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What We Don't Talk About When We Talk About #MeToo

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Art by [Margaret Curtis](#)

The following essay is from the book of the same name.

The little girls next door are playing school. The teacher barks, and the students get detention. There are so many ways to detention: being late, being wrong, being poor in math, wanting to be popular, “with your hair all fine and your nails painted and pretty clothes—I like pretty clothes and painted nails, too, but you aren’t all that.” The teacher threatens them all, “good or bad,” if they make her raise her voice again. She raises her voice. They are silent. She threatens to call their imaginary mothers. She threatens to take the imaginary money she’s been given to get them food. It is summer, hot, late afternoon. Detention is supposed to last four hours, three months, a year. A half hour, and the teacher flags. It’s not much of a game with one player. Okay, she announces, everyone can go to gymnastics. “Get in a line, class! No talking! Straight line!” The others obey. She arranges rolling garbage carts for them to jump off of onto the black-tar driveway. Happy shrieks conjure heaven for the first time, as a breeze comes up and an ice cream truck plays its wistful tune and a rat, which none of them sees, scuttles from one yard to the next. “Do it again,” the teacher shouts. “You. Are. In. Training!”

Let’s leave the little girls alone for now with their game. I will return to them.

Let’s think, at the outset, on the meanings of more widely circulated reflections of reality in early twenty-first-century America. Three stories bumped up against one another as spring slid into summer of 2019, their coincidences unremarked upon for all the words that each elicited in isolation. These stories are in no way equivalents. Their facts are necessary, but the stories coincide not at the level of fact; instead, together they represent a mood, a relationship—longstanding but specially adapted for delirious repetition and shapeshifting in the era of Trump and #MeToo—between the crowd and punishment.



Margaret Curtis - *Emotional Cartography IV*
gouache and ink on paper, 30 x 22 inches (private collection)

On May 31, 2019, Ava DuVernay's *When They See Us* premiered on television. A drama in four episodes, it tells the story of five man-children, aged fourteen to sixteen, at the center of a media storm in New York City in 1989 that was so powerful, so laden with the debris of assumption, prejudice, official and unofficial trickery, that it blocked the light for decades. In real time it was a story of tropes: a young investment banker, part of the city's rising new class, went for a jog at night in Central Park; the same night, in Harlem, a large group of teenagers, part of the city's stuck old class, went into the park to play, to let off steam, to cause trouble, just because . . . Off one path, the jogger, Trisha Meili, white, was raped and beaten so gruesomely that words fail. On other paths, some of the teenagers, black and brown, raised havoc, assaulting people, variously hued, until police arrived and the kids scattered, some arrested. Amid the

chaos that ensued, no one in authority acted to follow a lead from a rape that was disrupted in the same general part of the park two days earlier.

Five boys (let's call them "boys," an interpretive term but more accurate than "wolf pack," which they were called at the time) were eventually interrogated, coerced into confessing, tried and formally convicted for the attack on Meili. The sixteen-year-old, Korey Wise, had not been arrested but simply accompanied his friend to the police station. He was interrogated anyway, and said blandly to police and prosecutors on videotape, "This was my first rape. This . . . I never did this before. This will be the last time doing it." The words are startling, at once horrific and so remote from the most elementary understanding of the world of crime and consequences that they ought to have provoked skepticism among at least some substantial segment of the professional journalists who were focused on these dreadful events. *Who is this kid, and what causes him to speak this way?* As a class, journalists were not skeptical. Even when it was known that Wise was developmentally disabled, that he had made the statement after spending many hours in the station alone under pressure by authorities, they were not skeptical. They had effectively tried and convicted Korey Wise and the others before they knew their names. Pete Hamill of the *New York Post*, a dean of big-city column writing, wrote the prosecution's opening statement promptly after the attack:

They were coming downtown from a world of crack, welfare, guns, knives, indifference and ignorance. They were coming from a land with no fathers . . . They were coming from the anarchic province of the poor. And driven by a collective fury, brimming with the rippling energies of youth, their minds teeming with the violent images of the streets and the movies, they had only one goal: to smash, hurt, rob, stomp, rape. The enemies were rich. The enemies were white.

The Central Park Five, as they came to be known, were vindicated in 2002, after a man doing time for rape and murder called Matias Reyes confessed to being the sole perpetrator and matched the DNA found at the scene. (None of the five had.) It would be ten years, following a book by Sarah Burns in 2011 and a TV documentary in 2012, before the mass public met the record of trampled justice. In 2014 the city settled a civil rights lawsuit with the five for \$41 million. Not until DuVernay's dramatic series, though, did the public really see the boys who became men in captivity, their families before the storm, their fathers and mothers, and the human dimensions of what happened to them—especially to Korey Wise, who alone was charged as an adult, tried as an adult, and punished in multiple terrible ways in adult jails and prisons for almost fourteen years. The same institutional media that formerly had aped the police and prosecution, scornful of defense, now, thirty years later, embraced the emotional power of DuVernay's theatrical recreation.

