken away from her and not only is she forced to seek help on her own and possibly out of state for any addiction problems, but her children are forced

to go without basic necessities and potentially be placed in foster care until their mother can pass this mandatory drug screening. How is this really going to “help” welfare recipients to independently support their own families and ultimately make positive contributions to our society? All Vitter’s method seems to do is divide families and discriminate against low-income American citizens while violating their constitutional rights.

Vitter believes these violations are justified by stating that “it is society’s responsibility to the tax payer to make sure that every government dollar is being spent wisely.” Vitter further states that because America’s debt is over 14 trillion dollars, “we simply can’t afford for government agencies to be careless in how they spend our tax dollars.” It might be an incorrect assumption, but if the government can’t afford to be “careless” in the way they spend our tax dollars, then they most likely won’t be offering any type of drug rehabilitation services in the future. Vitter later suggests that by drug testing welfare recipients, the government can ensure that only the families that truly need assistance will receive it, but does not address the expense associated with drug testing. According to the U.S. Department of Health and Human Services, a urine drug screen costs between \$25 and \$44 dollars each (Overman). It is important to note that federal

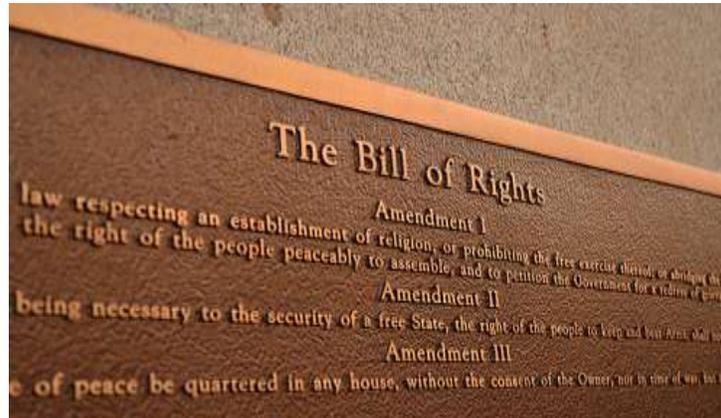


Figure 4 Bill of Rights/Wikimedia Commons

law prohibits charging welfare applicants for these tests (Owens); therefore, the government is the one responsible for paying for them. This would be less of an issue if the amount that they were saving was higher than the amount that they were spending. However, this hasn't been the case so far. For example, in Florida, they performed a "trial-run" of the drug testing requirement. During this trial-run, the state of Florida required that everyone applying for TANF had to pay for his or her own drug test. However, it was explained that if they passed the drug screening, they would be reimbursed 100% of the cost. According to *The New York Times* article by Lizette Alvarez titled "No Savings Are Found from Welfare Drug Tests," only 2.6% of the welfare applicants in the state of Florida failed the screening. As a result, the state of Florida had to use the TANF funds to reimburse the applicants who passed the test. Vitter states in his article that "[e]very welfare dollar that goes toward one recipient's drug habit is one less dollar that goes toward a child in need or a family that would spend that money on real needs." It could be argued that every government dollar spent to reimburse welfare recipients that pass the drug screening is also one less dollar that goes to a family in need. It is important to note that these are the facts of only one state. The outcome may be different in other states; however, it is not likely that these differences would be substantial. Therefore, it is obvious that by drug testing all welfare applicants, the government will ultimately lose more money than they will save.

In his article "Should Welfare Recipients be Drug Tested?" Senator David Vitter attempts to make an argument that drug testing all welfare recipients is a "step in the right direction" for the government. However, his claims are not supported with factual evidence, which ultimately produces a weak argument. I believe that his evidence indicates the assumption that welfare recipients use drugs at a higher rate than

the rest of the population, which is unfair, discriminatory, and erroneous, as indicated by factual drug screening done in Florida. Also, by requiring welfare applicants to undergo drug screening, the government is directly going against the fourth amendment of the U.S. Constitution of unlawful search and seizure. Under Vitter's proposal, the government would be giving tax payer dollars to testing companies out of sheer suspicion and distrust, ultimately endangering innocent families and taking away their basic necessities. Our job as Americans is to stand up for what is right and protect those who cannot protect themselves. We must respond to Senator Vitter's question, "Should Welfare Recipients Be Drug Tested?" with a firm no.

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teaching. Many currently use teaching techniques that proved successful for many years. Older, experienced professors may dread the possibility learning new teaching methods. Students' use of technology may also be a cause of worry for these educators. Because of their daily use of social media, students may believe they know more about it than their professors. Finally, students' tendency to use social media for things that are not related to classwork may cause professors to avoid its use in the classroom completely.

While they may have legitimate reasons for having second thoughts about the use of social media in the classroom, the current and potential negative effects of this form of technology make professors' teaching of its proper use very important. Of these negative effects, multitasking and time-management are the most detrimental to education. If you were to walk into your campus library and casually watch students for about an hour, you would notice at least half of the students are on Facebook. Multitasking, especially the viewing of social media while attending to important matters, is common among this generation of students, and most of their time may be spent on social networking sites instead of completing assignments. A student may complete a page of an assignment, but it is only a matter of time before a student goes online to update his or her Twitter status, upload pictures, or look at the statuses of Facebook friends. Many may agree with the words of one student, who admits "[Social media is] a vortex that sucks you in, and you have no idea you've been caught until your mom comes home and asks you why the dishes haven't been done" ("Four Questions"). Because social media is relatively new, children, teens, and young adults who are "born digital" have taught themselves how to use it, usually without supervision or time limits. Ironically, efforts made to teach social media use have been directed towards older citizens. Few realize that the younger generations need this education more.

Because of the inexperience associated with youth along with the reduction in privacy due to social media, mistakes in the digital world have

the potential of occurring frequently and with disastrous effects. It is a well-known fact that many employers are beginning to look at the online profiles of potential employees. Images, comments, and other material can easily impact their hiring decisions. While young adults may be focused on having "fun" and posting images and content displaying their various escapades, such content can negatively affect future employment opportunities. Even after one has obtained employment, failure to maintain a clean online profile has caused many to experience irreparable reputation damage (*The Facebook Obsession*). By using social media in the classroom, professors are given the opportunity to warn students of these dangers. As classroom use of social media increases, students will naturally become more aware of how their online presence can affect their reputation.

