

# The Minimum Wager

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*place a small bet on your better self*

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A Legacy Passage: Psalm 12, by David (c. 800 b.c.e.)

*on an eight-stringed instrument for the One who persists*

Save..., O Named One,

for decent people are exhausted,

for those worthy of trust are vanished from the family of man.

Each man speaks lies to his fellow man.

They utter divisive speeches pitting soul against soul.

That the Named One would undercut all glib talk,

bragging speeches which assert:

“With our messaging we will prevail.

Our mouthpieces are with us. Who will overmatch us?”

Because of the poor being ripped off,  
because of the outcry of the hard-pressed,  
the Named One says, whispers now to each  
“I will arise, I will bestow deliverance.”  
Words of the Named One are words purified,  
silver smelted in earth’s crucible refined seven times over.  
You, O Named One, will safeguard them.  
You will preserve us forever from this generation  
of bigots strutting around  
as dross is held up to the family of man  
for admiration.

translated by Phil LeCuyer

## What Were They (the Supreme Court) Thinking?

### The Supreme Court: What can we do?

Since our last issue in which I promised to set out possible ways to reform the Supreme Court, much has happened. Or possibly not. The Court, like the common law tradition that the Court is charged to interpret, likes to treat change as if it isn’t really change but only an unfolding of law that had always been there. When, for example, the Court in *Brown v. Board of Education* abolished racial segregation in public schools – a decision that had radical consequences for our society--it rooted the decision in bedrock constitutional law, as if the earth-shattering result in that case was, from the point of view of law, nothing new. Because of this preferred approach, sometimes it is hard to tell if something has changed or if the Court has only sent up a smokescreen to avoid change. This pattern may appear in the Court’s new code of ethics, adopted in November. The code, the first in the Court’s existence, no doubt happened because of the recent atmosphere of unpopularity and distrust that has followed revelations about

members of the Court accepting luxurious gifts. The rules the Court has adopted are undeniably weak. For one thing, there are no consequences for violating them. The code has no teeth. Also, the Justices themselves get to decide whether they have done anything that might violate it. It is easy to imagine that, as judges in their own cases, they are likely to be sympathetic to the accused. Even that opportunity to be self-serving is not forthright enough for this Court, however. The code claims, openly displaying the Court's dislike of change, that it contains nothing new but is only a compilation of rules that the Justices were following already. This can only mean that the Justices' recent behavior would be permitted by this code. That does not look much like real change.

Yet, at the very least, the fact that the Court felt moved to publish this code must reflect some tincture of defensiveness about the criticism that members of the Court have attracted for their close association and indebtedness to conservative donors and conservative political operatives. Some surprisingly liberal results in recent cases may also reflect a desire to combat the notion held by many that the present Court is in the tank for conservative causes. Contrary to conservative hopes, the Court has, in the last six months, held against a theory that state legislatures have complete control over elections, upheld the Voting Rights Act, supported Native American sovereignty, left an unexpected loophole in its expected rejection of affirmative action, and even cut back on its use of the 'shadow docket,' a procedural avenue that had been quietly moving law to the right outside of the public's view.

Is this a shift or only a smokescreen? We will get more evidence about this in the next few months as the Court faces some hotly contested issues. Foremost among these will be the Court's treatment of Special Prosecutor Jack Smith's request that the Court decide quickly whether former President Trump is immune from prosecution for his actions on January 6, 2020, when, the prosecutor alleges, he was guilty of sedition for attempting to overturn a presidential election that he knew he had lost. Trump's argument that he enjoys total impunity for anything he did while President would put the President entirely above the law, investing the Presidency with the power to commit crime without consequence. There has been a call for Justice Thomas to recuse himself in this case, given his wife's documented efforts to support the derailing of the election's results. Will the new code of ethics push him towards doing so? Unlikely, perhaps, as it might then seem he would be admitting wrong-doing on her part. Not far behind the presidential immunity issue in consequence and emotional punch is the Court's acceptance of a case that challenges the availability of abortion through drugs that can be mailed to women, circumventing state anti-abortion laws. Will the Court's

decisions in these two momentous cases continue the seeming trend of softening toward liberal views, or will the Court revert to the strong conservatism of the majority of its members, protecting authoritarianism in Trump and further restricting women's choices?