They could not, however, sit with the weight of damaged life left by the storm and take its full measure. Editorialists evaded their own profession's responsibility and turned their fire on a former assistant district attorney, the police and Donald Trump, deserving but easy targets. What had been a moral panic—"the ultimate shriek of alarm," as then-governor Mario Cuomo put it, by institutions, individuals, and social forces (overwhelmingly white) over crime (typed as black)—was being resolved in the stock manner of moral panics: with enemies and a pointing of fingers by the righteous pure. Former ADA-turned-novelist Linda Fairstein, whose zealotry as head of the

sex crimes unit had fueled her to abandon prosecutorial ethics in persecuting the boys, and who maintains that she, her office, and the police did nothing wrong, has been denounced, shunned, and marked for silencing, primitive forms of social discipline now deemed progressive. Although DuVernay has stated that her objective was to reveal the many impacts of structures of injustice, the review site *Roger Ebert* conveyed the tenor of much of the crowd's political response: "eliciting empathy and a desire for justice, [the drama] demonizes the right people and demands your fury." The storm, the scandal, has yet to be fully comprehended.

"The anthropologist Roger Lancaster has a term for communal feeling forged from the negative energies of fear, suspicion, vigilance, mutual identification against the demon—and all his works and associations—and for shunning and punishment as empowering, unifying goals. He calls it a "poisoned solidarity." Anti-black racism at the crude level of group expression qualifies, as does the vast public's post-9/11 accommodation to guilt by association, torture, Guantánamo, endless war, assassination by drone, and other masquerades of protection."

The next two stories lie outside the borders of critical historical assessment. Unfolding in the near-present, they exist in the region of raw emotion, the region of danger and fury. Here be demons.

Between January and the end of June 2019, a defense attorney was the subject of a public row over not only the presumed guilt of a notorious defendant but, in particular, his own guilt by association. In January, Ronald Sullivan, a Harvard Law School professor and celebrated attorney in both high-profile and obscure cases, joined the legal team representing Harvey Weinstein in a pending trial on charges of sexual assault and rape in New York City. Soon after, a group of Harvard students and their newspaper, the *Crimson*, erupted in protest—among other things, spray-painting "Down w Sullivan!" on Winthrop House, where Sullivan and his wife, Stephanie Robinson, lived with their family and served as faculty deans since 2009. More than 300 students signed a petition calling for their removal; supporters gathered 1,000 signatures for them to stay, which was rarely mentioned. In March, the dean of Harvard College announced a "climate review," an investigation typically initiated in Title IX sexual harassment cases, to determine if Sullivan and Robinson's

continued presence at Winthrop endangered or otherwise harmed students. Anyone providing information was guaranteed anonymity. Fifty-two members of the Law School faculty wrote an open letter supporting their colleagues. The Black Law Students Association stated that Harvard should be capable of addressing sexual violence and supporting victims without “scapegoat[ing] Professor Sullivan.” The Association of Black Harvard Women denounced him. In May, protests escalated, as did the language of alarm. An article in the *Crimson* alleged that a “culture of fear” had pervaded the house over much of Sullivan and Robinson’s tenure as deans. Seven former and current Winthrop staff spoke of a “climate of hostility and suspicion,” a “threatening environment,” a “toxic culture.” “We’re all obviously terrified,” said Madeleine Woods.

No complaint had ever been lodged against the deans for failure to care for students, or inattention to sexual violence, or condoning threats or violence. Such a complaint is not required under Title IX, which governs relations on US campuses today, and upon which federal funding may depend. The case was complicated by the traditional role of house master (the old name for faculty dean) and the roles of professor and lawyer—the expectation of nurturance versus the expectation of intellectual challenge versus the expectation of vigorous defense, and the question of whether these expectations must conflict. It was complicated by old complaints against Sullivan and Robinson by former staff at the house—that they acted like bosses, and not very nice ones. Some Harvard faculty insist the specter of Weinstein was mainly a coincidence. In the white heat of the moment, though, that specter predominated, and complaints took on the coloration of horror. On May 10, Sullivan withdrew from Weinstein’s defense, citing scheduling conflicts; the next day, he and Robinson were sacked as faculty deans effective June 30. The *Crimson* described student activists as “shocked and excited” over what one characterized as a victory “against rape culture.”



