UiT The Arctic University of Norway

Faculty of Humanities, Social Sciences and Education

The Social Contract, Biopolitics and Hurricane Katrina:

Two Perspectives from Sarah Broom's Memoir *The Yellow House* and Sheri Fink's *Five Days at Memorial*

Larsen, Richard Westereng
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Abstract

In 2005, Hurricane Katrina wreaked havoc along the Mexican Gulf Coast, and the aftermaths have (again) revealed the racial inequality that endures in the US. The fact that the US government was unable to protect their weak and most vulnerable citizens points to a fractured social contract. Through the memoir *The Yellow House* by Sarah Broom, and the non-fiction text *Five Days at Memorial* by Sheri Fink, using the ideas of Hobbes, Locke and Rousseau and Charles Mills and Giorgio Agamben, I will argue how the US government historically, and even in modern times, has failed to uphold the social contract, and that certain places in the US are comparable to a state of nature. In addition, I will critically examine the idea that the US has entered a post-Civil Rights era. Racial inequality and discrimination are shown through the disproportionate number of (poor) African Americans who were left to fend for themselves after Hurricane Katrina. This is tied into Agamben's theory of biopolitics (following Foucalt), and how a government or other authority figures (such as doctors) can judge certain people's lives as disposable, which is what happened at Memorial Hospital following Katrina when doctors performed euthanasia on patients who were unable to evacuate.

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Introduction

On Sunday 28 August 2005, Hurricane Katrina struck the area of New Orleans in the Northern Gulf of Mexico. It was a category three hurricane (based on the Saffir-Simpson hurricane wind scale), which according to the National Weather Service means that "devastating damage will occur," with winds reaching a speed of 200 km/h. The storm caused flooding to 80 percent of New Orleans and made hundreds of thousands of people displaced and homeless. The total cost of damages reached approximately $125 billion, making it the most damaging hurricane in US history, only matched by 2017's Hurricane Harvey (National Hurricane Center). However, what was most striking about Hurricane Katrina was not the extreme weather conditions and the resulting material destruction, but the vast and unequal social impacts, leading many scholars to call Katrina an 'unnatural disaster' (Bullard, Graif, Marable, among others). In addition, the hurricane showed the ineffectiveness of the US government in its response to the disaster. It wasn't until Friday, 2 September, after five days of desolation and hopelessness, that the National Guard arrived to evacuate people. Through news reportage, the disparity regarding those who suffered the most was clearly shown when poor people, mostly African Americans, were shown swimming from their homes and bodies of African Americans were floating in the streets. This implies that the people who suffered the most were the poor and weak.

In this thesis I will look at two relatively recent texts which both discuss Hurricane Katrina through the ideas of biopolitics and social contract theory. The memoir *The Yellow House* by Sarah Broom, and the journalistic book *Five Days at Memorial: Life and Death in a Storm-Ravaged Hospital* by Sheri Fink, give detailed accounts of events leading up to Hurricane Katrina, and its aftermaths. The two texts demonstrate how the government have made a conscious effort to suppress economic aid to organizations designed to help vulnerable groups and areas after natural disasters, and a government that has abandoned a large portion of its citizens by failing to properly address class issues and racial issues through legislation and political initiatives. Broom's *The Yellow House* is a text firstly about family and growing up, and social and economic hardship, and secondly about the events leading up to Hurricane Katrina and the aftermaths. The memoir depicts, in a truly personal way, the life of Broom's family. Broom's memoir re-establishes the importance of the individual, and specifically give relevance to personal accounts of a natural disaster. Broom, as an African American, grew up in New Orleans East, one of the poorest areas of the city, and she understood that there were other reasons for her family's hardship than just being born poor, by different experiences in

her childhood, and as the way out of their struggles seemed hopeless. However, Broom did manage to escape the poverty, but as an exception rather than the rule. In Broom's memoir, the lack of protection from the government appears through an active endeavour by law enforcement in terms of racial profiling and police brutality, and in a passive way, where large areas of a city, mostly inhabited by poor African Americans, are abandoned by city authorities, economically and otherwise.

Similarly, at Memorial Hospital in the wake of Katrina, involvement from the government was absent, and the doctors, hospital staff, and patients were left on their own. Fink's text illustrates the extreme conditions in which doctors and hospital staff worked under in the days following the hurricane. As a result of power outages due to flooding, the hospital leaders decided to evacuate, which proved extremely hazardous for many critically ill patients, and led to the prioritization of patients in terms of their relative health, and in some cases, euthanasia, which will be discussed in depth in this thesis. Fink's *Five Days at Memorial* resembles a greatly extended newspaper story, and is in fact more or less based on a *New York Times* article written by Fink in 2009 ("The Deadly Choices at Memorial"). The combination of the memoir, with a close and personal point of view, and the investigative journalistic text of Fink, written from a second-hand perspective, giving a slightly more detached point of view and a bigger picture to the events of Hurricane Katrina and their implications.

A striking element of the immediate aftermaths of Hurricane Katrina was the acute breakdown of the social contract. This breakdown emphasizes the purpose and significance of a social contract, and reasserts the importance of the government abiding by it to ensure that the law applies equally to all citizens, and that all citizens can count on the protection of the law. Some court cases following Hurricane Katrina demonstrate that it is possible for bare life to exist in a civilized society, because the intentional taking of lives through euthanasia (at Memorial Hospital, among other places) was not punished. The failure to respond to and to help mitigate destruction in disasters, was not unique to Hurricane Katrina, but has been a persistent trait of the US government, as shown in both texts. What came to light after Hurricane Katrina was a class divide and a racial divide that demonstrated a government failing to protect their most vulnerable citizens, the weak and marginalized in society, and consequently, failing to uphold the social contract.

Theoretical Framework: Contractarianism and Biopolitics

The purpose of a government is to protect all its citizens, by preventing the strongest from dominating and oppressing the weak. The idea of the social contract – of people renouncing some of their freedoms in return for the guaranteed protection of the state – is formulated in social contract theory. The social contract is an unwritten, unspoken bond between the state and its citizens that takes effect at the moment of one's birth, or upon one's registering as a legal citizen. The social contract exists for people to enter into society and to protect their rights as citizens while at the same time restricting certain freedoms where they might impose on others' freedom. The social contract, or contract theory, was first presented and presented by the seventeenth-century philosopher Thomas Hobbes in his most famous text, *Leviathan*. The idea of Hobbes's contract theory is that people are inherently corrupt, and that without a government, people would enslave, rob and kill one another. Hobbes sees the social contract as paramount to keeping people from inflicting such harm on each other, which is what they would do if they exercised their right of nature. He considers an authoritarian state with a strong sovereign (a Leviathan), as the only solution to the warfare he describes as unending when there is no governing power to impose laws. This existence that lacks a government is a fundamental aspect of contract theory and is referred to as the state of nature, a hypothetical existence serving as the antithesis of civilized society. The state of nature is a situation without laws where humans exist in their most primitive condition as savages.

Another philosopher who discusses the state of nature and the social contract is John Locke. Contrary to Hobbes, Locke sees people as less corrupt, however, when Locke discusses his theory on the social contract and the state of nature, the necessity for laws suggests that people are unable to live harmoniously alongside each other if they are not restrained from exercising their right of nature. Thus, the social contract is fundamental as a means of protecting people from each other. However, it was the preservation of property which most concerned Locke, and was the main reason "of Men's uniting into Commonwealths, and putting themselves under Government" (350). It is personal property, rather than personal safety, which, according to Locke, is threatened in a state of nature. One of Locke's most important and famous ideas was that of people's innate freedoms. He says that "men […] [are] by Nature, all free, equal and independent, [and] no one can be put out of this Estate, and subjected to the Political Power of another, without his own Consent" (330). This formulation, in terms of 'all

men' and in terms of 'be[ing] put out of this estate,' will be discussed further on, indicating an incongruency in Locke's ideas (in regard to whom he refers to).

Contrary to both Hobbes and Locke, Jean-Jacques Rousseau argues that laws are not necessary to prevent war in the state of nature, which is not a conflict-ridden warzone. Rousseau maintains that "[m]en are not naturally enemies" (*The Social Contract* 46). The reason for the relatively peaceful existence boils down to the natural disposition of people in the state of nature. One of Rousseau's most famous ideas is that of the noble savage, who is pure and non-threatening, unadulterated by societal experiences. The savage represents the earliest condition of man, who is uncivilized and doesn't know shame or jealousy or any other negative emotion. The savage is only driven by instinct and pity. Rousseau states that "it is pity that in the state of nature takes the form of laws, moral habits, and virtues" (47). In other words, it is the savage's feelings of pity that prevents war in the state of nature. The second important idea of Rousseau's was that of the general will of the people. For the social contract to be legitimate, any laws or rules must have their origin in the wishes of every citizen. It seems obvious that all legislation must reflect what the wishes of the people, and apply to them all equally. Unless the population is very homogenous, identifying a general will among a great variety of interests poses not a few challenges, though. For example, people in Rousseau's time were not equal in terms of wealth and amount of property owned, which resulted in different wishes, and a different will, most likely. Additionally, the views and opinions of black and indigenous peoples and slaves were for a substantial part disregarded, as is demonstrated by various laws and regulations in the Western world**,** such as the French Code Noir, a set of decrees about which laws apply to slaves and people in the French colonies. Such exceptions will be discussed in more detail further on in the thesis.

Locke declares that the absolute power lies with the people at all times, and that if a government "act[s] contrary to the trust reposed in them," and by extension breaching the social contract, the people have "a *Supream Power* to remove or *alter the Legislative*" (Locke 367). It is necessary to note that there should be similar sanctions for a breach of the contract for both parties. It is of equal importance that the citizens abide by the social contract, and that the government respects the social contract. Michael Powers affirms that "[g]overnment (at all levels) must expressly recognize the social contract as a fragile but indispensable defense against chaos" (7). To prevent chaos, then, the government has to ensure the rights of all citizens to be protected and feel protected, and the social contract must be enforced by a qualified and capable public body, in most cases the police. However, as will be discussed in chapter 1, the

police in the USA have a problematic reputation when it comes to performing their public duty, as a substantial amount of police brutality and racial profiling, particularly towards African Americans, proves.

In a critique of Enlightenment philosophers and Western political philosophy and practice, contemporary philosopher Charles Mills argues that the social contract is a racial contract. The philosophers of social contract theory (and most of their contemporaries) excluded a vast number of people from their noble ideas of equality and rights. There is no idea of equality and rights for *all* people, but just for the 'important people.' Mills maintains that nonwhites were among those excluded from the social contract, and that the social contract "is not a contract between everybody ('we the people'), but between just the people who count, the people who really are people ('we the white people'). So it is a Racial Contract" (3). In this regard, nonwhite people are completely ignored by this contract in terms of having equal rights, according to Mills. Moreover, the racial contract is "a contract between those categorized as white *over* the nonwhites, who are thus the objects rather than the subjects of the agreement" (12). The significance of Mills's theory is to reveal the discriminatory aspect of social contract theory and the declarations of 'equal' rights that all Western societies and democracies are built on.