The final, and perhaps most important, reason why social media should be incorporated into a college education is because it will be an important part of future communications, business, and social interactions. Because college students will be a significant part of the workforce, many of the effects on business, commerce, and the economy will deal with how well they can use social media. The rate of improvement to all forms of technology is increasing exponentially. This has created a situation in which the addition of information to humanity's body of knowledge is also increasing at a similar rate. Many of the facts college students learn, especially those studying computer and information technology, will be outdated by the time they graduate from college (VideoShredHead, The Huffines Institute). Therefore, improving one's ability to learn will become a more important part of a college education than learning facts.

Social media has the unique ability to give students easy access to information. Many social networking sites allow users the latest information about any topic, sending updates daily, or even hourly. Many scientific, business, and governmental organizations make use of social media, so accurate information can be right at students' fingertips. The reliability of such information is easy to determine, as the

source can easily be traced. Various studies, along with many college instructors, acknowledge this fact: when students work to increase their knowledge, technology, such as social media, increases their interest and engagement in learning (The Economist Intelligence Unit 7). For these reasons, every college campus must consider the use of social media in their classrooms. Professors who hope to reach their students effectively may have to think like Dr. Robert Gold, a professor of Public Health at the University of Maryland, who states “some teachers walk into a classroom, will tell students to turn off their cell phones because they want people to focus. I walk into a classroom and tell people to take out their cell phones and turn on their laptops because I want to make it part of the educational experience” (The Huffines Institute).

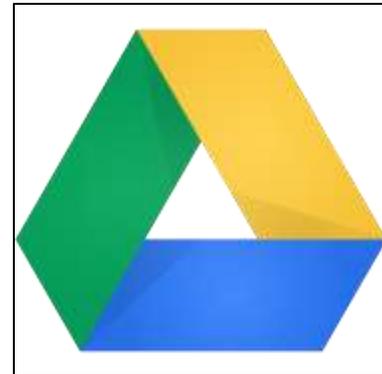
### **The Use of Social Media in Learning from Experts**

One of the most appealing aspects of social media is that it helps students learn from the professor in ways they could not in the past. Consider the example of the use of the social networking site, Twitter. Dr. Gold, mentioned previously, has a Twitter hashtag for his courses. While he is teaching, his class is allowed to make comments on his lectures, which can be displayed for the rest of the class to see. This allows them to ask questions and make comments. He also projects the Twitter feed for his class on a screen while giving presentations. This gives students, especially those who do not usually comment in class, an opportunity to express their opinions about what he is teaching (The Huffines Institute). Some teachers may fear negative comments or disparaging remarks about their teaching. However, it is important to remember that social media facilitates the expression of ideas, a concept that is important to learn, but one that not all students may apply in lecture-style courses.

Social media also allows professors to promote students’ learning outside of the classroom. Google has a variety of social media services that can be used in an educational setting. Google Calendars allows students to

post assignments and change due dates quickly if such information needs to be updated. Google Documents also allows instructors to monitor the progress of individual students and to make comments on their work in real-time. One example of Google Document’s utility is the drawing feature, which allows users to create concept maps. This lets students make connections between concepts taught in a particular class and across other classes as well.

And with Google Drive’s ability to edit the concept maps at any time throughout, and even after, the semester, students receive



visual guidance to connect different ideas throughout the course.

Making connections between different lessons and courses is an important part of the learning process, one that is sorely lacking in today’s educational system (Foli 4). Professors that teach upper-level courses may find this useful, especially when teaching subjects that require knowledge of many different areas of study. Seung H. Kim and Ying Xie, professors of Instructional Technology and Systems, both suggest the use social media in the connection and analysis of previous knowledge with newly-gained knowledge (180).

Google Plus, a newer social networking site, also has many uses in higher education. Professors who want to separate their personal life from their academic life have the option of placing their contacts, including students, into “circles” with certain designations. The professor is then able limit the material students are able to view. Different aspects of Google Plus, such as the “Hangout,” a videoconferencing feature, allows for a greater amount communication between students and professors (Erkollar and Oberer 1889). In

addition, Google Plus's videoconferencing feature is similar to teleconferencing used in business. This may help professors to maintain a professional image, a common cause of worry among those who hope to adopt social media use in the classroom.

Aside from increased learning through the student-professor relationship, social media allows students to connect with professionals and experts in their field of interest. The most useful social networking website for this is LinkedIn. LinkedIn allows the user to set up a profile displaying all of their academic and work accomplishments. It also makes connecting with professionals in their field much easier. Take, for example, a student interested in the field of Exercise Physiology, a relatively uncommon field and one that few students on this campus may be interested in. Professional social networking sites allow this student to connect with those who share his interest in the occupation. LinkedIn will send that student information about various professional networks of exercise physiologists and other sports medicine professionals. Joining such groups is very helpful, especially if a student has a question about the field. Experts and prominent members of the sports medicine community from all over the world may answer the student's questions, closing the communication gap between students and professionals. In addition to establishing professional relationships, LinkedIn allows users to learn about advances in their field, create and improve their personal brand, and network with professionals that could end up being future employers (Snyder 229). This facet of social media certainly has the potential to deliver students far more information and experience than what can be obtained in the classroom

### **The Use of Social Media in Collaboration**

If properly directed, collaboration through social media can facilitate an exchange of ideas that will aid students' learning ("Integrating Web 2.0" 366). A study involving social media was conducted on a group of students from two universities. The study compared the learning outcomes of standard individual essays as

opposed to the learning obtained through use of social media, such as discussion forums, wikis, and news logs. After analyzing the data, the researchers concluded the positive effects of collaboration through social media outweighed the negative effects. They observed a reduction in cheating and a rise in idea expression, which lecture-style teaching can actually discourage ("Integrating Web 2.0" 379). Web applications, such as Google Docs, as mentioned above, allow students to work simultaneously on documents, presentations, tables, and other assignments. The benefits to students' learning are infinite.