Margaret Curtis - *Sticks and stones: A Seep of Murderers* (2018)
gouache and ink on paper, 30 x 22 inches

Weinstein had not faced criminal prosecution for the accusations by Hollywood actresses that sparked the #MeToo phenomenon in 2017, so the New York case invariably symbolized a reckoning for all his alleged bad acts. It became a symbolic substitute as well for all the actions never taken against all the accused whose names have tumbled through public space since #MeToo emerged, including and maybe especially Donald Trump. This substitution effect typifies cases involving public demons. Since Weinstein is a public demon, his case raises a challenge that is central to the case of every hated defendant, a challenge that should have been decisively met in 1989 in New York but was not, and to which Sullivan adverted when he told students, "It is particularly important for this category of unpopular defendant"—one who is seen as "guilty . . . vile or undesirable"—"to receive the same process as everyone else, perhaps even more important."

Sullivan was being a teacher in that moment. His statement was an attorney's affirmation of the principle of equality under the law, but as a former public defender and a longtime advocate winning freedom for the wrongfully convicted, he knows that in practice "everyone else" is not an undifferentiated category, and the accused don't all "receive the same process." Moreover, he knows that his audience knows this too. So, the statement implicitly provoked questions, ones that inhere in the application of the law, particularly criminal law. Those questions presume a continual public wrestling. One can picture an open-ended dialogue for many voices.

How can you talk about a "category" of defendant, as if that category transcends race, sex, class and histories of oppression? . . . The law is embedded in those histories, of course, because it is embedded in history, and the world is full of oppression; pushing toward equality is a political project. Equality has to be the principle . . . I'm sorry, there is no equality; the system is rigged, and talking about Weinstein as just another defendant evades his real power in the world . . . Does rigging our concept of justice against the despised person and attacking his lawyer advance equality? I don't see the evidence; there's been a lot of despising going on . . . There's been a lot of rape going on too; there is no justice for women . . . There's no justice when you're accused of a sex crime. Bam! you're guilty . . . We have to respect the suffering victim of any crime, and we have to protect the rights of the criminally accused. There's a tension there, and we can't ignore it. As a society, we tend to ignore it in high-profile cases with defendants who are extremely unpopular—which is why what happens in those cases, when guilt is presumed and everyone is watching, is so important . . . It's a measure of any society, how it treats the "damned and despised" . . . And it's not a measure how it treats women's suffering? Women haven't been believed, and have been essentially tried for coming forward. That's not a problem? . . . That is a problem, and the legal system must be accountable. People's fates can't be based on belief, though. Women are defendants too. Women are the mothers of defendants. Everyone wants to be believed; how do you resolve that? . . . Shit, there are people every day who go before a court, and every day face the prospect of suffering because no one's going to believe them; most of them never get a trial, they fill the prisons. They're not all nice people, but we should care that they are effectively denied their rights . . . You're talking about people who are poor and powerless. That's structural injustice, but so is letting a criminal buy his way out because he can afford a fancy legal team. No crime victim wants to see that . . . You shouldn't say "criminal"; that's for the state to prove . . . The state can be wrong. Popular opinion can be wrong . . . Not about Weinstein . . . Let's not talk about Weinstein, but we should talk about power. No criminal defendant has power in the criminal justice system, and no defendant, however wealthy, can match the resources of the state. This is crucial. If we can't see the defendant, irrespective of person, we can't properly see the state—its awesome power to police, prosecute and punish, a power that by its nature, also irrespective of persons, establishes a fundamental conflict between the state and every individual . . . Yeah, if you're in the dock, you better believe you want a strong advocate, because if the state is going to exercise its ultimate power over your life, it better have to prove its case . . . That's the problem: power over your life. Most exercises of male power aren't in the courts and never will be. That's patriarchy. That's the issue . . . Struggles for justice aren't discrete things. Due process, presumption of innocence, burden of proof—as terms they sound analgesic, like aspirin, or cruelly absurd because of all the times people, especially poor people and minorities, don't get them. But they exist in contested history, where rights

are not conferred; they, too, are the product of human struggle against oppression and unchecked power. That struggle is continuous and exists simultaneously on many fronts. So we should be asking, What responsibilities does it demand of the citizen?