Following Mills's argument, Forman and Lewis discuss the development of racism and racial prejudice, and of how white ignorance, and pretending racial issues do not exist, have become the new Jim Crow. They propose the idea of racial apathy, which is white people "[a]voiding racial issues, [and] structuring their lives so that they can remain ignorant about them, or just having very little interest in addressing inequalities they know about" (195). Forman and Lewis attribute some of the problem of the new racism to the 'color-blind' attitude, which simply put is about 'not seeing race'. They assert that a "[c]olor-blind ideology generally negates any need for a systematic response to persistent racial inequality" (192). That white Americans do not see race means that they also do not see problems that are caused by racial prejudice. Forman and Lewis acknowledge that discrimination and inequality based on race are still a considerable social issue, but that instead of it being a problem of something done actively, overt racism, it has become a problem of what is not done, or something done passively that can easily be denied. In a study by Forman and Lewis, where they draw on a survey of interviews of white and black people who graduated from the same high school in 1976, they discover that "racial apathy [is] expressed in multiple ways: as indifference to or avoidance of racial issues generally, as awareness of racial inequality coupled with lack of interest in

addressing such inequalities, and as ignorance about racial issues" (188). This is to say that the racial inequality needs to be exposed and laid bare, which Hurricane Katrina has done somewhat, and the recent social movement #BlackLivesMatter has done to a slightly bigger extent. Deepa Bhandaru explains that "[t]he ravaged city of New Orleans, which lay in the wake of Hurricane Katrina, challenged the vision of a post-racial United States" (223). Furthermore, she writes:

> [T]he anarchy that broke out in New Orleans and along the Gulf Coast in the aftermath of Katrina resulted not from the aggressive and repressive power of the federal government, but from the nonwhites' lack of life-fostering resources, such as cars and access to elevated land. Such shortages ignited the disorder that consumed New Orleans and the Gulf Coast, and that exposed the residents of the area (or those who remained— predominantly non-whites) to the savagery not only of "nature" but also of one another. It was, in other words, a state of war. (Bhandaru 241)

This seems to suggest that for nonwhites there existed a Hobbesian state of war, and consequently there was in practice no social contract for the mostly nonwhites in these areas, or at least, the contract didn't extend to them.

That people are treated differently by law, or rather that some people do not have the protection of the law due to being excluded from it, and that they are reduced to self-preservation, leads to the idea of biopolitics, introduced by Michel Foucalt, and later developed by Giorgio Agamben. Biopolitics is the politicization of human life and the body, meaning that the body becomes an area, space of political interest, business, defined by Agamben as "the growing inclusion of man's natural life in the mechanisms and calculations of power" (71). For example, biopolitics is the interest of the government in wanting its citizens to be healthy, secure, and preferably to mate and multiply, and at the same time it is within the rights of the sovereign, to destroy life, and to kill within a biopolitical space. Agamben furthers the theory of biopolitics through distinguishing between two different forms of life: zoe (life) and bios (political life). Zoe is the original form of life for all living beings, humans and animals alike, and is the kind of life dominating the state of nature. Bios, or political life, is according to *A Greek-English Lexicon* by Robert Scott and Henry Liddell "not animal life, but mode of life." That is to say that bios includes all the non-bare necessities of life, such as art and politics, in addition to zoe. Agamben uses the distinction between the voice and language as a metaphor to understand zoe and bios, where zoe is the voice and bios is language (13). Bare life is described

through Agamben's figure of *Homo Sacer*, sacred man, which is a person "who may be killed and yet not sacrificed" (12). This is to say that there is no punishment for ending this type of life, and in that way, bare life is politicized, because it is up to the mercy of the authorities to judge whose life to define as bare life. Bare life is the meeting point between zoe and bios. In a society where people are recognized as citizens, and as such, as political entities having a qualified life (bios), zoe does not exist, because all life is qualified. Bare life is life that is decided to be excluded from the law, from the social contract, by the sovereign, and is unqualified life. The culmination of bare life is the Nazi death camps, where a whole people were stripped of their (human) rights, and their lives came to be under complete command of the guards and the camp executives. Agamben explains that "[i]n Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men" (12). Put differently, the creation of civilization excludes any classification of a citizen as bare life, and the presence of bare life suggests a failed democracy. It is the distinction between zoe and bare life (as life in the state of nature) on the one hand, and bios and political life (as life in civilized society) on the other hand, that will be used for the discussion in this thesis.

The state of nature is a biopolitical space, in the sense that there is no law and human life is reduced to mere biology, and preservation of the body is the sole objective. In that way, humans become indistinguishable from animals. In the state of nature, there are no rights other than natural rights, and there is no politics or art, and consequently, qualified life does not exist. For Rousseau, the savage has no more capabilities than a chimpanzee, perhaps even less, and their life is restricted to zoe, unqualified life. He contends that "it is inconceivable that a man who had neither fears nor desires would bother to reason" (*Discourse* 34). Mills observes how there developed a separation between the savage and the civilized person, as "a category crystallized over time in European thought to represent entities who are *humanoid* but not fully *human* ('savages,' 'barbarians') and who are identified as such by being members of the general set of nonwhite races" (23). This indicates a clear separation of people who have rights and are equal, to those that are 'not worthy' of rights due to their lack of bios (qualified life). In a state of nature, each person is their own sovereign, and has the authority to define what is right, according to what will most benefit themselves. In this biopolitical space, all people are the same, literally, as the only objective is self-preservation, which dismisses, removes, eliminates, disqualifies any sense of individuality. People in a biopolitical space are therefore not seen as separate entities with unique characteristics, but as one association of living beings.

Chapter 1: Memoir, Contractarianism, and Biopolitics in *The Yellow House*

1.1 Memoir and Racial Inequality

Writing a memoir is an increasingly popular way to portray personal experiences and give them a broader and more global significance. The memoir is, according to etymonline, a "written record" – from latin *memoria*, memory, something to remember, or from the memory – designed to depict events or personal experiences from the perspective of one individual. Perhaps one could call the memoir a hybrid of a literary and a historic text in the sense that a memoir is often styled in a more narrative way than a straight historic text, yet with real historic characters and events. Joseph Donica explains the importance of the memoir as a genre – specifically in relation to natural disasters – to preserve individual experiences and how they can give depth to an otherwise collective narrative. He argues that "the relationship [between memoir and memorial] exhibits the trajectory of one's memory as it moves from individual to collective loss" (43). In other words, the memoir genre could be seen as a counterpart to the history genre, where often individual experiences are overshadowed by the focus on society and population in general, because the narrator often has a bird's eye view, and is incapable of diving down to see how individuals are affected by historic events. Donica illustrates how the natural disaster memoir, with Hurricane Katrina in mind, has changed. The memory he refers to in his text is negative memory, which he defines as "evocations of places that no longer exist in their pre-disaster forms" (44). Negative memory is about a sort of melancholic nostalgia, because the real places in the memory have disappeared. It is this search for the lost and disappeared that raises the issue of saving what is lost in a physical format to make sure it is not lost historically. Donica affirms that after Katrina, several people began questioning "the role collective or public memory has in archiving communities' experiences and memorializing near-total loss" (42). One way of archiving these experiences is indeed through the memoir, and personal experiences are a way of giving depth to events that have a national reach. Whereas the memoir reaffirms the importance of the individual and of individual experiences, the state of nature, and modern states' politicization of bare life (i.e. African Americans' exclusion from the social contract) potentially strips citizens of their individuality in the pursuit of general safety.

In Sarah Broom's memoir, the individual experiences give depth, from a personal perspective, to the racial injustice and prejudice that are a common experience for so many

nonwhites in the US. Broom recounts the timeline of her family, starting with her grandmother, through her own childhood, leading up to the events of Hurricane Katrina, and continuing a few years after Katrina. It is a memoir that contains negative memory in the way people and places are depicted with a sense of longing. Broom lost her father when she was only six months old, and the house she grew up in was destroyed by Katrina. Broom describes a desperate longing for the memory of her father, which she can only reach through other people. She writes, "[m]y father is six pictures" (349). The deep longing for her father's memory leads Broom to different places and people who once knew him. When it comes to Broom's search of her childhood, which manifests itself in the yellow house, referred to by the book's title, it is easier to reach, but nonetheless vanished form the physical world. In her memoir, she tries to go back and rebuild the house as she knew it, in her recollection. Being the youngest of 12 children (7 half-siblings), she realizes that she is the only one with such attachments to the memory of both her father and the house. A reason for this kind of attachment might be exactly that she is the youngest and consequently has little or zero memory of her earliest years. Broom writes that "[c]alling places by what they originally were, especially when the landscape is marred, is one way to fight erasure" (354). In a similar way, it is essential that we not forget what Katrina revealed to the world in terms of racial inequality and an acute failure of the government. Reading and analyzing memoirs such as Broom's discloses the reality for those affected, and also helps make the case that he government should implement legislation to help prevent residential segregation, police brutality, and racial injustice in general.

Broom reveals how, at a very early age, she was painfully aware of the inequality and unfairness she and the people around her experienced based on their skin color: "I knew, for example, that we lived in an unequal, masquerading world when I was eight and crossing the dangerous Chef Menteur Highway with Alvin […] [and] when I did not learn because no one was teaching me" (233). She characterizes her upbringing and her neighborhood as resembling the living standards of a third-world country, with regular threats and fear of violence and with little extra money and zero prosperity. It is important to note that Broom's point here is not about *individuals* who live hand to mouth, but about whole neighborhoods and suburbs (comprised almost entirely of African Americans) being submersed in poverty, suggesting bare life, or unqualified life whose only need to be met is self-preservation. The term inner city, defined as "the central part of a city where people live and where there are often problems because people are poor and there are few jobs and bad houses" (Cambridge Dictionary), has become standard vocabulary when race, poverty and crime are discussed by media

commentators and politicians. In the US, the inner cities are frequently associated with poverty and crime, and are mostly inhabited by African Americans and other minorities. However, what reverberates more accurately is the term 'ghetto': "an area of a city, especially a very poor area, where people of a particular race or religion live closely together and apart from other people" (*Cambridge Dictionary*). It seems that it is more appropriate to call areas such as the one Broom grows up in ghettoes, because they are in many ways abandoned by the city authorities, and abandoned by any economical investments or prospects for future economic growth. This leads local businesses and (the mostly white) middle-class families, and other people with money in general, to leave because the value of property goes down. As a consequence, a vicious circle emerges, causing more people to leave, and further reduction in the value of the specific area. This raises parallels to a stock market crash, where everyone pulling out results in a total collapse.

The neighborhood where Broom grows up turns more and more economically devastated as she grows older. In 1994, when Broom is 14 years old, a junk yard is created across the street, resulting in a significant drop in the property value of the vicinity, and causing people who could afford it to move: "Three houses were left on our side of the street" (158). Broom asserts that "[w]e knew what dreams cost; we had been doing it – dreaming and paying – all of our lives" (159). That is to say, for Broom and her family and friends, it seemed hopeless to imagine achieving their dreams and goals, due to a lack of equal opportunities, and because of a neglect of entire neighborhoods by city authorities. Furthermore, Broom outlines the state of the racial inequality of her home city, and how the cost of 'greatness' has a backside. She writes that "much of what is great and praised about the city comes at the expense of its native black people, who are, more often than not, underemployed, underpaid, sometimes suffocated by the mythology that hides the city's dysfunction and hopelessness" (301). The hiding away of what is unpleasant, or that which contradicts a preferred aesthetic, is illustrated in an episode at the mayor's office where Broom works: "The city under the bridge wasn't good for optics, which is to say tourism, he [Mayor Ray Nagin] complained" (272). This seems to indicate that poverty and suffering should be hidden away from public view, because they could cause dislike and aversion. These homeless people were mostly African Americans, leading to the idea of furthering racial apathy, where the city authorities become another one of the "mechanisms that facilitate the perpetuation of the unequal racialized social system" (Forman and Lewis 177), in this case by consciously trying to conceal a clearly racialized problem from public view, and perhaps more accurately, from rich people's and tourists' view.