By using social media to learn in class and collaborate with their peers, students are actually being prepared to use it effectively in the work world. As technology continues to connect our society, collaboration with people from other locations will be very important. The Web applications mentioned previously are already being used in many employment settings, and allowing for their use can prepare students for entry into the workforce. Students who have experience collaborating with professionals outside of the classroom will be more likely to express their ideas, learn from people of other cultures, and work on projects with greater efficiency. Their experience with social media will create a professional and desirable online profile.

In its present state, social media is far from being a technological utopia. However, consider this important fact: social media gives the new generation of college students access to an increasing amount of collective knowledge. If they learn how to use it effectively, they will continue to put humanity on a course towards "educational utopia," a state in which reliable knowledge can be gained and distributed. At the beginning of this paper, the question posed was "why aren't we smarter?" However, after considering the facts presented in this essay, you should be considering a new question: "Why *can't* we be smarter?" By playing a part in educating the Millennial Generation about the proper use of social media, college professors will turn this generation into a "Smarter Generation."

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# *Realism, Race, and Identity of the Late Nineteenth Century: Adventures of Huckleberry Finn*

By Laura Ostendorff, English 280

**The** second half of the nineteenth century in America was a time of explosive development and growth, leading America into an era of unprecedented urbanization and industrialization. Progress on the front of social issues was less rapid, however; Americans were rigidly identified by their place in the social hierarchy and African Americans, though free from the bonds of slavery, were hardly viewed as equal citizens. Writers of the late nineteenth century often wrote about these pressing cultural issues by employing realism. The literary movement of realism was a straightforward approach to what is typical and average, or as Paul Lauter and Richard Yarborough define it, “a matter of faithfulness to the surfaces of American life” (1329). One quintessential American writer of the nineteenth century, Mark Twain, employs the use of realism in his book the *Adventures of Huckleberry Finn* to portray the late nineteenth century issues of race, identity, and social status.

Though African Americans had officially been freed from slavery several decades before, they were still far from being treated as equal citizens. Since they were no longer viewed as “property” to be owned, they had become an anomaly of American society, restricted by intense racism and ignorance. Many writers of the time addressed this issue of race, as Mark Twain does in *Adventures of Huckleberry Finn*. Though slavery was outlawed at the time when Twain published the novel, he

chose to set it in the earlier half of the century when slavery was still in practice in an effort to make a statement about how the situation for African Americans did not really improve. Twain immediately establishes the view of slavery in the earlier half of the nineteenth century as simply a fact of life, with even the upstanding Christian widow Douglas, someone described as “dismal regular and decent... in all her ways” (3), owning slaves. Characters do not question aloud whether slavery is immoral or cruel, as African Americans aren’t seen as an equal to whites. Huckleberry Finn even feels “wicked and low-down and ornery” (192) for not turning in the runaway Jim. His cultural upbringing taught him that it is moral and right to own slaves: “There was the Sunday school, you could a gone to it; and if you’d a done it they’d a learnt you, there, that people that acts as I’d been acting about [Jim’s escape] .... goes to everlasting fire” (192). This mentality carried over into the latter half of the nineteenth century, preventing African Americans from receiving their full rights as American citizens and making them a target for intense racism.



Figure 6 Raft Scene, *Adventures of Huckleberry Finn* (1884)/Project Gutenberg

Huck Finn’s father holds this same mentality as he questions “what is the country a-coming to?” (26) during a drunken rant about a free black man having the ability to vote. His blatant racism leads him to the conclusion that he can protest this by declaring that he will “never vote agin as long as I live” (26). This reasoning is so

backwards and faulty that Twain is clearly making fun of it. He puts special emphasis on describing how physically disgusting Huck's father is, "hair... long and tangled and greasy," with skin that was "not like another man's white, but... a white to make a body's flesh crawl" (19). This description, combined with the fact that Twain makes this character a socially outcast drunk, discredits him and therefore the validity of his argument, especially in contrast to the upstanding free black man who "was a p'fessor in a college" and dressed so well that even Huck's father admits there "ain't a man in that town... got as fine clothes as what he had" (26). Twain doesn't stop there, however. Huck's father continues his drunken rant, complaining that "[h]ere's a govment that calls itself a govment, and lets onto be a govment, and thinks it is a govment, and yet's got to set stock-still for six whole months before it can take ahold of a prowling, thieving, infernal, white-shirted free [black]" (26). Here Twain makes it evident to the reader just how defective Huck's father's point of view is by highlighting his ignorance about a culturally progressive America, thus making a direct statement about the continued belittling treatment of African Americans in his own time. As Twain expresses through his realism, those that oppose the progress of African Americans receiving their due rights as human beings and who see them as objects rather than people are ignorant and hypocritical, akin to the drunken outcast that is Huck's father.

While Huck sidesteps the morality of his father's view, he does go through his own moral battle over the concept of slavery and whether it is right or wrong. Because of his upbringing, Huck has been taught to believe that slaves are less than people; they are simply objects to be owned. Twain's realism makes a direct effort to address this sort of obtuse reasoning by revealing this child's internal debate as he struggles to reconcile his notion of Jim as a person with the inhuman logic he has been raised to believe is right. Huck's personal struggle with this issue relates to the shared mentality that many Americans still held after the end of slavery, a mentality that prevented them from understanding that black Americans were just as much people as whites were. Huck's

journey with Jim causes him to reevaluate his understanding of slaves and to determine that Jim has the ability to care for his family: "I do believe he cared just as much for his people as white folks does for their'n. It don't seem natural, but I reckon it's so" (141-142). And once Huck actually finds himself feeling guilty for tricking the kind-hearted and gullible Jim, Huck makes the important realization that he "warn't ever sorry for it afterwards neither" (80) when he explains that "[i]t was fifteen minutes before I could work myself up to go and humble myself to a [slave] but I done it" (80). Here, Twain is making the distinction that even this Southern-bred child, who has spent a lifetime viewing African Americans as objects, can see that they have human qualities. This lends hope that even those opposed to giving African Americans their civil and human rights in Twain's time would have the potential to see the African American race as human if they could have the open-mindedness of a child.