Some version of that dialogue was not organized following Sullivan's statement. Protesters said discussion was beside the point. They weren't denying Weinstein's right to the representation of his choice; he could choose many lawyers, they said, but Sullivan shouldn't be one of them, because his participation could be "trauma-inducing" for Winthrop residents (the term from a student on the *Crimson*, not a Winthrop resident). Rather than an invitation to intellectual work, Harvard's administrators sent students questionnaires: is Winthrop House "sexist," "non-sexist," "hostile," etc.? Those are standard to the Title IX process, as is confidentiality, and it is argued that Harvard was legally bound to begin the process. What emerged as a result, though, were two principal forums for speech: one, the investigative process, conducted in secrecy (unavoidably, and for reasons that are understandable regarding allegations of impropriety but at odds with a dispute over the compatibility of professional roles); the other, a noise machine that, though prompted by politics (the pariah status of a criminal defendant) and fueled by politics (the energy of #MeToo), then proclaimed that the demand to remove the deans had nothing to do with politics.



Margaret Curtis - *Emotional Cartography: Bloodroot* (2018)
gouache and ink on paper, 30 x 22 inches

None of Sullivan's antagonists spoke of guilt by association; these are liberals, and that term is too bonded to anticommunist witch hunts of the 1950s. They spoke of fear and security. They said Sullivan and Robinson must go. They did not speak of disloyalty, but their words bore its whiff: protection is the first duty of deans, and by putting defense of a dangerous man ahead of the chance that some students might thereby feel endangered, Sullivan was shirking his duty. However much that might comport with a conception of Harvard house masters in *loco parentis*, one might reasonably ask how criminal defense attorneys can ever be good parents to actual children if the rational basis for feelings of fear cannot be challenged.

Students picketed Winthrop House with tape across their mouths; meanwhile, Sullivan said he'd received notes of support from other

students, some saying they feared reprisals if they spoke publicly. After Sullivan and Robinson were ousted, one of the protesters' allies in the press, Lucy Caldwell writing in the *New Republic*, described Sullivan's statement about unpopular defendants as "intellectually dishonest, if not downright nefarious" and "condescending." Students know all about how the criminal justice system works, she argued; they also know that Weinstein is a wealthy, powerful man. Earlier, one of Sullivan's Law School colleagues, Jeannie Suk Gersen, had written in *The New Yorker*:

In the thirteen years that I have been a law professor, teaching and writing on criminal law and sexual assault, I have regularly provided legal counsel: both to alleged victims and to people facing allegations of wrongdoing at school, in the workplace, or in the legal system. In the past year, the climate for such work has changed. There is now such a stigma attached to people accused of sexual misconduct that anyone who defends legal principles on their behalf risks being mistaken, in the public mind, for a defender of sexual violence.

Caldwell wrote that Sullivan's supporters were deluded to think they were defending academic and professional freedom: "instead, they're defending a status quo that has caused so many women to suffer for so long."



Margaret Curtis - *Emotional Cartography: Femur* (2018)
gouache and ink on paper, 30 x 22 inches

Sullivan and Robinson are black. It has been regularly mentioned in passing that their appointment in 2009 as house masters was a first for Harvard. The college was founded in 1636. The house system was established in the 1930s. That Harvard took more than seventy years to confer the honor of master upon black faculty members but in the blink of an eye, relative to its history, endorsed suspicion of the pair's continued presence in the house; that it made Robinson invisible and effectively

forced Sullivan to profess his worthiness, to cite his bona fides as an advocate for victims, the downtrodden, the family of Michael Brown, killed by police in Ferguson; that it terminated their contract immediately after named and unnamed sources in a newspaper accused them of long being high-handed, incompetent and scary; that, in rebuffing reasoned argument and indulging feelings, vandalism and innuendo, Harvard chose to “police certain ideas and [not] police others,” to borrow Sullivan’s words—these elements of the story were subject to little analysis taken together. After Sullivan told an interviewer that he thought race was a factor in the administration’s decision to order a climate review over a clash of ideas, his opponents said that claim was ridiculous: ideas were not at issue; his ability to make a home for students was. Maybe Sullivan had a feeling. Maybe it related to unspoken knowledge of white professors whose hands-on relations with students haven’t precipitated investigations. And maybe the dean of Harvard College was correct in saying by May 11 that the situation at Winthrop House had become “untenable.” But gripped by emotion for months, the school became a rough court, and Sullivan and Robinson defendants, guilty as charged.