1.2 Katrina as an 'Unnatural' Disaster

The enormous social impact of Hurricane Katrina demonstrates the inequality that the disaster revealed. Although hurricanes are characterized by forceful winds and rain, often with the result of flooding, Katrina's devastation affected poor African Americans in a disproportionate way, suggesting a clear racial aspect to the devastation of Hurricane Katrina. However, "few commentators in 2005 were willing to discuss Katrina and its aftermath as an instance of racism" (Bhandaru 223). Katrina brought to light the racial and class divide that has been an irrefutable fact of American society. In the aftermaths of Katrina, "the implicitly racist exaggerations of violence and lawlessness among starving African Americans in search of food and shelter" (Frymer et al. 52) points to the extreme mistrust and suspicion of all African Americans, and further proves the existence of a racial contract. For Broom, it didn't take an actual hurricane to lay bare the racial inequalities that were so common in her everyday life. She writes that "[s]torms, of all sorts, were facts of our lives. Those images shown on the news of fellow citizens drowned, abandoned, and calling for help were not news to us, but still further evidence of what we long ago knew" (233). Broom indicates that what they 'long ago knew', was that the world is an unequal and unjust place, where the rich and privileged rejoice while the poor and marginalized, disproportionately African Americans, suffer. Moreover, she discloses that she was aware of the inequality already at an early age at her school, "when I did not learn because no one was teaching me. I knew it in 1994, when we were petrified, afraid the law might kill us – knew it before, during, and after the Water [Hurricane Katrina]" (233). This demonstrates that the injustice and discrimination were part of Broom's and other nonwhite people's lives, and not limited to the time of a natural disaster, or any other sort of newsworthy, sensationalist event, even if such an event made this discrimination visible to the general public.

One of the reasons for the disparity of the havoc wreaked by Katrina lies in the housing situation of those people most affected. Residential segregation is a dominating trend in several cities in the USA (and throughout the world, for that matter). Brooks asserts that residential segregation in all of the USA was a conscious process on the parts of white Americans (47), and according to Strait and others, New Orleans in particular has "a strong history of residential segregation" (260). Poor areas, most often inhabited by African Americans or other minority groups, receive much less economic attention than other, more affluent areas, something that is particularly visible in New Orleans. In addition, Park and Miller affirm that "[t]he socially disadvantaged are more likely to live near chemical plants, landfills, and other contaminated

lands" (10). As a consequence, these people will suffer the effects of a disaster significantly more. One of the areas most vulnerable to flooding in New Orleans, East New Orleans, is mainly comprised of African Americans. Areas such as East New Orleans did not receive much attention, economically or from the outside world following Hurricane Katrina, or during other disasters, such as The Mississippi River Flood in 1927 and Hurricane Betsy in 1965, for that matter. In the case of areas sustaining the most damage after Hurricane Katrina, they were mostly inhabited by poor African Americans. Falk and others call attention to the fact that "the predominantly White areas of the city were generally the least damaged [by Katrina], whereas many largely Black areas were so damaged that they will need to be razed" (123). This razing was also the fate of Sarah Broom's yellow house, which had been damaged by Katrina, even though it was still standing and it was possible to enter the house. In an interview in 2019, Broom reveals that the destruction of her childhood home represented "an existential feeling of loss" (Amanpour & Co, PBS), meaning that a home is often intimately connected to people's sense of self and of their roots. As a result, the destruction of those roots will have serious emotional effects. This ties into the idea of negative memory, and the memoir as a genre that can conserve memories of something that is physically gone. Broom feels a lot of emotional attachment to her house and home, which is intimately tied to most people's identity.

Because of a lack of a home to return to, Broom and her family had to permanently relocate. She explains that her family dispersed to all parts of the USA after the hurricane, and of her 11 siblings, there were only "two siblings in Louisiana; neither resided in New Orleans" (216). Broom did return to her native city, but not until 2008, and it was quite different. She writes that "[i]n the New Orleans I returned to in January 2008, the following things were true: The city's homeless population had doubled from 6,000 pre-Water to 12,000 post […], [and] more than 100,000 people – one-third of the population – were still displaced" (273). What is not explicitly mentioned by Broom is who the displaced people are: in most cases poor people in general, and poor African Americans in particular. In Central New Orleans, 36 percent of African Americans are defined as living in poverty, compared to 14 percent for White people (Falk et al. 118). The people who were the most affected by Katrina were disproportionately African Americans, in terms of losing their houses, among other things, and it took African Americans the longest time to return to New Orleans after being displaced. In a study of return migration to New Orleans after Katrina by Fussell and others, they find that "half of white residents had returned within 3 months of the storm […] [whereas] fewer than half of the black residents had returned by the time of the survey which

occurred 14 months after the hurricane" (31). There are a lot of factors at play when it comes to return migration. However, the dominating explanation for the slow return rate of the African Americans was found to be a lack of an intact house to return to and low socioeconomic status (Fussell et al. 38), which reflect the situation for the Broom family quite well. In this way, it seems that the Broom family quite accurately represented the African American population of New Orleans.[1]

Residential segregation, and areas such as schools and hospitals that are disregarded in disbursements of funding by the federal and state authorities, are some types of discrimination that are complicated to detect and pinpoint, and even more complicated to bring to justice. This leads to the possibility of a natural disaster to do so much damage in a highly disproportionate way. One reason for the recurrent flooding caused by hurricanes and heavy rains can be explained by the topography of New Orleans. The area of New Orleans is characterized by Broom as an "unlikely impossible city rising from swamplands, waging guerrilla war against the natural order of things, against a yellow fever and all manner of pestilence, most of the city below sea level, surrounded by water on all sides, sinking, unfathomable" (55). In other words, the area seems to require an abundance of maintenance and resources, resources which most people who live in poverty do not have. Consequently, for a city that is so fragile, it is imperative to have reinforcements and frequent maintenance of infrastructure, house construction, and levees, in order to have effective protection from the natural elements. As a result of the significant amount of hurricanes, the people who will suffer the least are those with adequate resources. The people who live in poor areas and have fewer resources are more vulnerable to the consequences of a disaster. It is the responsibility of authorities to ensure the safety of their citizens through preemptive measures. Broom describes how public officials in New Orleans have shown professional malpractice and neglect to perform their public duty, by marginalizing the people of certain poor areas of the city. Chep Morrison, mayor of New Orleans between 1946 and 1961, referred to a neighborhood in downtown New Orleans so poor it bears the nickname 'the Battlefield'– an area that had to be demolished in order to build the new city hall – as "slum cancer" (Broom 54). This indicates that in the eyes of the mighty and

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[1] Racial inequality shown through residential segregation is evident in the number of registered residents in New Orleans in 2017 compared to 2000. What is telling of the disproportions is that in 2000, African Americans made up about 67 percent of the total population of Central New Orleans, whereas in 2017, the percentage was 59 percent (Bentley). This points to the fact that it seems more African Americans not only took longer to return, but that many of them did not return at all, and had permanently relocated after Hurricane Katrina, often because, as in the case of the Broom family, they had no homes to return to.

powerful, poor people appear to have a lesser worth, which means that they can be sacrificed to serve the common good, or perhaps instead the wants and needs of those in power.

Broom recounts the different construction projects in New Orleans, and the history of New Orleans' infrastructure, and the way they show how a *natural* disaster can have such *unnatural* effects:

> In 1958, construction began on one, more damaging than the rest: seventy federally funded miles of watery channel linking the Gulf of Mexico to the heart of New Orleans, shortening ocean vessels' travel distance by sixty-three miles. It would officially be named the Mississippi River Gulf Outlet, but everyone would call it MR-GO. (Broom 71)

This proved to have catastrophic effects when Hurricane Katrina reached New Orleans and flooded more than half of the city. However, it was not the first time – and will probably not be the last – that a hurricane had caused that kind of flooding and damage. During hurricane Betsy in 1965, "[t]he water had in fact swept in like a river, its course and fury made possible by many things, most of them man made. Poorly constructed levees, for one" (Broom 70). This indicates that the various disasters striking New Orleans are indeed unnatural and unequal. In a similar way, Forman and Lewis conclude that "[t]he hurricane could not have wreaked such damage if it were not for the years of neglect and abandonment of the poor and disenfranchised in this nation" (176). This confirms the direct involvement in the disaster on the part of the authorities, in the sense that they abandoned a large portion of their citizens. Consequently, the government broke the social contract. Broom also contends that the authorities consciously neglected the poor areas of New Orleans, partly because they failed to provide for essential maintenance, even after the flood of 1927 and Hurricane Betsy in 1965 revealed failures of infrastructure and means of disaster protection in certain areas.

Furthering the magnitude of residential segregation, Broom points out that a large area of New Orleans, including the area where she grew up, which was and is majority African American, has for a long time been forgotten, and even consciously overlooked, by city authorities. She says that "[o]ne of the striking things about New Orleans East is that it doesn't always appear on a map of New Orleans" (PBS News Hour), suggesting the city authorities want to hide that part of the city. One reason may perhaps be the embarrassment over such a poor area being part of the otherwise famous and alluring city of New Orleans, and that it should

be stowed away. In addition to the exclusion on many maps, Broom further says that "there were no books about New Orleans East. It's just not that sexy, compared to the rest of New Orleans" (PBS News Hour). Put another way, in a less refined manner, New Orleans East is ugly and unsightly, and meant to be hidden away from public view (similarly to the homeless people under the bridge). This leads to the marginalization of a whole group of people and implies that concealing a whole part of a city also means excluding it from the social contract, meaning that the people there, mainly poor and African Americans and other minorities, exist in a state of nature, where they have to fend for themselves. Furthermore, the exclusion of a group of people from the social contract, in this case almost entirely African Americans, suggests a racial contract.

1.3 Biopolitics and the Racial Contract, Pre- and Post-Katrina

Relocation and displacement were not the most severe effects of the storm, however, as there were more than a thousand people dead after the hurricane had struck. Henry Giroux depicts post-Katrina New Orleans as a war zone, where "[d]ead people, mostly poor African Americans, were left uncollected in the streets, on porches, in hospitals, nursing homes, in electric wheelchairs, and in collapsed houses" (173). He indicates that this indisputably racist fact of the hurricane "prompted some people to claim that America had become a 'Third World country'" (173). Thus, the racist social structure that had previously been mostly hidden and in the dark now appeared in glaring light, upon which a Congressman from Georgia tried to "erase this spectacle of suffering" (Hill 76), saying after Katrina that "'*We* […] are not a third world country!'" (quoted in Hill 76). This seems to confirm the belief that the poor and marginalized, most of them African Americans, have a separate existence from the rest of the American population, and that they are not considered a part of American society with rights and liberties. Because they are poor and non-white, they are not included in some people's otherwise idealized image of the USA being 'the greatest country on earth.' Hill affirms the impression many Americans came to recognize after Hurricane Katrina. He states that "[s]ome years after Katrina, commentators still hold their heads in collective disbelief that our 'America' is an *other* America as well (76). This is to say that there are two distinctively different realities, and that racial segregation continues to persist.