The issues of intense racism and ignorance of the late nineteenth century relate back to the American fixation with knowing everyone's place and identity. Living within a culture so avidly fixated on knowing where everyone belonged, Twain addresses this concern in the *Adventures of Huckleberry Finn*, not just through his commentary on race, but also through his commentary on the strict, and often hypocritical, social standards that everyone is expected to maintain. From the nineteenth century perspective the only true Americans were white, educated, and civilized, like the Widow Douglas who attempts to "civilize" Huck as well. Because Huck "hated the school" (16) and couldn't stand the thought of someone "going to... sivilize" (262) him, he is considered less of an American than someone such as Widow Douglas or the honorable Judge Thatcher. But when Huck truly begins to learn and become more "civilized" or "more American," his father comes back into the picture and accuses him "a-swelling yourself up" for knowing how to "read and write" (20, 19). Because he can't read and Huck's "mother couldn't read... None of the family couldn't, before *they* died" (20), Huck's father determines that Huck has no place to learn, that he is

attempting to step out of his social standing and become better than his family. Because of this fixation with everyone's place within the social hierarchy, Huck's attempt to better himself, even by just learning how to read and write, is a huge societal taboo.

Twain also points out the hypocrisy of the American view of identity and social hierarchy through the character of Jim. Arguably the most noble and compassionate character of the book, Jim isn't even considered an American because he is a slave. From the nineteenth-century perspective, he is the lowest of the low, not even fully a human being. The fact that Jim is at the mercy of almost every other character in the book, such as the thieving King and Duke and even Huck's drunkard of a father, makes a direct commentary on the backwards societal hierarchy that was established in America during his time. Even when Huck faces the dilemma of whether or not to help Jim out of slavery, he cannot "seem to strike no places to harden [himself] against him, but only the other kind" (193), finding himself reflecting on all that Jim has done for him, when he "would always call me honey, and pet me, and do everything he could think of for me, and how good he always was" (193). The kindest and most truly "American"

character of the book is subject to the backwards societal dictates of identity and place, preventing him from exercising all of the rights he has truly earned as a decent human being.

While complicated with satire to emphasize the hypocrisy of American society on race and identity, Mark Twain's realism accurately depicts American life during the late nineteenth century in its exploration of racial issues and personal identity. Twain starkly depicts the societal issues of his time through the *Adventures of Huckleberry Finn* and captures the unique American spirit of being able to overcome corrupt societal beliefs and find truth.

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# *Being a Part, But Not Consumed*

By Savannah Newkirk, English 300

**In** *Geek Love*, Katherine Dunn addresses the freakish nature of societal norms and acceptance. These two contrasting, yet analogous ideas develop throughout the novel to create a bevy of puzzling dilemmas, one of which is the very nature of acceptance. Dunn subtly highlights this dilemma through the subplot of the Arturan cult's evolution, which forces the reader to conclude that as one develops a disdain for the restraints and malevolence of conventional society, one may seek the acceptance originally denied in a new venue. Mirroring Arty, the leader of the cult, the faithful allow themselves to become fully and completely dependent on the opinions and acceptance of those around them, thereby becoming exactly what they fought to resist: another cog in a machine, a small and insignificant part of a new social standard, even if that standard is more freakish than the mainstream. Dunn voraciously attacks the fundamental, literal and figurative, human need for the approval of others, which she implies will cripple those who succumb to the power they allow others to have.

Dunn allows Arturo the preconceived notion of rebellion against convention early in the novel. Through the family structure of the Binewskis and the choices Arty makes as an individual, the reader detects this obsession with his own freakishness, for he "could live only in the show" (87). Because his only usefulness and hope for furthering his vocation exists within the circus, he must create a way to assert himself in

power over the others, who seem comfortable existing on the fringes of society. Despite the beliefs of his siblings who think they can co-exist with the norms, Arty embraces the thought that "[they] are the things that come to the norms in nightmares" (46). Whatever the perspective on Arturo, one concludes that his own disposition to rebellion allows him to evolve his actions later into a self-fulfilling prophecy: no one will ever accept him; therefore, he makes himself so contrary to society that his own polarity draws his followers to him.

Though the cult arises out of a superficial desire for beauty, its evolution speaks to the dynamic nature of the leader and his ability to manipulate the wishes of those who are drawn to him. Alma Witherspoon, arguably the most susceptible to Arty's self-serving charms, becomes his most outspoken advocate and promotes the desire to "feel what a rot [her fingers and toes were] to [her]" (183). Her own value soon expires

after Arty's cult expands beyond her abilities and "she[d] gone to the old Arturans' home to rest in peace" (186). Through Alma's unique qualities, his cult draws in the people who not only are the Alma Witherspoons of the world, desperate for a little improvement in their personal desirability, but also those who reject the world entirely because of its vanity. The latter represents Arty's greatest desire for "people who know what life has to offer and choose to turn their backs on it" (231). Through the observation of Sanderson, Dunn asserts a paradoxical conclusion that even those who have



Figure 7 *Papa's Roses* by Jandruff ©2008

essentially witnessed greater hypocrisy and degradation than a cult could find themselves attracted to or even, in an extreme case, fall victim to this anthropological mystery despite their cynical, questioning minds.

Exploiting this desire to belong explains the exclusion of those deemed too normal by Arturo. His own brother was “depreciated for his lack of abnormality” (221). Through his evil and narcissistic genius, Arty creates a complex in the marginalized people and drives them to further make themselves freakish in order to meet the extraordinary burden the cult places on its members. Not only do they have their toes and fingers removed, but they also transition to amputation of major appendages. This action makes them fully dependent on the will and favor of the cult, now a full-blown society, which regulates and determines their schedule, their aid, and their living arrangements based on the whims of their leader (185).

Arty’s vehement desire to be accepted, despite his utmost denial of said desire, shows itself in the evolution of the cult. He begins with seemingly decent intentions; however, those motives change when he discovers he can create a society that looks to him for guidance and over which he can have power. Dunn uses this development to expose Arty’s own hamartia: his own desperate need for acceptance drives him to create this cult when he only wants to “know that [he’s] alright” (178). All of his assertions and statements about finding self-acceptance refer to a man so desperate for approval that he will literally have his followers “all belong... to him” (188). His need for control undermines his own ability to love or do anything that a normal person would do, and eventually he believes that “the more deformed [he is], the higher [his] supposed sanctity” (114). In his cult and in his personal life, he exercises his complete and utter loathing of anything and everything normal, so much so that he cannot or, rather, refuses to have ordinary relationships, believing that these attachments are just another way for others to reject him; therefore, he creates a sub-culture where he controls the norms and has the ability to reject people, just as he is rejected by conventional society. Bound by his own self-

consciousness, Arty exemplifies the “ruthless egotism that was exploiting the nation’s psychic undertow,” which overtakes and victimizes those who desire for someone to love them just as they are (189).