The anthropologist Roger Lancaster has a term for communal feeling forged from the negative energies of fear, suspicion, vigilance, mutual identification against the demon—and all his works and associations—and for shunning and punishment as empowering, unifying goals. He calls it a “poisoned solidarity.” Anti-black racism at the crude level of group expression qualifies, as does the vast public’s post-9/11 accommodation to guilt by association, torture, Guantánamo, endless war, assassination by drone, and other masquerades of protection. Trump’s scare campaign against immigrants as invaders, rapists, and thieves is a latter-day iteration of his contribution to the chorus howling for revenge against the five boys in 1989. “It’s more than anger,” he said then, “it’s hatred . . . I want society to hate them.” It is important to recognize that Trump had a minor solo in that chorus, if a memorable and loathsome one. As an entrepreneur of enjoyment in the dehumanization of others, he understands that unity through vengeance sells—and has sold since before he took the main stage with his signature bombastic exploitation of real and imagined fears. He did not, however, create the conditions that would be ripe for that exploitation. For the average person living in New York in 1989, Trump’s intervention in the jogger case didn’t particularly stand out, maybe because he and those who despise him now—great swathes of white feminist New York, white liberal media New York, white political New York—were all on the same side then. It was the power side, and its instant dehumanization of the accused, accented by a fervent belief in confessions, ignited a reaction, sometimes ugly in its insensitivity to the jogger, among the boys’ backers, called “the black side” by some reporters in court.

As so often, the power side won, but society was diminished in that victory, and women were no safer: five were raped and bloodied by Matias Reyes after the jogger; one of them, Lourdes Gonzales, was murdered, while her children listened behind a locked door. Reason—pursuing Reyes from the unnamed woman’s April 17 lead—might have saved them; rage could not. Lancaster describes this poisoned solidarity as a feature in America’s long-running moral panic over sex as a source of unparalleled danger from monsters among us—panic that sometimes explodes in the public square but by now has been normalized in the social conscience, habitual, ready to burst out in tweetstorms that may gather like hurricanes or disperse like a passing rain, but either way hit their mark. The inciting events vary. The instigators may be on the political right, but often they are liberals or

professed progressives. The demon may be guilty or not; the crime grievous, nonexistent, or anywhere on a scale of harm. Rage unites them. Bombast is the conventional linguistic mood. Falling in line is the objective. And instead of a positive spirit of organic social solidarity to take concerted action for the common good, there is the perverse thrill of simultaneously quaking together in fear and sticking it to the devil.



Margaret Curtis - *Jetsam: Some Shipwrecks Have No Ship* (2019)
gouache and ink on paper, 22 x 30 inches (private collection)

So comes the third story. On July 3, 2019, a *New York Times* front-page headline read, “He Is Accused of Rape but Has ‘a Good Family.’” The report that follows does not explore the cluttered pathways of wrongdoing and redress. It, too, is a story of tropes. She is sixteen, “visibly intoxicated, her speech slurred.” He is sixteen, also drunk, how badly we aren’t told. They are at an “alcohol-fueled pajama party.” They are in New Jersey. “The boy filmed himself penetrating her from behind, her torso exposed, her head hanging down, prosecutors said.” It is important that we are voyeurs from the start. She is sixteen and drunk. He is sixteen and drunk. He later shares the video by text, according to investigators, with the message, “When your first time having sex was rape.” Prosecutors move to try the boy as an adult. The judge in family court says, No, this is a juvenile case. He says a lot of other things. He says what happened wasn’t rape. His definition requires strangers with weapons in a dark alley. Such a case, he suggests, would fit the profile for adult prosecution. This does not: the youngsters staggered hand-in-hand to a dark place; the boy comes from a good family, is an Eagle Scout, at a terrific school, with terrific grades. “He is clearly a candidate for not just college but probably for a good college.” Is the girl aware that prosecuting him as an adult would destroy the boy’s life? All of this happened in 2017 and 2018. The story is news in 2019 because an appeals court rebuked the judge. It is front-page news, two weeks after the fact, because the *Times* wished to celebrate the rebuke. “A judge’s rationale for leniency is rejected,” a subtitle crowed. It is easy, with

the disturbing details firmly in mind, to overlook what was being celebrated: the go-ahead to prosecute a sixteen-year-old as an adult.

The judge was arguably not the best equipped to decide this case, but we cannot know what would have happened if the prosecutor had entered family court in 2017 seeking swift accountability, correction, and restitution. GMC, as the boy is called in court papers, was sixteen and drunk, but also, if the facts set out so far be true, or even mostly true, sixteen and mean, sixteen and selfish, sixteen and stupid, sixteen and dishonest, sixteen and in need of a lesson. Mary, as the girl is called, told her mother the next day that she worried that “sexual things had happened at the party,” according to the appellate court summary of the case. Also according to court papers, before the video was made, several boys sprayed Febreze on her butt and slapped it. Later, as Mary vomited on the floor, GMC had already left the room. The next day he texted friends, “I fucked her, not raped her. Calm down. If you have the video, get rid of it.” When Mary asked him whether he’d made a video, he denied it. When she discovered he had lied, she asked him to stop sharing the video and destroy it, and he did not. Her mother called the police. An officer told GMC and his friends to delete the video, which they did.