However, as previously established, it was not only in the immediate aftermaths of Hurricane Katrina – or another natural disaster – that racial injustice was a fact of non-white people's lives. As Bhandaru maintains, the US has not entered a post-racial era, or post-Civil

Rights era. Racial inequality and discrimination have been recurrent aspects of American history, going all the way back to 1492 and Christopher Columbus, when the first European set foot on the continent. Moreover, a key indicator of the inequality of African Americans is the disproportionate incarceration rate. African Americans compose roughly 12 percent of the US population, but represent some 41 percent of the total prison population (Gramlich), pointing to a massive overrepresentation of African Americans in US prisons. Louisiana had the highest percentage of its citizens in prison of the USA, until 2018, when Oklahoma surpassed it (Gelb & Compa). The state also has one of the highest percentages of African Americans, indicating that there is a correlation between incarceration and race. Louisiana "had been the nation's prison capital for nearly 20 years," reaching an incarceration rate at almost 900 of every 100,000 citizen in 2009 (Gelb & Compa). The staggering crime rate is also something that was an everyday fact of Broom's growing up. She details that

> [w]e watched the crime stories on the nightly news: police tape wrapped around trees everywhere in the city, like strings after dark and treated red lights as stop signs, when we did not pull over if the blue lights of the law flashed behind us, when we could not trust anyone or anything. (Broom 155)

This feeling of not having any protection of the law on the basis of one's skin color further gives evidence to the prevailing uncertainty that pervades Broom's life. The fact that a citizen fears for their life, and that they cannot rely on the state to protect them, suggests a Hobbesian state of war, as war "consisteth not in Battell onely, or the act of fighting; but in a tract of time, wherein the Will to contend by Battell is sufficiently known" (62). The continued threat of violence, and hence absence of security for many African Americans – even from the law enforcement – establishes a state of war for only a certain group of people (i.e. nonwhite people) and the racial contract becomes a fact. In an article titled "Living Histories of White Supremacist Policing," Geoff Ward comments on the long history of prejudiced and racist law enforcement in the USA. He details how white police officers have often *been* directly accountable for injustice against African Americans, and also against other ethnic minorities, but rarely *held* accountable, for their crimes. Following Mills's assertion of the social contract being a racial contract, where the law excludes a large number of citizens, Ward remarks on the sometimes-direct links between police and white supremacists, indicating that it "can be explicit, whether acknowledged or not, but can also stem from and influence implicit or subconscious bias" (172). This confirms the existence of a deep racial divide between the government through the way it enforces laws, and the citizens, leading to a broken social

contract. However, some parts of the US are more affected by defective law enforcement than others. Most of the prejudiced law enforcement is found in the Southern states that historically have the closest ties to slavery and white supremacy, and thus unequal rights and unjust treatment, Ward clarifies. The "withholding of legal protection from racist violence is particularly degrading to the society, and the legitimacy of the state" (Ward 175). Such a withholding further confirms the racial contract, if not in a direct way, than at least in an indirect way.

A more direct and noticeable issue than the fear of not having protection against lawlessness is the frequent racial profiling and police brutality experienced by a disquieting number of racial and ethnic minorities, particularly African Americans, in the US. The case of the law not protecting *all* citizens, and even the agency meant to enforce the law itself breaking its obligation to uphold the social contract, is not exclusive to the chaotic days after Hurricane Katrina. Broom portrays a city and neighborhoods absent of protection from law enforcement, meaning that there was no protection against crime, whether it comes from civilians or police officers. She explains that "New Orleans cops were renegades, carjacking and brutally assaulting drivers pulled over on routine traffic stops" (155). It would seem difficult to trust police officers with this in mind. It is important to note the racial element in these cases. Broom recounts a particularly disturbing episode, where a "cop raped a Tulane student in his police car" (155), and was able to continue in the line of duty, seemingly without legal consequences. Additionally, there was another disturbing incident involving a corrupt police officer who was later charged and convicted of first-degree murder (United States of America v. Len Davis):

> In 1994, policeman Len Davis, also known as Robocop and the Desire Terrorist, who in his off time guarded a cocaine warehouse, ordered the murder of a woman who confidentially (she thought) reported his pistol-whipping of a seventeen-year-old to the police department. The informant was thirty-two years old, a mother of three. Her name was Kim Groves and she was dead. One of 424 murders that year. (Broom 155)

Incidents of corrupt police officers and police brutality against mostly African Americans are sadly not unique, and are a persistent issue in the US. This points to a deficient government, and a deficient social contract, in which a large part of citizens lives in anxiety and fear of the very agency whose purpose is "to protect and to serve." In other words, it seems to be in the power of the police officers to define what is right, indicating that police officers are Leviathans in themselves, representing their own small state, and everyone who enters their space becomes

one of their subjects. In such a space, there is no abuse of power, because it is in the right of the sovereign (represented by the police) to use power in any way they see fit, as Hobbes's sovereign, through the social contract, has the authority to punish criminal offenses.

Broom writes that this public body of the law enforcement was in fact not capable of protecting all citizens. On a road trip with two of her older brothers, Broom illustrates the racism and prejudice of police officers, and how the law is bent in Broom's and her brothers' disfavour when they are stopped and fined for speeding. "Shortly after we passed the welcome sign [to Texas], cops pulled us over, asking for all three of our licenses even though only Carl drove. […] My brothers were stone silent, compliant, obedient men. Not themselves" (177). In an effort to calm her brother Carl, who was greatly upset by the clearly racial motive of the traffic stop, Broom points out that he "was just going with the flow of traffic. Look at all those people speeding" (177-78). Racial profiling by police officers is a fairly common phenomenon throughout the US, and something which seems to go without a proportionate amount of convictions. In addition, there are a lot of dark figures, as people are afraid to come forward. That people fear the very authority that supposedly exists to protect them points to a severe problem in that the social contract is not intact. The fact that it is possible for law enforcement officers to be such renegades and interpret the law themselves, in any way they saw fit, implies a state of nature, and suggests that these people, mostly African Americans, live in a world separate from white Americans, resembling a state of nature, in terms of an absence of protection. The situation in which crime committed by law enforcement goes unpunished, demonstrates a failure of the government and a breach of the social contract. Also, it suggests that nonwhite people do not have the protection of the law, and implies a racial contract, because the social contract does not apply equally to all citizens. For Mills, the racial contract means that nonwhite people are "designated as born *un*free and *un*equal" (16), and that in Western society, nonwhites have had to struggle and to fight for their freedom and rights since the dawn of the modern democracies.

For many nonwhites, particularly African Americans, biopolitical violence is illustrated through racial profiling and the regular and mostly unpunished police brutality they experience. From the lack of any criminal charges or not-guilty verdicts in cases from the brutal killing of Emmett Till in 1955, to the fatal shooting of 17-year-old Trayvon Martin in 2012 and 25-year-old Michael Brown in 2015 – all young and innocent African American men – to the recent

killing of Ahmaud Arbery in February 2020[2], we can see the biopolitical violence African Americans have to endure, and the de facto state of nature that they exist(ed) in. Of course, biopolitical violence has been exerted on ethnic and racial minorities in the US since its inception. These African American boys and men – and countless others, shot and killed by mostly white civilians or police officers who almost without exception walked free – were shot dead for anything from whistling at a white woman, to buying a soda at the local 7/11, to going for a jog "through a suburban neighborhood of ranch houses and moss-draped oaks" (Fausset), by both local watchmen and law enforcement officers. The Emmett Till case and the Trayvon Martin case have in common that both started social movements: the Civil Rights movement and the #BlackLivesMatter movement, respectively. This injustice is also very much part of Broom's life. She describes how growing up in New Orleans East "grew [her] into a person, who noticed biforcation, who noticed disparities, who cared a lot about how injustice was baked into the soil of a place" (PBS News Hour). Injustice is very much a dominant part of African Americans' lives, and in contrast to white Americans, they must learn that the world they inhabit, and the country they are a citizen of, is not quite as great and equal as they may have been told.

Lawrence Bobo points out that "Katrina could be read as unmasking the fact that American society is still deeply marked by class inequality and deep poverty, [and] that we still suffer from a great and poisonous racial divide" (2). This racial divide encompasses the whole of US society and politics, and after Katrina it became impossible to continue to disregard this fact for those who had lived in 'perfect bliss,' believing racial issues had been overcome, indicating racial apathy (Forman and Lewis). Bhandaru asserts that what followed in the wake of Katrina "offers a concrete instance of racism as biopolitical violence. The mass destruction of non-whites' lives and livelihoods resulted from society's unresponsiveness to the storm and its aftermath" (240). Put differently, it appears that the US government exerted this biopolitical violence on its citizens knowingly, but in a passive rather than an active way. By prioritizing those people and places which were profitable, the working class and the poor were automatically left behind. Furthermore, African American neighborhoods were similarly

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[2] In Arbery's case, there were no charges until more than two months later, when a video of the altercation leading up to the shooting was published online (Tuesday 5 of May), causing mass protests and a new online movement, #IRunWithMaud. On Thursday 7 of May, the growing protests led prosecutors to charge the two men responsible for Arbery's death, and President Trump to condemn the shooting, the day after (BBC News, "Ahmaud Arbery").

abandoned in favor of middle- and upper-class people and neighborhoods, dominated by white people. That weak and vulnerable, majority African American citizens, have to fend for themselves, not just during Hurricane Katrina, demonstrates a fractured social contract (i.e. a racial contract). Mills argues that the racial contract turns the state of nature into a "permanently prepolitical state or, perhaps better, *non*political state (insofar as 'pre-' suggests eventual internal movement toward) of nonwhite men" (13). Therefore, it seems that nonwhites have not and will never achieve total equality, and that they will always reside in a separate existence, a state of nature, according to Mills. This seems to confirm the reality for many African Americans after Hurricane Katrina, as they were left to themselves, without the help of the authorities. The biopolitical aspect of this separate existence is shown through the apparent neglect of African Americans, poor people, and other nonwhites by the authorities during the disaster.

1.4 Failure of Government: A Breach of the Social Contract

The fact that entire neighborhoods, mainly poor and majority-non-white areas, could be abandoned on such a large scale, and the injustice demonstrated by frequent racial profiling and police brutality to confirm that the government and city authorities frequently fail to uphold their end of the social contract. Rousseau asserts that "it would be difficult to prove the validity of a contract that was binding on only one of the parties, that gave everything to one party and nothing to the other" (*Discourse* 74). When people give up certain freedoms, it is expected that they get something equally valuable in return, to make restrictions on people's liberties legitimate. In the aftermaths of Hurricane Katrina, the people, who, in a sense, acted as if there were no government, looting and fighting each other, were relatively quickly punished for their crimes. The government, however, represented by law enforcement officers, was apparently not obligated by the contract, as officers took the law into their own hands, and some even took part in the looting. There were legal consequences for some of these police officers, but not for the agency itself, or for the government. In the chaos that arose after the storm had passed, law enforcement was acutely deficient. As a consequence of the turmoil surrounding the hurricane, self-preservation became the sole objective for people, and ironically even for police officers:

> Faced with universal flooding, power outages, and a near absence of effective communication and transportation, many law enforcement officers decided that the payoff from taking care of themselves, their families, and their property was greater than the payoff associated with doing their public duty. (Powers 7)

The lack of governmental support suspended constitutional law for a brief period, and in turn, it was replaced by the right of nature. Gerry Canavan describes one particular incident where two African Americans were shot and killed by "out-of-uniform police officers for reasons that remain unclear" as they tried to cross the closed-off Danziger Bridge in New Orleans (447). This further demonstrates the confusion and chaos that prevailed in New Orleans after the hurricane. Additionally, it shows that those who are supposed to uphold the law, and thereby the social contract, can easily decide to abandon their obligation, resulting in serious consequences for those who need protection the most. Although the suspension of law was a result of an abandonment of law enforcement by the police officers, and not from the highest level of the government, at least not directly, the effects were the same: a lack of protection of the weakest citizens. The absence of law and order gave police officers and other people the liberty to behave in any way they saw fit, to preserve their own nature (and exercise the right of nature), or satisfy their needs, regardless of whether this would mean the suffering or destruction of another. The law of the US constitution was replaced by the law of the strongest and the right of the strongest. In a similar tone, Kevin Rozario articulates that "Hurricane Katrina […] focused demands for the restoration of a social contract between government and the people" (215), suggesting that there had been a breach of the contract. What came to the public's attention after Hurricane Katrina, of so many African Americans in need being abandoned by the government, illustrates that the social contract is fragile, as pointed out by Powers, and it did not take that much to damage or break it. The social contract is the only way to guarantee people's safety. However, it is not a real guarantee, because the government can, as history has proven, break the social contract without facing real consequences, at least not on an institutional level. One example is the case of popular rebellions, where the people who revolt will sooner or later be punished, and the authorities will go back to normal, unless the rebellion leads to a regime change, although that does nothing for the people beyond changing the face of the Leviathan. The government's breaking of the social contract will in turn threaten the security of the citizens, especially the weakest ones, who depend on the government's protection to avoid being domineered and exploited by the strong and powerful. However, historically, there are indications that the social contract was not meant to be applied to everyone in a society, and some parts of the world did not qualify as civilized society, according to some of the philosophers of the Enlightenment.