The dream for which most continue to grasp, the desire for others’ esteem, allows the cult to create an illusion of kinship and societal acceptance, yet throughout the text, the faithful are forced to succumb to the standards set by the oligarchy of the cult. They must pay a dowry, serve the cult for up to a year, and, in some instances, take care of those more advanced in Arturism. Despite all this work, the faithful, in some sense, feel accepted. This illusion, comforting though it may be, is still an illusion. None of these people is accepted for who he or she is. They all must change something about themselves in order to be an Arturist. This submission to the rules and regulations derives from their desire to please others, which is just another method of social control. They are no longer free to make their own choices. Through Chick’s singular pleading and groveling, Arturism allows the Admitted chances to change not only their bodies but their minds through surgery. Stripping away the faithful’s humanity illustrates Dunn’s point: when humans succumb to the opinions and approval of others, they cease to be humans at all. They are simply objects to be reviewed and rejected. Dunn’s skillfully tailored theme arises and becomes poignant with the lobotomy of Dr. P (272). Forever a proponent of free will and the agency achieved through the medical removal of one’s loathed regions, Dr. P becomes a victim of the cult’s social control. The lobotomy of Dr. P symbolizes the total power the cult possesses over the Arturans—with devastating results. The removal of parts of her brain presents the reader with the abstract truth Dunn attempts to expose: an opinion or a standard set by someone else, which one embraces, does not only reverberate in one’s actions, but it causes the loss of one’s mind, and, therefore, common sense. Dunn moves to prevent this total loss of self from occurring in society.

Throughout the text, the Arturan cult provides an avenue for Dunn to argue, quite

convincingly, for social change. Her undeniable efforts do not go unnoticed, and her complete vehemence allows the reader to ponder and question whether Arty would, or if he does already, allow others power over him. At the same time, Dunn questions whether humans really have a choice over their own lives or if they are simply an extension of their culture, steadily retooled based on the pleasure and pressure of those around them? According to Dunn, this conclusion that individual choice is sacrificed for the majority's standards must not prove true. Her belief states that the will and ability to choose must always trump the society's attitudes, institutions, and conventions designed to limit one's own individuality. People must not allow themselves to be

persuaded to act as Oly and the faithful did: "for [them] there was only Arty" (270). Though often easier philosophized than applied to life, one must strive to discover oneself as being a part of society but not consumed by it, functioning within the world but not succumbing to the pressures induced by it. The line is quite thin, but the human race is capable.

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# *An Explication of Shakespeare's Sonnet 9*

By Marissa Pinkney, English 405

**In** Sonnet 9, the speaker is addressing an unidentified man about his fear of marriage. The speaker asks if the man is afraid of marrying a woman only to die and leave her to raise a child by herself. The speaker goes on to tell this man that not marrying is just as bad as marrying, for if he does not marry, the world will be his weeping widow. If he were to marry and have children, then at least his wife would always have the memory of him in their children, but if he remains single, he will regret never having children. In the beginning of the sonnet, the speaker uses a warning tone, to tell this man of what is to come if he does not marry. However, towards the end of the sonnet, the speaker uses more of a condescending tone as if reprimanding him for choosing to live the single life.

In the first three lines readers are introduced to the topic of the sonnet. The speaker makes it clear from the first line that this unknown man is opposed to marriage out of fear of saddening his wife should he die young. In line four, the speaker begins to illustrate the warning tone of the sonnet. The alliterations, “world will wail” in line four and “world will be thy widow” in line five, foreshadow the shame this man will feel—mentioned in the final line of the sonnet. Also, when looking at the word choice in these two lines, readers easily notice this cautionary tone. The speaker says “the world will wail,” meaning everyone will mourn this man’s death, as opposed to just one person—his widow. By

the speaker saying “the world,” he is implying that it will be a much greater pain for the man to die single than if he were married. In lines six through eight, the speaker goes on to explain why the unknown man will cause the world such pain. In line six, he says “no form of thee hast left behind,” foreshadowing the regret and shame this man will feel for not procreating. In leaving “no form” behind, the man is leaving the world without something to remember him by. At least if he were to marry, the beauty of his form will carry on with a child if he were to reproduce.

Line nine is when the speaker shifts to a condescending tone. He compares marriage to the frivolous spending of an “unthrift”—a spendthrift. Once he who spends irresponsibly dies, the world will still have the money that he wastes, merely “shift[ed] but his place” (line 10). Likewise, “beauty,” which is the analogy the speaker uses in line eleven, must also be “spent” or spread for

the world to enjoy it. If the keeper of beauty “wastes” is and keeps it “unused, the user so destroys it” (lines 11-12). Once “beauty” is gone, it is gone forever and the world can never get it back. The speaker compares the qualities of “beauty” and “unthrift” to the man’s life, his gifts, the man’s family name, or a legacy that he carries. Unlike the money the unthrift man spends, this single man’s unspent life will be unattainable once he is gone. Like beauty kept



Figure 8 The Chandos Portrait of William Shakespeare, 1610. National Portrait Gallery.

hidden, once this man's life is gone, the world will never get it back.

If this man were to marry and reproduce, however, then there would be some piece of him left in the world after his death; his life would not go to waste. This connects to what the speaker says in line eight-- if a man dies young, the widow will always have their children to remind her of her husband. The speaker goes on to discuss this through line twelve, basically implying that those who don't use their "beauty" destroy it. In other words, the speaker is telling the man that if he does not marry and reproduce, he will destroy his legacy. Here the speaker looks down on this man for wasting his "beauty" and destroying it.