Two years after that alcohol-fueled desert of the senses, there had been no lesson that might have mattered to a high-schooler. No consequences to make GMC take responsibility. No restorative justice in response to actions that, legal determinations aside, were wrong. No attention to the concerns of Mary. For her, the case goes on with only vituperative action, because the state was not interested in harm reduction or amends or correction in the realm of sixteen-year-olds. It was not interested in GMC growing mindful of the ways that boys and men are acculturated to carelessness and violence, that he understand the harmful, capturing effect of technology. It said GMC’s behavior was beyond his years, adult behavior, really, “sophisticated and predatory.” The judge called that nonsense. Separate from everything else he had to say, this was the determinative rationale for rejecting the motion to treat the boy as an adult. The law in New Jersey is silent on good grades and test scores and Eagle Scoutery, but it does stipulate that a charged action must be sophisticated and predatory to meet the criteria for waiving a juvenile case out of family court. What the *Times* called leniency was affirmation of adjudication in the juvenile system. That is what the newspaper has advocated as appropriate treatment in general—and for years, ever since mass incarceration became a strain on the liberal conscience that once enabled it—for accused teenagers and children, who are presumed immature and impulsive, more so when addled by drugs or drink. In the particular case, though, the nightmare image of the predator, the animal, is irresistible. The appellate court said the prosecutor’s assessment was valid, and the judge should have deferred. The crowd jerked in unison, *Get him!* If knowing of a dark place qualifies as predatory, and drunkenly making a cell phone video of drunken penetration of an impaired individual and texting an admission of rape fits any definition of *sophistication*; if language, that is, can be so unmoored from reason, we’re all in trouble—or dishonest.

Both, actually. The *Times* story quickly metastasized. On Twitter a woman identified GMC by his full name as a student at Syracuse University. SU’s *Daily Orange* did a lengthy report on July 7, by which time the student had either withdrawn or been expelled. Tweets flew fast and giddy. His name, his face, a photograph of his family home, the family address, a gif from the TV series *Empire* with André repeating, “I said I’m gonna kill him” and other cries from the crowd:

Know his name, know his face
Ruin his life let the world see this don't employ him
Say his name! Say his name!
I don't feel save [sic] returning to a school that has a KNOWN
sexual predator
Damn, he even looks like a rapist too
He should go to prison for the rest of his life
Jail time
Let's hope the inmates take video of his first time as well
It's so scary to think . . . like how many other trash people are
among me/us and we don't know?
Boy need some years in prison and the judge need to lose his
seat in the judicial system ASAP
There is no way this guy shouldent [sic] get 20 years
I believe castration should be on the table for punishments
That judge sounds like a rapist himself.

By mid-July the judge was out, forced to resign. GMC's case was expected to move to a criminal grand jury. Under New Jersey's juvenile waiver law, teenagers as young as fifteen may be tried as adults. Their identities are not protected, their court records are not sealed; if convicted they have a permanent criminal record, are subject to adult sentences and may eventually be locked up in adult prisons. If convicted of a sex offense, after serving their sentence they may spend the rest of their life on the public sex offender registry, which Laura Cohen, director of the Criminal and Youth Justice Clinic at Rutgers Law School, calls "a dangerous public policy" whose harms are "profound and numerous." Unless acquainted with the registry's strictures, most people in the US approve of this form of social death.



Margaret Curtis - *Weapons of War: Sticks and Stones* (2019)
gouache and ink on paper, 11 x 14 inches

GMC is eighteen now, and hated. He is in that category of unpopular defendants whom Professor Sullivan calls "guilty . . . vile or undesirable."

Neither the *Times* nor court papers identified him as white (he is), yet almost immediately blogs and tweets asserted he had “gotten off” because of his race and privilege. *Good family* is apparently code for *white* among some vocal segment of the righteous. This is disturbing on so many levels, most obviously its subtext that non-white families must be bad, imagined once again, tacitly this time, as inhabiting a world of “indifference and ignorance . . . a land with no fathers”—or Eagle Scouts, good test scores, or college dreams. Once his name, face, and address were plastered on the internet (that last by a Democratic aspirant to Congress for 2020, Carol Hafner), the furies were unleashed over the benefits of his color and wealth, with the inversion that anger was directed not at the unconscionable number of black youths tried as adults but at the absence of equal injustice for all.

Youth advocates and criminal justice reformers have long opposed trying juveniles as adults, and argue for further reducing punitive measures, including confinement, in favor of rehabilitative ones. Juveniles treated as juveniles, research shows, are less likely to commit crime again. (Also less likely to be physically, sexually, and emotionally brutalized, less likely to commit suicide.) In 2015, when sixteen- and seventeen-year-olds in New York were still automatically treated as adults, as in 1989 (the law would not change until 2017), Jonathan Lippman, chief judge of the New York State Court of Appeals, made the cogent point to CBS News: “Here is the problem, they’re not adults!”