In a critique of Enlightenment thinkers' beliefs about non-Europeans, Jennifer Welchman contends that "sub-Saharan Africa was, by Locke's standards, a State of Nature"

(78). Locke argues that those who do not live in civil society, meaning a body of people having agreed upon universally accepted laws, live in a state of nature. Slaves "cannot in that state [of slavery] be considered as any part of *Civil Society*" (Locke 323). In this sense, slaves are excluded from the social contract, and therefore have no rights. For the thinkers of the Enlightenment, "there was no question of considering the black population, freed or enslaved, of the Caribbean and the other colonies […] as constituting peoples, let alone nations" (Sala-Molins 11-12). In the United States, slaves did not live free or qualified lives either, but were reduced to bare life. Similarly, Native peoples were frequently referred to as savages and deemed lesser than white people. In the Enlightenment era, what was expressed as equality ("all men are born equal, with the same rights and liberties," etc.) was not analogous with absolute equality for everyone. Firstly, the people referred in the theories of the great thinkers and in the US Declaration of Independence and the Declaration of the Rights of Man and of the Citizen, were only men (with property), as opposed to women and children. Secondly, 'all' men did not signify 'all' men, but rather all *white* men. Mills states that "the grand ethical theories propounded in the development of Western moral and political thought are of restricted scope, explicitly or implicitly intended by their proponents to be restricted to persons, whites" (17). Rousseau has comparable ideas of nonwhites, in the sense of limiting those he refers to as 'savages' to non-Europeans, ergo non-whites, portraying them as lesser human beings. He says that "our [European] missionaries sometimes make Christians of them [the savages of Africa or America], but never civilized men" (116 n. 62). This seems to imply that Rousseau believes there are deep and ingrained biological and moral differences between Europeans and non-Europeans, and he thus situates Europeans as inherently superior to the rest of the world. When it comes to the US, according to Smith, the political structure and culture there have always propagated the idea that "[A]merica was by rights a white nation, a Protestant nation, a nation in which true Americans were native-born men with Anglo-Saxon Ancestors" (3, in Jackson 51). Undoubtably, the term 'native-born,' when applied to white European ancestry, must have been coming into existence a long time *after* colonization, so that the term could change its meaning from those originally Native-born Americans, who were deprived of their lands.

The history of attaining voting rights for African Americans is set on a long and discriminatory path. Even though slavery was abolished in the US around the same time as in France (1863), de facto voting and legal rights were not granted to all citizens: According to the fifteenth amendment to the US Constitution, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race,

color, or previous condition of servitude." Yet the legislation seemed to only be valid on paper. In practice, especially in the South, the number of African Americans who actually used and were able to use their vote was modest at best until 1965 and the Voting Rights Act, though that act did not either completely transform voting for African Americans (Brooks 84). The enactment of the act came with considerable opposition in the South. Brooks describes how various Southern states wickedly sidestepped the 1965 act by making voters pass a form of a literacy test to be able to vote, completely aware that many African Americans would not pass such a test (86). By 1970, the Civil Rights Movement had established more equality (in theory) for African Americans. However, equal rights (on paper) notwithstanding, Broom portrays the school situation for her older brothers and sisters as being filled with widespread occurrences of prejudice. "In 1970, the mostly white teachers still called students niggers. Things like this still happened" (91). Racial discrimination and harassment were even after the Civil Rights Movement, and even today remain, too common to say that the US is an egalitarian and just society. One explanation of racism seems to be that it is a problem of individuals, and it is up to them to change, or someone to help them change their racist attitude. The other explanation is that it is a social problem, requiring political action and policy change. Frymer and others argue that African Americans have always been institutionally and politically disadvantaged. They say that the public institutions are designed to keep African Americans marginalized, and that very few presidential candidates have dared to make racism one of their main issues. A likely reason is that it would likely make them lose a great portion of centrist voters who often are imperative to election victory. Frymer and others affirm the deficiency and apparent neglect of a large portion of their citizens by policy-makers.

Moreover, Frymer and others assert that the failure of the authorities during natural disasters is not in fact a 'failure' or an exception, but instead the rule, and that the public institutions in the USA are created "in ways that enable the maintenance of racial inequality" (46). This implies that racial issues appear to be so ingrained into the system that it would take a revolution to achieve equality for African Americans (and other minorities) in all aspects of society, all the way from the bottom to the top, and from the top to the bottom. Although Hurricane Katrina revealed a deep racial and class divide to the American public, "[a]nalogous events in the past that have briefly drawn the nation's attention to racial inequalities in the United States have tended to fade quickly from public memory" (Frymer et al. 39). It seems that something similar will probably happen once Katrina becomes 'yesterday's news.' Lawrence Bobo affirms that the inequality and discrimination experienced by African

Americans quickly lost its edge as the most pressing social issue in the USA for Americans in general. He states that "the data suggest that most Americans rather quickly got over any politically significant sense of discomfort or embarrassment" (Bobo 3), pointing to a disengaged general public, who are ostensibly not concerned with racial inequality. Broom's memoir indicates the sheer injustice that so many African Americans suffer from, and how they are marginalized by the authorities. In addition, it seems the previous natural disasters that similarly devastated New Orleans did not do much to help African Americans' cause. It seems that Broom understands, and is able to identify the essence of the experiences felt by a disturbing amount of nonwhite American citizens, who have been marginalized and forgotten by a government and a general population that seem uninterested in their problems. The racism of the 21st century has changed from Jim Crow Laws and lynchings to more subtle and undetectable forms of racism, as asserted by Forman and Lewis. The new racism is not exerted in an active, demeaning way, but in a passive way, by people pretending that race does not exist (i.e. color blindness), and by not showing initiative to relieve or eliminate the challenges felt by African Americans and other ethnic and racial minorities in the US (i.e. racial apathy).

Chapter 2: The Social Contract and Biopolitics in *Five Days at Memorial*

Sheri Fink's text also investigates the authorities' failure to respond to and prevent severe damages after a natural disaster. Fink details the events at Memorial Hospital following Hurricane Katrina, with severely poor conditions for both staff and patients – and family members of some of the patients – for whom help didn't arrive until five days had passed (hence the title of the book). This led to a need to evacuate the hospital, and, since the means to evacuate were limited, the need to prioritize which patients should be rescued first led to several patients being euthanized. Fink's non-fiction text is journalistic in its style and scope, and it is, as previously mentioned, a kind of continuation of Fink's newspaper article from 2009. However, when it comes to the genre of Fink's text, it is somewhat difficult to pinpoint, because it contains parts of different genres: Journal, memoir and non-fiction. It is journalistic in the way it reports in depth on incidents from the lives of doctors and medical staff. Fink is able to capture a part of the professional life and circumstances of a doctor in a more detailed and intimate way than most journalists because of her background: Fink has in fact an M.D. from Stanford University and has worked as a relief worker. In that way, her journalistic writing takes on a more personal character, where the events are seen not directly through the actual experiences, but through a person who knows in detail how doctors work and think. Thus, Fink is able to get on the inside of Memorial Hospital during the eventful days of Hurricane Katrina, and examine the failures of hospital leadership and state and federal leadership at the hospital.

2.1 Reverse Triage and Social Darwinism

Fink explains how doctors at Memorial Hospital and other hospitals in New Orleans had used reverse triage (668) in the handling of patients during the evacuation in the days following Hurricane Katrina. Triage is used by doctors in emergencies such as wars, terrorist attacks, or natural disasters when there is a limited amount of resources, in terms of medical personnel, medicine and equipment. Whereas standard triage deals with prioritizing the sickest patients, the ones who needs help the most, to receive medical attention first, reverse triage is essentially about leaving the sickest patients to be tended to last. In the immediate aftermath of Hurricane Katrina, at Memorial Hospital (and other medical institutions in New Orleans), patients were categorized according to how big their chances of survival were, and received do not resuscitate (DNR) orders if they were labelled as a category three patient, meaning that they were to be prioritized last in the evacuation. One fallout of this reverse triage was that some

patients were in peril of being essentially left to die. The challenge for the doctors at Memorial Hospital of how to categorize the patients was the lack of guidelines or principles on who should be prioritized, even though it is, as previously mentioned, standard practice in triage to deal with the most critically ill patients first. Fink asks if it "[w]ould […] be ethical to weigh 'social-worth criteria' like a person's job, parental status, or drug-abuse history alongside medical criteria?" (240). The question that arises is if some people can be deemed disposable. In *Homo Sacer*, Agamben presents the theory of Karl Binding and Alfred Hoche, presented in their text *The Release of the Destruction of Life Devoid of Value: Its Measure and Its Form*), in which they express a belief that there is such a thing as a 'life unworthy of being lived'. For Binding and Hoche, it is necessary to allow the destruction of this sort of life (Agamben 80). This suggests that some people can be classified as disposable, according to Binding and Hoche, and there are clear parallels to euthanasia. In fact, Alfred Hoche promoted euthanasia, even arguing that consent of the patient was not necessary (Brody and Cooper 503). It was the writings of Binding and Hoche that served as the justification of Hitler's mass execution of 60,000 'incurably ill' people in 1940 (Agamben 82). Such a view on life directly contradicts the social contract, and suggests a social Darwinist view on the human race and human life, and a permanent state of nature.

In the case of Memorial Hospital, the reason for the need to prioritize patients, was that the means of evacuation were limited to helicopter and a few privately-owned boats. That led to the inevitable conclusion that some patients (and staff members) were not able to evacuate. By the use of reverse triage, patients who were in the most critical conditions, who strongly needed to be moved to a place with the adequate resources and equipment, were categorized to be evacuated *last*. If standard triage implies a utilitarianist approach – defining actions as good if they benefit the greatest number of people– reverse triage implies a social Darwinist approach, which the doctors at Memorial demonstrated when they prioritized the more healthy patients over the weakest, and quite literally decided that the fittest patients would be given the best chance of survival. It seems that 'the greater good' trumps individual efforts in saving lives and protecting the weakest in society. As utilitarian ideas are about maximizing pleasure and happiness and minimizing pain *for most people*, vulnerable citizens, or poor neighborhoods are often left unprotected, and even sacrificed to protect the majority. In other words, it appears as if utilitarianism is not compatible with the social contract because utilitarianism allows for the sacrifice of a few if it means the salvation of a few more. Thus, the authorities (the doctors) failed at their responsibility to the most vulnerable. The degrading of these patients' needed

priority to survive by deliberately placing them at the back of the line suggests that they were disposable. Fink writes that "Memorial staff members came up to say patients with DNR orders could not go" (224). For the sickest patients, remaining at Memorial Hospital was a death sentence. Therefore, doctors took matters into their own hands in deciding who should be prioritized for evacuation, and who could not be moved and thus, not be helped. Forty-five people died at Memorial as a result of power outages – causing life support machines to stop working – intense heat, poor hygiene, hurried transport up and down staircases, and controversially, deliberate methods to end life. Euthanasia was performed on patients considered to have limited chances of survival, or a happy life, alluding to the idea of Binding and Hoche of 'life unworthy of being lived.' There were about twenty instances of euthanasia at Memorial Hospital following Hurricane Katrina, and one patient, incidentally an African American, was even choked to death, because the lethal doses of morphine designed to end his life, was not enough (Fink 473). The doctor responsible for this patient's death, had been concerned about the looters – principally Africans Americans – outside the hospital, wondering "'[w]hat would they do, these crazy black people who think they've been oppressed for all these years by white people'" (Fink 37). This suggests a racist element of the euthanasia performed at Memorial. However, the main point in the doctors' malpractice is the classification of patients that allowed the patients considered 'beyond saving' to be euthanized, indicating that these patients were reduced to bare life.