The speaker ends the sonnet in this same condescending tone. It is in lines thirteen and fourteen where all previous foreshadowing comes to fruition. We see why the speaker warns the unknown man for being opposed to marriage. In line thirteen, the speaker says "no love towards others," suggesting that the man is selfish for not marrying and reproducing. By this man being selfish, he is not only affecting himself, he is affecting the world. It shows that he has a cold heart for putting himself before the world. Shakespeare's use of assonance in the many scornful "o" sounds signifies the disdain he feels for this man's selfishness.

In the last line, the speaker tells the man how his selfishness will haunt him for the rest of his life. With the phrase "murderous shame," the speaker declares that the man will never be able

to live with the decision he makes. If he never marries and reproduces, the "murderous shame" that he will feel will eat at him for the rest of his life. With the use of the word "murderous," the speaker produces an image of an outcast pariah bent on destruction. Not only will this man face regret that will eat at his mind and soul, he will also commit the murder of his legacy by dying without leaving children behind. If this line were compared to lines four through six, it seems as if the speaker is trying to convince this man that not marrying is the worst thing that a man can do. On one hand, this man could make his wife a widow if he dies prematurely. However, if this man does not marry, he will be committing a murderous crime.

It is obvious that it is essential for whomever the speaker is addressing to marry and have children. At first glance of the sonnet, it is easy for readers to assume that the speaker really wants this unidentified man to marry someone. However, when one digs deeper, it appears this sonnet means much more than that. Through the speaker's tone, metaphors, word choice, and alliterations, this sonnet is a serious proponent of life and the legacy produced by marriage. It is very important to the speaker that this man marries in order to reproduce. The way the speaker addresses the man, it is clear that a man who does not procreate is destroying humanity. However, no matter what decision this unidentified man makes, he is doomed. Either his widow will weep or the world will weep.

# *Language Crossing and Representation: Understanding AAE and Linguistic Minstrelsy*

By Gordon S. Poteat, English 451

**The** English language has grown and transformed for centuries; it is constantly evolving. Robert Burchfield, former Chief Editor of the *Oxford English Dictionary*, states that “[f]ifteen hundred years ago, Germanic-speaking tribes in north-western Europe intensified their raids and journeys ‘abroad’” (173), leading to the foundation of the English language. The diversity of English has grown exponentially ever since.

In North America, the English language came equipped with all variations of European influence, but the importation of African slaves had perhaps the most significant impact on the evolution of Standard American English. African American English (AAE) is ubiquitous in contemporary culture and is maintained through a variety of media. It is commonly spoken within a large segment of society, regardless of race or ethnic background. But at what point do the linguistic properties of AAE cease to be a solidifying force for community relations and ethnic pride, and instead become an arbiter of racial division and prejudice?

John Updike said in *New Yorker* magazine “since words mean different things to different people...there is no material retaining ground for the imagery that words conjure in one brain or another” (Burchfield xvi), and Mary Bucholtz and Qiuana Lopez assert that problems arise “when language crossing... becomes the focus of linguistic representation” (680). The crux of their argument is that “the use of African American English by European American actors in Hollywood films [constitutes] a complex language-based form of blackface minstrelsy” (Bucholtz 680). Though Bucholtz and Lopez focus on hip-hop era films from 1998 and 2003 to argue that “[m]instrelsy in earlier Hollywood films . . . is excluded . . . because these racial

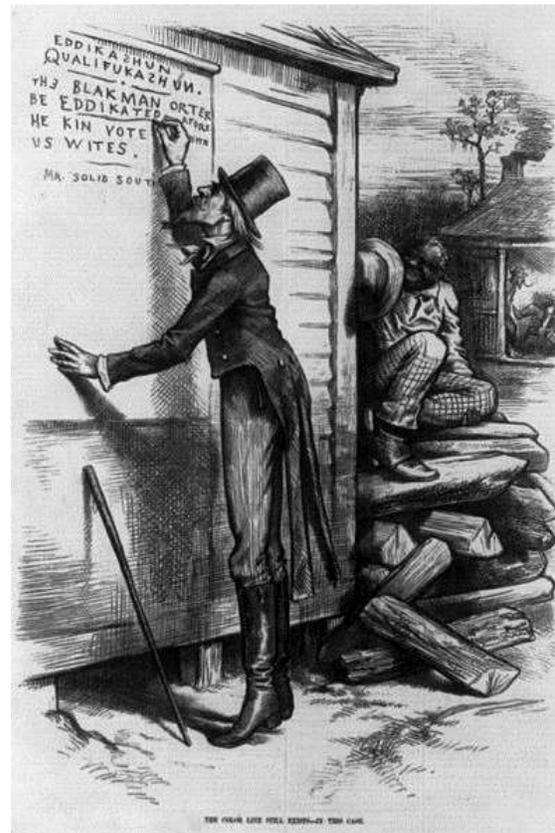


Figure 9 Editorial cartoon criticizing literacy tests as a means to disenfranchise African American voters. In a mockery of white literacy and language use, the white man in the foreground has written, “Eddikashun qualifukashun. The Black man orter be eddikated afore he kin vote with us Wites, signed Mr. Solid South.” Cartoon. *Harper's Weekly* 18 Jan. 1879: 52.

representations predate the Civil Rights Era and therefore warrant a separate treatment” (685), the problem does present itself in both time periods and illustrates the need for continued vigilance and dialogue. Whether a product of the nineteenth century or the twenty-first century, “linguistic minstrelsy contributes to the racial formation of a . . . hegemonic whiteness that incorporates elements of black culture while enforcing essentialized racial difference”

(Bucholtz 681). Though AAE is a legitimate form of Standard American English---its use is ubiquitous and multicultural in contemporary society---the potential for AAE to be used as a device to reinforce racial boundaries and foster stereotyping is alive and well.