Thirty years after a different set of good-family men and women of the media and other good-family liberals abetted the bad-family biases of police and prosecutors, the crowd’s essential reflex is the same. The facts are different, the degree of panic is different, the cases are distinctly different. Certainty about a teenager’s irredeemable life is unchanged. The criteria are different: white people can declare, *The enemy is rich, the enemy is white* in a new timbre, confident that no one will call them racist. For all its pretenses to social justice, this is poisoned solidarity. The enemy may be poor and black tomorrow, desperate and immigrant the next day—in fact both groups are, today. The validating enjoyment from demonizing “the right people” is as dangerous as ever, and unchanged. The situational view of rape is unchanged too: rape is a heinous crime, except when wished upon those accused of it.

All of which makes the crowd’s tearful praise, just a few weeks earlier, of DuVernay’s intimate portraits of the Central Park Five—their good or pretty-good families, their childhood hopes and silly banter, their humanity—appear to have been more a matter of sentiment than principle. If it be principle, the episode devoted to Korey Wise’s agony behind bars should have inspired a public revolt against ever trying teenagers as adults, and amplified the moral fight against Prison America. As it is, the tears seem to have been shed only because Wise was the wrong guy. Yet for years he and the others (who suffered in juvie lockup) were presumed to be the right guys, convicted and declared the right guys, guilty, vile, undesirable. Does our pity depend on something so wispy as innocence? Wise and the others were not angels, they were boys, who were hystericized into wolves; in welcoming them back into the human family as victims, we have missed a step. Complex humanity, the mess of life, demands principled humanity. The victim is one of us. The suspect is one of us, whether ultimately found guilty or not.



Margaret Curtis - *A Walk in the woods: Complexity Machine* (2018)
gouache and ink on paper, 45 x 62 inches (private collection)

I didn't start writing about sex to write about crime. The first time I wrote on sex and culture, in an essay about Madonna, I was drawn to pleasure in the midst of danger, danger manifest physically in the AIDS epidemic and politically in persistent attacks on sexual freedom, sexual expression, homo- and other sexuality in the rule-breaking category. Desire was the subject there. The attacks (from Jesse Helms's denunciation of gays on the Senate floor, to collaboration by anti-pornography feminists with the Reagan right, to official silence as tens of thousands of gay men died of AIDS) were part of the historical context, then understood, as was the ongoing fightback from ACT UP (whose rowdy affirmations of life over fear somehow disappeared in critics' recent revisionism of New York in the late 1980s as a city in terror, paralyzed).

Pleasure—the possibilities for it, the absolute necessity of attention to it as part of any radical politics, the meaning of and conditions for it, the substance of intimate life—continues to be my interest. But sexual danger is at the fore in public discourse. Not since the height of the AIDS crisis has sex been so prominently welded to menace, except this period's version of safe sex, rather than emerging from a community's erotic sensibility, is a checklist of yes or no questions drafted to standardize consent and, primarily, to avoid legal action. Scandal has become the background noise of life, a thrum that's stripped the word of its original meaning. Anticipating retribution enlivens people regardless of ideology, and has accelerated into ordinary, terrible fun. Mercy is the scandal now. Reason almost is. Eros is a suspect, and satisfaction in the humiliation of enemy-others is so everyday that as a culture we seem incapable of recognizing it as an extension of the violence we deplore. What we don't talk about are the reasons, the causes, and complications beneath the roar of the crowd, the stories we think we all know. I don't pretend to have exhausted such questions, and I still hold out for a future where we are not handmaids of punitive authority but authorities over our own bodies, pleasures, and risks.

This brings me back to the little girls at the start, playing school. The

games of children are typically symbolic tests of the limits of their authority and autonomy. Often, the games involve fear, indulging it as a way of displacing it, gaining mastery, discovering *Ah, this is life* despite real or imagined danger. That is why the games of children are frequently risky (and sometimes go terribly wrong) or are simply heart-racing, involving fantasies of witches and monsters. When I was a little girl, playing in the yard across the fence from where these new little girls were playing, my brother and I made a game with neighborhood kids which he called Come, Little Children. It was basically a game of tag, but we ratcheted up the thrill factor by making whoever was It a witch. The witch sang a weird little song, creepy and enticing—*Come, little children, come, come, come . . .* — accompanied by luring hand gestures and gyrations, trying to tempt the other children, lined up along a safe zone against the front of the garage, to step off and run for their lives, imaginatively speaking, either outwitting the witch to get to the next post of safety, or coming under Its thrall. This was in the 1960s, but it could have been centuries earlier, so traditional is the extraction of joy from the sensation of fear.