In a commentary published in the medical journal, *Critical Care*, Fink problematizes how triage is applied during emergencies. Although she affirms the necessity of it, she raises the question of how medical practitioners should select triage categories. She writes that "[m]edical experts and the lay public may have different views about what ethical principles and values should guide triage priorities (the role of age, chronic illness, disability, and previous access to care are but a few examples)" ("Worst Case"). This shows the ethical dilemmas faced by doctors in the midst of an emergency, but more importantly, it also implies that what constitutes a worthy life can be individually defined by a doctor, suggesting that a doctor, an individual, can determine what is bare life. A family member of a patient who was euthanized raises the question about the doctor's authority, asking, "[w]ho gave them the right to play God?" (Fink, *Five Days*, 589). According to Fink, the results of a study about using algorithms to determine critically ill patients' chances of survival in an emergency "are troubling. Patients who would have been triaged to expectant and designated for withdrawal of ICU care and ventilator support in fact had substantial survival rates" (Fink, "Worst Case"). The

consequences of a patient triaged to be prioritized for medical attention last could obviously be fatal. For that reason, Fink concludes that triage classification is not a straightforward undertaking. In addition, it requires more than just the decision-making of individual doctors and nurses, suggesting that the medical personnel themselves during emergencies are the ones least suitable to make life-and-death decisions. Incidentally, Binding proposes something similar in regard to euthanasia, suggesting "that the final decision fall to a state committee composed of a doctor, a psychiatrist, and a jurist" (in Agamben 81). In other words, triage remains an extremely delicate subject that is full of ethical dilemmas, and for doctors to attempt to compare who has better chances of surviving remains incredibly challenging.

2.2 Triage, Euthanasia and Biopolitics: Politicizing Life

Further exploring the theoretical aspect of euthanasia, Fink addresses a concern that modern thinkers have expressed in taking a utilitarian approach in the context of medical care in disasters. She indicates that it "may require an unacceptable level of sacrifice from those most in need of assistance" (244). 'Those most in need of assistance' are exactly the particular group that the social contract aims to and is obliged to protect. It should not be up to doctors to decide who might live and who might die. It must be left exclusively to the power of the law. In summary, no individual is supposed to have that kind of power over life and death through the authority of the law, that is, to not be held accountable after taking a life. Agamben contends that "in euthanasia one man finds himself in the position of having to separate zoē and bios in another man, and to isolate in him something like a bare life that may be killed" (82-83). Evidently, this should definitely be beyond the authority of any single person and the isolation of bare life from the qualified life (bios) constitutes a crime against humanity (c.f. nazi death camps). Fink asserts that "[t]aking the life of someone who had not expressed the wish to die […] would also put the physician or other decision maker in the position of judging what quality of life is acceptable to another human being" (637). This authority of deciding life and death, and of defining what life is worthy life, is restricted to the sovereign, juridically, such as the death penalty, which remains an even more controversial issue than euthanasia. Death penalty is made legal in certain US states and a few states around the world, where the state takes on the role of the decision maker of life and death, which is similarly a major issue because someone needs to make the judgment of what life is sacred life, *homo sacer*, that can be killed without criminal sanctions. In death penalty, the life of a criminal is deemed to have no value, because of the seriousness of their crime and the lack of a promising future and a redeemed life,

hence their lives are defined as not having value for society. In that way, it can be argued that they become non-citizens.

Bare life is described by Agamben as 'a life devoid of value,' but the problem is defining what constitutes such a life, and thus what constitutes a 'valuable life,' and classify life in terms of life quality, which is subjective and individual. This power of defining life should firstly be beyond the authority of a doctor, and secondly, it should also be beyond the authority of a democratic government. In Bhandaru's words, Agamben "argues that the social contract is actually a sovereign ban on what he calls 'bare life'" (226). If we assume this is true, then what must be clarified is who is defined as a citizen, and who has citizenship, because a non-citizen cannot be part of the social contract. Agamben examines the meaning of the citizen according to *The Declaration of the Rights of Man and of the Citizen*, and what is the link between *man* and *citizen*. This inversely leads to the question of who is *not* defined as a citizen, and who is consequently outside the political. This category can include figures such as immigrants and prisoners. Additionally, Agamben argues that modern democratic states have become biopolitical in the sense of politicizing bare life, which is to say, bringing bare life into the realm of the political.

> [E]very society – even the most modern – decides who its 'sacred men' will be. It is even possible that this limit, on which the politicization and the *exceptio* of natural life in the juridical order of the state depends, has done nothing but extend itself in the history of the West and has now – in the new biopolitical horizon of states with national sovereignty – moved inside every human life and every citizen. (Agamben 81)

This problematizes the perception of life in a democratic society, and suggests that modern democracy has failed its obligation towards its citizens, because the very existence of the state, and the space in which it rests, is so fragile that at any time, any citizen could become *homo sacer* (sacred man, life that can be killed without punishment). However, it is most likely that it is nonwhites and the weak and elderly who receive this categorization, due to the previously mentioned racial profiling by police, prejudice, residential segregation, and the failure to protect the weak and the elderly. Furthermore, this also coincides with Charles Mills's argument regarding the racial contract, that Western states are not equal and fair, and that they are broken democracies, because they exclude a vast portion of their legal citizens, as well as immigrants, from protection of the law. If the racial contract excludes nonwhites from being protected by

the law, it may imply that they are similarly excluded from the definition of citizen, and subsequently their lives are reduced to bare life.

Let us further consider the concept of bare life and classifying people on the basis of quality of life. Agamben explains that "the sovereignty of the living man over his own life has its immediate counterpart in the determination of a threshold beyond which life ceases to have any juridical value, and can for that reason be killed without the commission of a homicide" (81). The danger of politicizing bare life is exactly the possibility that people can be killed without punishment. Similarly to the life of the sacred man, homo sacer, "which may be killed, but not sacrificed" (Agamben), ending life that is defined as bare life does not constitute a crime. This is clearly demonstrated during triage. If a patient is classified as 'not having any quality of life,' or 'less quality of life left,' and not worth saving, then the patient with 'more life quality' will be prioritized to be saved instead. As previously mentioned, it comes down to the *intent* of the doctor who performs it whether or not it can be charged as murder, and the person responsible can be convicted accordingly. The deed itself, resulting in the death of a human being, seems to bear less meaning, juridically. It can be argued that when the doctors performed euthanasia at various hospitals in the wake of Katrina on patients without their consent, they elevated, or perhaps more appropriately *reduced*, the definition of life of the patients to bare life, to sacred life (i.e. *homo sacer*), *if* they defined the patients' lives as 'devoid of value', meaning not worth saving. Agamben affirms that "[t]he new juridical category of 'life devoid of value' (or 'life unworthy of being lived') corresponds exactly – even if in an apparently different direction; - to the bare life of homo sacer" (81). The consequence is, as previously mentioned, the ending of life without criminal repercussions. Some medical personnel at Memorial did in fact view some patients as not worth saving. To the question of whether some patients were not carried closer to the helipad to be evacuated, respiratory therapist Terence Stahelin had allegedly answered, "[b]ecause they were little old ladies who were either Alzheimer's patients, senile dementia. […] These were the 'expendable' patients. The ones who someone decided that […] had no quality of life" (504). This appears to point directly to the categorization of someone's life as 'unworthy,' and suggests that they are disposable in some people's eyes. Moreover, it suggests that the lives of these patients, many of them elderly and weak, have no (political) value, that their life is not qualified, and therefore, it is nothing more than bare life.

The authority to decide what is a worthy life and prioritize one life over another is left to doctors in emergencies through the application of triage. One of the doctors at Memorial

Hospital, Dr. Anna Pou, who is frequently referred to in Fink's text, represents an authority figure with power of life and death, quite literally, who may have crossed the line as to what is within a doctor's authority to do. She administered morphine, in combination with another strong sedative, to some of the category three patients that resulted in their deaths. This may have constituted an abuse of power, because the combination of drugs was given without the consent of the patients themselves *or* their family members. It was the judgment of Dr. Pou, among a few other doctors and nurses, that led to the demise of many patients at Memorial Hospital. Dr. Pou, "like [nursing director] Mulderick, had concluded the sickest remaining patients and those on ventilators might not make it out of Memorial alive" (Fink 224). While not as immoral as the ideas of Binding and Hoche, in discussing euthanasia, the question of the doctor's or the nurse's motive arises, and if a doctor is performing care with the ultimate goal of keeping the patient alive and comfortable, or of causing the patient to die. Fink contends that "the distinction between murder and medical care often came down to the intent of the person administering the drug" (271). Consequently, what these doctors were doing seemed in fact to constitute murder, which was reflected in the legal proceedings that followed, as Dr. Pou, along with two nurses, were charged with second-degree murder. It was a conscious decision that these very sick patients would be left behind, without a possibility to be rescued. The reverse triage was in that sense taken even further. To the question of whether it was right to heavily sedate and ultimately euthanize these category 3 patients, nurse manager of the ICU Karen Wynn replied that "[i]t wasn't a question of could or couldn't. In Wynn's opinion, medicating the patients was something they *needed* to do" (Fink 360). A young nurse who overheard talk in favor of euthanasia regarded it as strange, because it was not a normal task for the doctors. The juridical questions that come to mind here are the intent of these doctors, which seemed to be to end the lives of these patients. Fink reveals that "Wynn believed giving morphine and Versed would probably speed up patients' deaths, a process of dying she felt was already under way" (363-64). This seems to confirm that the intent was in fact to end a life. On the last day, when the last of the people at Memorial could leave, staff members who had brought their pets to Memorial to protect them but needed to put them down in order to evacuate the people, realized that "[i]t was too late for many. It hadn't been necessary to euthanize […] [the pets] after all" (356). Similarly, and a lot more tragically, the same might have been true for the *human beings* who were euthanized. The consequence of the prioritization of patients using reverse triage, deciding those with better chances of surviving – and perhaps 'most life left to live' – should be rescued first, was doctor's having power over life and death, through their conscious decision making.

In illustrating the problems of classifying patients in terms of degree of illness or chances of survival, Fink shows that a patient miscategorized as a DNR patient but might actually have a chance to survive the disaster, will be abandoned to die (243). One of the reasons the DNR orders were placed, seemingly without any debate, was the (false) claims that martial law was in effect in New Orleans. Consequently, doctors and hospital staff felt they couldn't challenge decisions made 'at the top' (Fink 409). Martial law "generally involve[s] a suspension of normal civil rights and the extension to the civilian population" (Britannica, martial law). As a result, workers did not challenge questionable decisions of the leaders, and spoke up to a lesser extent in dissent than they would normally if they thought something was not right. This led to the DNR orders not being challenged by nurses and other medical staff. A doctor at Memorial who is questioned by two federal agents about the possible euthanasia at the hospital answers that "[h]e saw a reason for that division of responsibility. A doctor's order was checked by a pharmacist and checked again by a nurse" (436). This points to a similar hierarchy in hospitals, with division of powers, as in state governments, where the main purpose is to avoid an abuse of power.