The legitimacy of African American English is as well established as the English variants of Scotch-Irish, French, or Native American languages, to name only a few examples. Though as complex and varied as any form of English due to regional dialects and social constructs, some of the “grammatical constructions [of AAE] are similar to the African languages that slaves brought to America” (Rowe 199). Bruce Rowe explains in *A Concise Introduction to Linguistics* that the “Gullah . . . variety of AAE has retained many phonological and syntactic features of West African languages” (200). He goes on to explain that “African Americans living on the coastal plain and Sea Islands of South Carolina . . . have been successful in preserving many facets of African life and language” (Rowe 200). The Gullah dialect is maintained in these areas in order to preserve its historical significance to language and culture and also to maintain a sense of what Rowe calls “ethnic pride and neighborhood solidarity” (200). Of course, the ability for the Gullah community to earn an income from their cultural heritage is an added benefit. As a thriving tourist destination for vacationers from around the globe, the South Carolina coast has in its Gullah culture a living example of the merger between African and English languages that contribute so much to the broad scope of what could be called the American English language.

Many of the variations between Standard American English and AAE can be found within the Gullah dialects of South Carolina. Rowe mentions that some of the phonological changes found in AAE are also found outside of the African American variety of the English language. His examples of /r/ deletions and modifications of interdental fricatives, where “the voiceless /θ/ is replaced by /t/ and the voiced /ð/ is replaced by /d/” (Rowe 201), are not only found in AAE but apply to “some

dialects of Boston [and] New York” across a range of ethnicities (Rowe 200). In a glossary of Gullah words found at the Gullah Tours website, the rules of /r/ deletions are illustrated in such words as /'ansʌ/ for *answer* and /'babʌ/ for *barber* (gullahtours.com). Many Gullah words incorporate multiple phonological changes within a single word. For instance, the word /'nida/ for *neither* or /we'nebʌ/ for *whenever* apply the rule of /r/ deletion along with the replacement of the interdental fricative /ð/ with /d/ in *neither* and the replacement of /v/ with /b/ in *whenever* (“Gullah Words”).

Another phonological variation of SAE found in AAE is also a characteristic of the dialects of many Southern whites. Rowe posits that “[m]onophthongization is one of the most prominent characteristics of [AAE and white southern dialects, and] it is always used by comedians and by actors imitating [these] dialects” (201). According to Rowe, the shift in the pronunciation of a diphthong to a monophthong---when /layk/ is pronounced /lak/ and /bəyl/ is pronounced /bəl/--- is often good for a laugh, and thus the potential for stereotyping is high (Rowe 201). But this is true with any linguistic variation utilized by any ethnic group. The phonological differences between SAE and AAE, in conjunction with the morphological and syntactic differences between the two, are just as valid as those linguistic variations utilized by Greek Americans or Jewish Americans.

As with those other linguistic variations based on immigrant histories, the origins of the linguistic variations in AAE are based in part on the dialects of the original Africans brought to America as slaves, but Rowe also asserts that those variations “may simply be the result[s] of the creolization process” (199). Concerning creolization, Rowe explains that “Africans who were enslaved . . . were deliberately kept isolated from others who spoke the same language [and] In order to communicate . . . they developed a pidgin language with the overseer’s language as the superstrate” (209). Therefore, many of the linguistic characteristics of AAE stem from their European origins. One syntactic feature of AAE that is found in many other

varieties of English that originated in Europe is multiple negation (Rowe 203). In Hispanic languages, double negation is the norm, but Rowe presents English literary examples from the fourteenth and sixteenth centuries that show multiple negation was in use in the England of Geoffrey Chaucer and William Shakespeare (203). It's easy to understand how England's burgeoning slave trade could have contributed to this particular feature being adopted by its human cargo. As Rowe states, “[many] characteristics, particularly phonological ones, are similar to the variety of English that whites brought with them from England to the American South” (199). Because of these European influences, it seems that the linguistic variables that comprise African American English may be more English than African after all.

Because of the marginalization that can inevitably ensue due to regional dialect or ethnic origin, code switching is practiced by virtually everyone. Code switching is a deliberate shift in one's “manner of speaking to another . . . in order to give an appropriate impression” (Rowe 177). African Americans and other practitioners of variant English forms often utilize code switching in order to function in the professional realm where the use of SAE is most often preferred. There are quite a few literary examples of African-born writers who, due to their intentional targeting of a mostly white English speaking audience, use code switching to facilitate a dramatic change in human consciousness. The story of Olaudah Equiano fits well into this category. An eighteenth-century African who was sold into slavery and survived the Middle Passage, Equiano wrote *The*

*Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African Slave, written by Himself*. In this narrative, it is clear that Equiano intended his audience to be of the mostly-white English speaking variety. In a section describing his voyage to America the diction belies his African origins when he writes:

One day, when we had a smooth sea and moderate wind, two of my wearied countrymen who were chained together . . . preferring death to such a life of misery, somehow made through the nettings and jumped into the sea; immediately another quite dejected fellow, who, on account of his illness, was suffered to be out of irons, also followed their example; and I believe many more would very soon have done the same if they had not been prevented by the ship's crew, who were instantly alarmed. (2853-4)

Upon its publication in 1789, and with the diction that Equiano uses, it is easy to imagine that its readers might have assumed the author to be British and white. On the other hand, as Stephen Greenblatt points out in his introduction, “[Equiano's] main purpose [was] to force his readers to face the ordeals a slave must endure---to live in his skin [and to teach] them that a black man could speak for himself” (2853). Equiano's

utilization of code switching in order to capture the attention of a mostly-white audience had the potential to facilitate dramatic social change.

Having established the legitimacy of AAE as a linguistically accepted form of American English but one that is often socially less powerful, it is worth mentioning the problems that often arise due to its use as a device of parody. Burchfield, an Englishman, describes



Figure 10 *Equiano* Book Cover/Wikimedia Commons

what he calls “Black English” as “potently political in its animosity towards the structured patterns of [SAE], colourful, animated, fancy, and subversive... a stridently alternative form of American speech... that is richly imagistic, inventive and combative” (178-79). The erudite Burchfield’s use of “subversive” and “combative” in his description of AAE illustrates the precarious nature of this particular variant of English. Combined with the concerns of Bucholtz and Lopez that “the racialization of language [through] linguistic minstrelsy [is a] transgression . . . of the ideology of racial essentialism” (681), Burchfield’s description of AAE takes on an even more disturbing tone. Bucholtz and Lopez assert that the contemporary use of “linguistic minstrelsy [represents] a form of mock language that reinscribes stereotypes about African Americans and their language while participating in a . . . controversial pattern of European American [white male] appropriation of black cultural forms” (681). Though Bucholtz and Lopez intentionally omit the blackface minstrel shows of the nineteenth and early twentieth centuries, the early forms of minstrelsy certainly rate as appropriations of black cultural forms by white European Americans that reinforced racial stereotypes. The modern version is simply repackaged and presented in a different context. In fact, Bucholtz and Lopez argue that this modern minstrelsy is worse than the earlier versions “because racial stereotypes are hidden behind the parody of white male characters whose acts of crossing in turn function as parodies of black language and culture” (702). Though AAE is as legitimate as any variant of English, its use as a comedic device should give us pause. This modern form of minstrelsy in films “suggests that the semiotic resources of blackness are necessary in order for whiteness to claim authenticity and thereby retain its authority” (Bucholtz 701).