The little girls' leaps from wheeled garbage bins onto the blacktop, and their peals of laughter, reflect this age-old practice of pleasure-seeking through defiance of fear. Their wild risk-taking, though, exploded in a context of repression. Training games are customary, the child's *Let's pretend* enacting grown-up behavior—preparing them for the world they will inherit while also rehearsing, in rough form, their relationship to authority. As Marina Warner shows in her fantastic book *No Go the Bogeyman*, the mimicry of such games is often madcap, comically exaggerated in the anarchic spirit of play, metaphorically robbing the authority figure of some of its power. The teacher in this game, the oldest of the bunch at maybe ten or eleven, did not seem to be poking fun at her model, and except for a few groans, the littler ones in detention did not challenge her—the whole exercise less an imaginative enactment than a reproduction of reality, as numerous schools have determined that what best suits working-class children are the regimens of prison. On first impression, then, this was a game of obedience, not autonomy. Yet the rigors of improvised gymnastics gave loft to the leader's own dreams of performance even while intensifying her responsibilities. Instructing the smaller ones on discipline and technique as they prepared to leap, and leap again, protected them from injury and brought them joy in the afternoon. It could have gone otherwise, of course. There is nothing simple about play.

Long before any of us learn about sex, we learn about authority: our parents' over us, the wider world's over our parents, their response to that wider world's power, and the costs of any yes or no. The game of school was one game by one group of little girls on one leafy afternoon on the hard side of a hardish town, what used to be the black and Polish East Side of Buffalo, New York, and is now the mostly black, Latinx and Bangladeshi East Side. The girls appear to be loved, well cared for, polite, curious. I know almost nothing about their family's relationship to the landlord, the tax man, the bill collector, the policeman, the boss or social service agent. I know that at a nearby health clinic, adults drop in to talk sometimes about the stigma of being from the East Side, which, as everyone plainly sees, the city's leadership doesn't know what to do with. In this particular neighborhood about half the people are officially poor, reports of violent crime are among the highest in the city, and at least a third of the boys and girls in middle school and high school have seen someone shot, stabbed or assaulted—meaning almost every child knows a child who has witnessed violence, and the victim might be a parent, a sibling, a neighbor or friend.

The kids learn to hit the ground when they're told to, and in school what they don't talk about is often what they can't talk about. Over the past couple of years, the city's grown-ups have sought ways to unburden children of the things they carry. One little boy has found a way, sort of, through playing the violin. It is necessary that the community come together to talk about violence. Violence is what nobody wants, not even, perhaps, the stick-up boys who, once upon a time, not long ago, may have been labeled "emotionally disturbed" in school because of the things they carried, and were then put on the short bus or in detention or suspended. Violence is a subject that doesn't wear out, but its most insidious forms don't require a weapon.

That little-boy violin player especially likes the "Ode to Joy." It has been called a balm for things he doesn't want: anxiety and nightmares, disabling grief over his father's murder. As for what he wants . . . How much unarticulated desire is bundled in that choice? How long will he, will any children but especially boys, be allowed to be sensitive? How do they talk about wanting when they want so much? When they might be afraid of their wanting, or the paths to it are obscured?

Listening to the little girls across the fence, I wondered what would be their blossoming pear tree, the emblem that stirs them in their bodies and their souls, as it did Zora Neale Hurston's Janie,

like a flute song forgotten in another existence and remembered again. What? How? Why? This singing she heard that had nothing to do with her ears. The rose of the world was breathing out smell. It followed her through all her waking moments and caressed her in her sleep. It connected itself with other vaguely felt matters that had struck her outside observation and buried themselves in her flesh. Now they emerged and quested about her consciousness.

I wonder at all that must quest about the consciousness of these children, and all that will, and the distance between lived experience on an ordinary day and the rote political language of essences and -isms that is too straitened to contain it. By way of analogy, it is maybe not incorrect to say, as one high school teacher's guide to *Their Eyes Were Watching God* does, that the book "explores sexism, race and class discrimination, and the disappointment of loveless marriages," but then it wouldn't be incorrect to say that the book explores a black town, the Everglades, a hurricane and what to do when your man has rabies. Either way, Hurston is spinning in her grave, because the language is insufficient and the optic narrow. Janie's story is about getting free, about a woman coming to know her own body and mind, and daring, along the stony road and against the common sense of the time, to live and love authentically. Sexual politics cannot ignore the many forms that danger and domination take, else how could it be called politics, but it is nothing without freedom as its star, and the effort to change the common sense of the time, for the sake of every mother's daughter and son. I try to remember that.



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