2.3 Consequences of Reverse Triage in Defining (Bare) Life

To illustrate the impossibility of defining what makes up a 'worthy life,' Fink describes the incredible survival of an overweight patient in a forsaken hospital. In the evacuation, the patient was taken to be dead by a doctor at Memorial and subsequently abandoned, but he survived against all odds. He was, in Fink's words, "squarely in the camp of 'the disabled'" (724), but he expressed that "there was no question in his mind that it was worth going through all of that to survive and reunite with his family" (724). This demonstrates that even though a doctor may categorize a patient as 'beyond saving' or as 'not having more quality life left to live,' and hence reduced to bare life, unqualified life, it is ultimately the personal decision of that patient, that human being, if they want to live. Also, in most democratic countries around the world, even though someone has specifically requested to be euthanized, it is still considered a crime. One of the doctors at Memorial Hospital, Dr. John Thiele, was forced to put his actions of performing euthanasia – and in one case choking a patient classified as a DNR patient (to be prioritized last), who didn't succumb to the lethal mix of drugs, to death – into perspective when in an ironic and cruel twist of fate he himself became a patient who was likely to be 'beyond saving'. Dr. Thiele was treated for advanced cancer of the colon, and put into a coma and had "very little chance of surviving, […] [and was not likely to] emerg[e] without

significant damage to his brain and other major organs" (Fink 697). In other words, if Dr. Thiele had encountered himself as a patient at Memorial just after Katrina, he would most likely have given himself up, in light of his own actions. Again, the question of whether someone could define what constitutes a 'worthy life' appears.

Even if the law might not incriminate acts of euthanasia, as it comes down to the intent of the doctor or medical personnel, which is difficult to prove, the doctors performing euthanasia at Memorial Hospital were not considered innocent by the bereaved. Family members of the deceased patients stood up for the citizen rights of their loved ones, and questioned the decisions of doctors at Memorial Hospital that led to the deaths of 45 patients, that was allowed through the use of reverse triage, in which the doctors decided on patients' life qualities. The family members of one of the patients who had been euthanized at Memorial "were outraged that after living an upstanding life and doing so much to help others, she had apparently died as if her remaining moments had no value" (590). The patient had no value in the way she was deprived of her life, and may have had a chance of surviving to spend more time with her family, even though doctors considered her chances very small, as proven with the overweight patient who survived despite everything. The family member of another deceased patient questioned the authority of the doctors to euthanize patients, asking, "'who told them it was the patients' last moments'" (590). Certainly, it must be up to the patients themselves to decide, and if they are not conscious, it must be up to the family. This is also how the law is defined regarding euthanasia, in those places where it is legal. Additionally, what some thought about the charges against Dr. Pou and two nurses who had performed euthanasia, was that it is not normal for doctors to kill patients, but that it might be possible to "make a defense of a mercy killing, […] under very, very extenuating circumstances" (Fink 447), meaning that causing the deaths of a number of patients could be excused due to the situation of the storm, suggesting a biopolitical space where some people are classified as *homo sacer*, and can be killed without punishment. In charging the doctors with murder, Assistant District Attorney Michael Morales "felt he was being asked to apply civilian law to a war zone" (Fink 579). This further suggests that normal medical practice was not enough under the circumstances. In defense of medical workers, there were incredibly difficult decisions having to be made by doctors and nurses in hospitals around New Orleans after Katrina, as there are during disasters in general, when doctors and hospital staff are tested to their limits. Fink asserts that the doctors faced seemingly impossible dilemmas about how to prioritize medical care.

2.4 Failure of Government: A Breach of the Social Contract

There has been a vast amount of criticism of the government's handling of Hurricane Katrina, and rightfully so. As Fink's text indicates, in Louisiana and around the Gulf of Mexico, people were left to fend for themselves for five days before the government had soldiers on the ground to aid in the rescue effort that was greatly needed. In comparison, it took three days for President Bush to promise help to the victims of the tsunami in Thailand in December 2004. The president then asked congress for almost $1 billion to support the rescue effort in Thailand. Additionally, the government established the Bureau of Consular Affairs (CA) just 24 hours after the tsunami had struck. This shows that the Bush administration was indeed capable of swift response to a natural disaster. An incident that demonstrates the inequality and how people with power were given special treatment at the cost of those suffering is when President Bush flew over the New Orleans area on his way back to Washington after an interrupted vacation in Texas. The airspace was cleared for the president – with some exceptions – meaning that evacuations by helicopter were limited during the hours of Air Force One passing (Fink 258-59). Furthermore, to demonstrate the government's effort to reduce spending, the principal organization of the US government whose task is to handle disaster management, the Federal Emergency Management Agency (FEMA), had been "downsized and placed under the Department of Homeland Security […] [and had] its role in disaster planning and preparation subordinated to the all-inclusive goal of fighting terrorists" (Giroux 175). In other words, the government had quite actively abandoned any program or agenda to strengthen disaster preparation. Similarly to Fink, Giroux puts a lot of blame on the Bush administration, asserting that "[w]hile the social contract has been suspended in varying degrees since the 1970s, under the Bush administration it has been virtually abandoned" (182). It seems to Giroux that the social contract was absent, if we take into consideration all the racial injustice nonwhites have experienced in US history.

In 1927, New Orleans was flooded in what was called the Mississippi River floods, which damaged New Orleans and other areas around the Mississippi River enormously. Fink presents a newspaper story that blamed the authorities for inaction, which states that there was "virtually a complete failure of city authorities to provide relief'" (59). The flooding seemed to be caused, or at least helped, by government inaction, particularly in terms of fixing water supply systems such as sewerage, Fink asserts (59). However, it was the poorest areas that suffered the most. The city authorities even sacrificed an area to the east of New Orleans to save the city from flooding, by blowing up a levee protecting St. Bernard and Plaquemines

Parish during the flood of 1927 (Fink 61). In hindsight, it was proven unnecessary to dynamite that levee, as other levees around New Orleans had broken naturally due to the immense pressure from the water. After the flood, a lot of resources were allocated to strengthening the drainage system in New Orleans. However, as demonstrated by the repetition of the considerable devastation of hurricanes and flooding, the repair was not enough for many areas. It seems that the poor and marginalized will continue to bear the brunt of supposed 'natural' disasters.

With the backdrop of the floating bodies in the streets of New Orleans, who were mainly poor African Americans and elderly people, Giroux asserts that "[s]omething more systemic and deep-rooted was revealed in the wake of Katrina – namely, that the state no longer provided a safety net for the poor, sick, elderly, and homeless" (175). This seems to suggest that these groups of people are 'disposable' to society (i.e. bare life), having no value for society, or even for themselves for that matter. This signifies a breach of the social contract, due to the failure to provide for and protect the weakest and the most vulnerable in society. Frymer and others insist on the unequal impact wrought by the storm, and the failed social contract, because "the elderly and disabled faced some of the most severe horrors of Katrina due to poverty, as well as the physical difficulties involved in evacuating quickly" (44). One of the allegations against the leadership of the hospital was that "Memorial and Tenet had failed 'to see to the care and safety of the people stranded at the Hospital' and failed to evacuate properly" (Fink 593). It is the weak and vulnerable people who suffer if the social contract is not upheld. The evacuation of the hospitals had to happen swiftly, and for many patients, that proved a decidedly considerable challenge, and for some, it proved deadly.

At Memorial Hospital (and around New Orleans), it can be argued that there was a state a nature, in the sense of the near-absence of authorities. People, both civilians and police officers in the streets of New Orleans, resorted to looting, and violence. The order of the Governor of Louisiana, Kathleen Blanco, undeniably established a war-like scenario. The governor had deployed the military for keeping law and order, saying "that their M-16s were 'locked and loaded,' the troops more than willing to shoot and kill, 'and I expect they will'" (Fink 579). The implication of a war zone – a state of war – has the certain consequence of the authorities leaving behind the obligation to protect the weakest. Furthermore, during the evacuation of Memorial Hospital, a doctor had supposedly told a nurse that "what was going to happen was that the law of nature would take over. Only the strong could survive this" (Fink 512). This suggests that it was expected that the weakest would not be prioritized to be saved,

and with that, the social contract and the responsibility towards the most vulnerable was abandoned.

Giroux explains that it was not the first time the government failed at its duty, but rather that the hurricane made its deficiency visible to the public.

> The bodies of the Katrina victims laid bare the racial and class fault lines that mark an increasingly damaged and withering democracy and revealed the emergence of a new kind of politics, one in which entire populations are now considered disposable, an unnecessary burden on state coffers, and consigned to fend for themselves. (Giroux 174)

As asserted by Giroux, the social contract had for a long time been abandoned by the US government, but it became more evident after Hurricane Katrina. This indicates that the weak and vulnerable have, since the 1970s, not received the protection they are warranted. Even if they are law-abiding citizens, even if they pay their taxes, it seems that the social contract is only upheld by the citizens, and not the government. In the wake of Katrina, this became particularly obvious. Fink explains how Doctor Thiele, a doctor at Memorial Hospital, "felt abandoned. You pay your taxes, he thought, and you assume the government will take care of you in a disaster" (Fink 34). The fact was (and is) that the government in fact did (and does) not take care of its citizens the way it should, and is obliged by the social contract to do so.

The day before the National Guard arrived in New Orleans, Thursday, 2 September, the atmosphere described by *The Palm Beach Post* seemed to have more in common with a warzone than a city in a first world country: "New Orleans descends into anarchy as corpses lay abandoned in street medians, fights and fires break out and storm survivors battle for seats on the buses that carry them away from the chaos" (Katrina day-to-day recap). The implications of the US government's apparent neglect of a major city on the edge, or even over it, of a catastrophe is distressing. Kevin Rozario draws the conclusion that "[i]t was clear to most observers that Washington was unable to provide for the safety of the American people in spite of the formidable range of institutional mechanisms and resources mobilized for such a task since World War II" (212). Fink addresses the grievances of families desperate to find out the fate of their loved ones, as "bodies lay decomposing in the flooded city. Days passed as government officials argued about whose responsibility it was to recover them" (382). It took nine days after everyone was evacuated from Memorial Hospital before public officials finally got around to removing the 45 decomposing bodies from different places in the hospital (383).

That was nine days when victims' families worried and had no answers about what had happened to them.

In complicating our idea of the government's failure to respond to Katrina, Fink points out that it would be unfair to put all the blame on the authorities. She calls attention to the obligation of the hospitals and managers who could (and should) have prepared better for the hurricane, as there were warnings about it on the news a few days ahead. Additionally, as New Orleans is an area prone to and vulnerable to flooding, adequate safety measures should have been put in place. There was even a simulated hurricane, Pam, one year prior to Katrina, which incidentally was fairly similar. City authorities were able to implement half of what they practiced during Hurricane Pam, but not the most important part, which was means of transportation to evacuate people, where 600 buses with drivers were lacking (Fink 229). The hospitals were of course also part of the practice, and hospital management as well should have been better prepared for a natural disaster. Fink writes that a nurse had questioned the finger-pointing at the government of Tenet, the corporation that owned Memorial, implying that they themselves were free of blame: "[I]t was easy for individuals and organizations to point to the floundering of local and federal governments after a natural disaster as a way of excusing their own failures" (442). In other words, one could conclude that every person and organization with responsibilities should have taken more and better safety measures.