Examples of white appropriation of black cultural forms are also found in films and books from the early twentieth century. “Al Jolsen’s much-discussed [1927] blackface performance in *The Jazz Singer*” (Bucholtz 685) is an example of minstrelsy in an early Hollywood film. A literary example of linguistic minstrelsy can be found in a book entitled *Lyrics from*

*Cotton Land*. Published in 1922 with special thanks to the *Charlotte Observer* and *Century Magazine*, it is a collection of poetry by John Charles McNeill who passed away in 1907. As a product of a different era, its language appears jarring through a modern lens. But as an example of white appropriation of a black cultural form—McNeill was white—the poetry’s linguistic properties are almost entirely African American English, or at least a white man’s version of it. Amongst the titles of “Po’ Baby,” “Possum Time Again,” and “Ligion,” a poem entitled “Nigger Demus” contains the following second stanza:

Now, while de hat is pas’ aroun’ by Bill en Poly-  
phemus,  
I’s gwine a tell you supp’n ‘bout dat gre’t man,  
Nigger Demus---  
But watch de hat, my bruddern, when dey goes  
to make deir change:  
Dey’s good folks, but in spite er dat don’t give  
‘em too much range. (15)

There is plenty more where that came from, and it is hard not to read most of the collection as racist in both content and linguistic form. But in 1905, McNeill received the Patterson Memorial Cup: a “Magnificent Trophy as an Incentive to the Development of Literary Talent in North Carolina” (“The Patterson Memorial,” xi), and a review from a magazine entitled *Charity & Children* found in the back of the book praises McNeill’s work. It states that “*Lyrics from Cotton Land* will remain a priceless legacy to the children of the South [and] Joel Chandler Harris is not a whit more lifelike in his portrayal of the language . . . of the old-time darkey than John Charles McNeill” (190). McNeill’s poetry is, of course, a product of his time, and his appropriation of black cultural form appears to have been motivated by the aesthetic linguistic qualities of AAE rather than an attempt to overtly stereotype African Americans. However, Bucholtz’s earlier statement concerning modern films could easily be applied to McNeill’s poetic collection that “the semiotic resources of blackness are necessary in order for whiteness to claim authenticity and thereby retain its authority” (701). Of course, no one was discussing such matters in the early twentieth

century, which is why, in this modern era when people do discuss such matters as semiotic resources of blackness and claims of authenticity and power, it is surprising to see linguistic minstrelsy performed at all.

Fortunately, since the Civil Rights Era, the cultural and linguistic variations of African Americans have become a normative component of a multicultural mainstream American society. But, as with any culturally bound linguistic variation, there remains a fine line concerning the appropriate use of AAE in contemporary society.

Perhaps the concerns over the use of mock language as a device of parody are overstated. The ability for a multicultural society to laugh at itself generates solidarity and a sense of neighborly goodwill. The movies that Bucholtz and Lopez discuss, *Bulworth* and *Bringing Down the House*, both feature strong African American female roles in relation to their white European American male co-stars; the white male playing the role of the “minstrelsy character . . . or ‘wigger’ . . . whose race and class privilege renders him ludicrously inauthentic” (Bucholtz 682). Neither movie is considered to be overtly racist, nor is the minstrelsy humor considered offensive; both seem to have appealed to a broad multicultural American audience. But a sensitive area is approached in these films when “any white speaker’s use of *nigga* as a neutral or affiliative term [is] consistently played for laughs rather than as [a] serious engagement . . . with the racial politics of this extremely charged word” (Bucholtz 691). A closer look at McNeill’s poetry reveals that perhaps the charge of linguistic minstrelsy may be too harsh as well. In the first poem of his collection entitled “Mr. Nigger,” the linguistic form reflects the voice of a Southern white and its tone is one of biting self-accusation; the title suggests the topic, but the subject is all about Southern whites. The following are samples from the third and fifth stanzas and they reveal a slightly different view of McNeill than was presented earlier:

I cannot see, if you were dead...  
How orators could earn their bread...

For they could never hold the crowd  
Save they abused you long and loud  
As being a dark and threatening cloud,  
Mr. Nigger.

You’re a vast problem to our hand...  
Your fame is gone throughout the land...  
The heart of all this mighty nation  
Is set to work out your salvation,  
But don’t you fear expatriation,  
Mr. Nigger.

Apparently, McNeill’s cross-over technique is an attempt at achieving social change for African Americans, and the use of linguistic minstrelsy in his other poems is an attempt to bring the binary of white/black relations into a symbiotic relationship. Perhaps the evolving symbiotic relation between AAE and SAE *requires* “language crossing [to be] the focus of linguistic representation” (Bucholtz 680) in order to heal from the pain endured from years of racial segregation.

Perhaps linguistic minstrelsy in contemporary culture is just a unique Americanism that Robert Burchfield, being British, can’t quite understand. His statements reveal a view of AAE “as a threat to the acceptability of the language handed down to white Americans from the seventeenth century . . . at once deeply impressive and overtly threatening” (178-9); but he is not American, and his view of AAE seems to still be shadowed by the not too distant American Civil Rights movement of the 1960s. Whether linguistic minstrelsy and cross-over appropriations between Standard American English (whatever that may be) and African American English are good or bad is a matter for continued discussion. But when utilizing any variant of American English as a form of comic parody, one should keep in mind John Updike’s comment to the *New Yorker*: “words mean different things to different people” (Burchfield xvi).

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