However, Frymer and others assert that "to explain the events of New Orleans in terms of individual failures is to ignore how the institutions are themselves culpable" (46). All parties with responsibilities, individual and institutional, should have taken their share of the responsibility, but the principal accountability ultimately lies with the authorities and the hospital leadership, i.e. the owners of the hospitals and medical centers. As a comparison to the failures (of the leadership and owners) of many hospitals in New Orleans, Fink presents the conditions and the aftermath of the hurricane at another hospital in New Orleans, Charity Hospital, as a lot less severe and catastrophic. This public hospital in downtown New Orleans had noticeably different numbers when it came to deceased patients. One of the reasons for its low numbers (three deceased patients) was its extensive preparation. Fink states that "[h]ospital officials had drilled for a Category Three hurricane and levee failure" (605). Additionally, "Charity leaders avoided categorizing a group of patients as too ill to rescue. The sickest were taken out first instead of last" (606-7). This seems to demonstrate the possibility of indeed surviving a storm without catastrophic consequences. Most of what had gone wrong at Memorial and other private hospitals, was the responsibility of the owners, who had failed to

prepare for an emergency well enough, and had put their financial resources in other places. Furthermore, it was the decreased financial support by the Bush administration for emergency planning, and for FEMA, in favor of fighting terrorism, that helped pave the way for the vast and severe consequences of Hurricane Katrina. Fink states that the disastrous effects of Katrina "had occurred against the backdrop of the knowledge, for years, that exactly such a scenario could occur. The *Times-Picayune* had written about it. The Hurricane Pam exercises had modeled it" (556-57). This confirms that it was a joint failure by institutions and public bodies that had made it possible, and not individual people.

The criminal charges against individual medical workers were eventually dropped, but not because it was more important to charge institutions and the authorities, but because of people protesting that those who work so hard to save lives, might risk serving prison time for their work and sacrifices. After the non-guilty verdict in Dr. Pou's and the two nurses at Memorial Hospital's case, and a non-guilty verdict on another case involving medical malpractice in Katrina's wake, all other investigations into similar cases –where a total of 151 patients had died as a result – were closed (Fink 708). Consequently, there appeared to be no justice for the bereaved of the 151 people. This seems to suggest that the law didn't protect the weakest, because the law didn't punish violations committed against the most vulnerable, and because it was unable to ensure their safety in the first place. In addition, the closure of the other investigations of medical malpractice revealed that the authorities had failed at their duty, which further demonstrated a breach of the social contract. However, more important than the failure to convict individual doctors was the want and need of closure and to recognize the lessons learned. One of the forensic experts of the legal proceedings involving medical malpractice indicated that he was not concerned with individual guilty verdicts, but about what lessons could be learned from this extraordinary legal case (Fink 719). Those were lessons that could be used to prevent future disastrous events and fateful decisions. Similarly, Frymer and others suggest that there are clear lessons that should be recognized from not only the failed governmental and official response to the disaster itself, but also of the institutions that allow for discrimination and inequality in the US. In order to avoid the disproportionate and unfair consequences the poor suffer in future disasters, Frymer and others strongly recommend that "social scientists, policymakers, and the public [must] heed the lessons of Katrina, and make efforts to study and address the structural and institutional sources of American inequality" (52-53). This means that a political initiative is needed, that carries over to social life and individuals' attitudes. Fink's text demonstrates how hospitals can be defenseless during

disasters and emergencies, if proper safety measures have not been followed, and shows the need for additional measures to ensure the health and safety of those most in need of aid. Moreover, the social contract proves to be particularly vulnerable during disasters, and therefore the government must recognize the great significance of upholding it. For the social contract to be worthwhile, to have any meaning, both parties, sovereign and citizens, must abide by its bonds. Abandoning the most vulnerable means abandoning the social contract, and that will, almost without exception, prove deadly in any society, especially during a disaster.

Conclusion

In summarizing the implications established and revealed in these texts by Sarah Broom and Sheri Fink, it seems that the US government has devolved, becoming the protector of property (Locke) and interests for the rich and white citizens, as in the argument of neoliberalism. The US, and most of Western democracies, demonstrate a neoliberalist ideology, in the sense that wealthy, powerful interests are prioritized over ordinary citizens, and the protection of a state's population. Furthermore, protecting the most vulnerable in society, such as the poor and marginalized, takes more than individuals showing examples of good will, or some philanthropy or charity here and there. It takes institutional and political resolve and initiative, such as affirmative action and a strong welfare state in general, to grapple with the ever-expanding difference between rich and poor, privileged and underprivileged, powerful and weak. The lack of protection *from* law enforcement and *by* law enforcement indicates that African Americans, and other ethnic and racial minorities in the US, are not included in the social contract, confirming Charles Mills's contention that the social contract is, and has always been a racial contract, excluding nonwhites.

Unfortunately, there does not seem to be any sign of racism, overt or otherwise, disappearing. Institutionally, things are not moving in the right direction, with the small exception of affirmative action, which incidentally have been banned in some states in the US (Douglass). The lessons learned need to be applied, to move beyond the inequality and injustice of the past, before there is a possibility to enter into a post-racial, or a post-civil rights USA. When it comes to the protection of the weak and the elderly, and against an extensive use of euthanasia, perhaps a law should be created, to avoid such occurrences of intentional killings under the guise of euthanasia and patient care, as an emergency law. The question of who can decide life quality, or rather, who cannot decide life quality, should not be considered at all, except during natural disasters or emergencies, when it may be of significance in order to save as many people as possible. Lay people, politicians, and medical workers and ethicists should thoroughly debate the issues in question to attempt to reach a joint understanding on how to apply medical care during emergencies specifically. When it comes to euthanasia, however, it must the decision of the patients themselves, what constitutes a worthy life, because it is something decidedly subjective. Such a distinction will be of particular importance for now and for the future, due to an increase of natural disasters as a result of global warming, and other emergencies.

Epilogue: US Government Response to the Coronavirus Crisis (Echoes of Hurricane Katrina)

At the writing of this thesis, a global emergency and pandemic history has never seen is unfolding in front of our eyes. It is unique not in terms of death toll or deadliness, but in terms of how international governments have temporarily suspended all trade (except necessary food import), banned the operation of non-essential businesses, and cancelled sporting events, concerts, festivals, and non-familial social gatherings. SARS-CoV-2, commonly referred to as the coronavirus, or COVID-19, is a highly contagious virus that started in Wuhan, China, at the end of 2019. It has some similarities to seasonal flu, except that it is t more deadly, and seemingly more contagious. The biggest problem, however, is that there exists no vaccine yet. The result is enormous preventive action by governments to stop the spread of the virus, which leads to unemployment, which leads to poverty, which leads (in the US) to many people losing their health insurance. All of this ultimately culminates to extra vulnerability of the poor, as the survival of the coronavirus – if one is infected – exactly depends on medical services. Again, during a disaster or emergency, there are hints that the most vulnerable citizens (the poor and the old), suffer most. Even though the coronavirus has caused rich people to lose some of their extreme wealth, people who barely manage to put food on the table and to pay their bills are obviously more exposed and defenceless against an invisible enemy. Similarly to Hurricane Katrina, the coronavirus affects most severely those without the resources to ride it out. After Katrina, the resources that were most useful were adequately constructed houses able to withstand a natural disaster and the means of private transportation. Additional resources necessary to survival included savings to buy food and medicine, and health insurance, which a large portion of Americans lack. In addition to the already 500,000 people who are living on the street in the US today, there are likely to be more people who will be forced out of their houses when they cannot pay rent, or mortgages.

What makes the coronavirus different from Hurricane Katrina is that the entire society is directly affected, and every single citizen is obligated to abide by the government's demands. However, people with the financial means are normally less affected than those without. In an article in JSTOR Daily, Allison Meier describes how during the coronavirus crisis "[t]he demand for remote cottages spiked in Canada. Private planes were booked to vacation homes around the world" (N. Pag.). Obviously, one need not be a millionaire to have a private car, but there are a considerable number of people in the US who do not even have the sufficient economy to buy a car. In a report of households with private cars, it is revealed

that 6.7 percent – down from 9.3 in 2011 – do not own a car, which is a small number as a percentage, but equals roughly 8.5 million households in total numbers (Peterson). This seems to coincide well with the report from Hurricane Katrina, where a majority of those who couldn't follow the evacuation order did not have access to a car. Consequently, those without the means to escape, cannot escape, whether the situation is a natural disaster, an epidemic, or another emergency, such as a war.

Some of the people who are obligated to stay during a pandemic are doctors and hospital staff. They risk their lives, literally, to try to treat gravely ill patients who are sick with a virus or another highly contagious disease. The hospital situation of the coronavirus crisis bears a great resemblance to that of Hurricane Katrina, as in both situations, the doctors faced, and face, life-and-death decisions, and needed, and need, to prioritize which patients will get a chance to live. In a recent BBC article, the problem of triage and prioritizing patients is raised. The case of "de-prioritising vulnerable parts of the population […] raises serious ethical questions, […] because these populations may be even more vulnerable not only to dying from Covid-19, but from getting infected to begin with" (Beall). This demonstrates the importance of the social contract in protecting the most vulnerable in a state's population, and in preventing certain subjects' being defined as people whose lives have less value, and becoming regarded as non-citizen.

During pandemics, the best protection against a virus or a plague is social distancing, frequent handwashing, and the use of facial masks, though sadly, thousands of people, medical personnel included, have died of COVID-19 nonetheless. However, because of racial profiling, many African Americans fear they will be suspected just for the reason of having a certain colored skin, and they fear for their personal safety, afraid the police, or a member of the public, may attack them. An example to illustrate the blatant racism in the US is shown in a recent article in *The Boston Globe*, where the author recognizes that appearing in a certain way in public makes him look instantly suspicious. When he wanted to go to the supermarket while following the government's advice on wearing a self-made mask, the author, Aaron Thomas, thought to himself: "But then my voice of self-protection reminded me that I, a Black man, cannot walk into a store with a bandana covering the greater part of my face if I also expect to walk out of that store" (Thomas). Thomas reveals what he fears the most, is "being mistaken for an armed robber or assailant [and] is greater than the fear of contracting COVID-19" (N. Pag). In a *Pro Publica* report, Johnson and Buford explain how crises and disasters have such unfair and disproportionate outcomes, asserting that "[e]nvironmental,

economic and political factors have compounded for generations, putting black people at higher risk of chronic conditions that leave lungs weak and immune systems vulnerable: asthma, heart disease, hypertension and diabetes" (N. Pag). This shows that the disproportionate effects of the coronavirus crisis are similar to the unnaturalness of Hurricane Katrina, in the way that it is not the storm itself, or the virus itself, that discriminates, but the situation of citizens not being protected from it, and not being able to take necessary precautions. Additionally, what distinguishes the coronavirus from Hurricane Katrina is the increased direct racism and prejudice that have appeared, which have been experienced by Asian Americans and Chinese Americans in particular. There have been reported incidents of racial prejudice and bigotry, in the build-up to the spread of the coronavirus in the US, even the executives themselves (and the president himself) have helped spread and build up prejudice, by referring to the coronavirus as 'the Chinese virus' (Aratani). This seems to indicate a dismal future for an egalitarian society and culture, and certainly does not suggest that the US will enter a post-Civil Rights era in the near future.

When the social contract is not upheld, and when a government pursues its own neoliberal interests, and the interests of the rich and influential – who contribute the most, economically, to the government, through presidential campaign funding, and through lobbying – it loses its legitimacy, and its mandate vanishes. The more a government pushes this kind of neoliberalist agenda, the more the citizens are unsafe, unprotected, and the less the significant the social contract becomes. In such a situation, the citizens must use their right to revolt to overthrow the government, because the government has broken its part of the bond, and deserves punishment for its breach of the contract. However, because it is so difficult for citizens to prove a breach of the social contract, or at least to punish the authorities' violations of the contract, and because such violations have become an everyday occurrence, the social contract is demonstrated to be fragile, but for the citizens, and not for the Leviathan.

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