The answer to this question may be bound up with just how worried the Court is about having change imposed upon it. If the Court's conservative tendencies lead to results that depart drastically from the majority opinions of the country, the political will and power may develop to pass legislation that would alter, perhaps fundamentally, the way the Court works. It is time, at last, to look at the particular possibilities for such legislation. What, exactly, might the Court be worried about?

Here are three of the leading ideas that have been offered:

First is a recurring suggestion, rooted in history, that is unsympathetically called "Court-packing" in reference to President Roosevelt's unsuccessful effort in the 1930s to increase the number of Justices in order to get the Court to uphold New Deal legislation. Nothing in the constitution fixes the number of Supreme Court justices at nine, as they are today, and there have been different numbers over the years. The argument is that the way to address the lopsidedly conservative views of the present nine would be to increase the number, giving President Biden an opportunity to create a more balanced bench by appointing more justices. Often the number suggested is thirteen, as the country is divided into thirteen appellate districts. If that number were chosen, then each Circuit Court of Appeals could have one Justice to call on in emergencies. There are doubts about this idea, given Roosevelt's failure, although, interestingly, many think that just the threat of Court-packing was enough to scare the 1930s Court into accepting the New Deal for the same reasons that the present Court seems to be trending liberal – a kind of soft-power effect. Putting this soft-power effect aside, if the Congress actually added justices to the Court, the situation only changes the Court if Biden remains president. It is thus a short-sighted solution. It would leave untouched the political dynamics of the Court and mostly give us four more justices to fight over.

Another suggestion is that Justices should have term limits. It is crazy, goes the thinking behind this idea, that people can be Supreme Court justices for thirty years (as Justice Thomas has been), freezing fresh thinking on the law, putting justices out of touch in the rarified atmosphere of the Court and making it possible to mount a long-term campaign to corrupt them. One concern about this idea is that it suffers from its claimed virtues, the same reason that term limits have not been established for Congress. That is, many people get better at their jobs over time (Oliver Wendall Holmes, Jr. served for

twenty-nine years on the Court and wrote some of his most quoted cases towards the end of his career), more knowledgeable, and it can't be wise to set up a system where everyone is so new that no one has a very long institutional memory. An intriguing variation on the term limits suggestion is that long-time Justices can stay on the Court but would have to take what is called "senior status" after some period – say, twenty years – which means that they may sit on some cases but not as many, while a replacement is chosen for active duty.

The third of the popular suggestions is the most radical. This idea would combine term limits with a staggered process so that every President would, by law, be entitled to appoint two Justices to the Court. That would solve the deepest problem with the present system, which is that it pays to game out the appointment process. The Republican Senate obviously did this to President Obama, refusing to allow him to fill an opening on the Supreme Court, stalling long enough until a Republican president was able to make the appointment. This third suggestion would address the arbitrariness of the fact that openings on the Court occur only when a justice dies or decides to retire for his or her own reasons – sometimes related to the politics of a likely successor and thus making more opportunities for gamesmanship. If, instead, every president got the same number of appointments then the make-up of the Court would track the results of elections, likely keeping legal views and public opinion closer together. The need for this closeness is not just political cynicism. The law only has power when people are willing to accept it. If a Court gets too far out of line with what people are willing to accept, the system won't work.

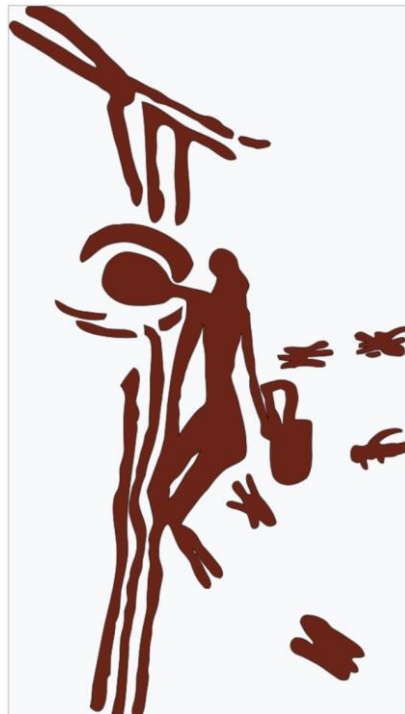
We may have reached that point. If so, for the country to survive, change must come to the Court. The justices have a choice about what kind of change. They may head off the legislative changes described above by retreating from extreme conservative views, showing that they understand that they can't get too far from where the country is. That would be a change within their control. Or they may defy public opinion, taking positions they think right and righteous, no matter how unpopular, and betting that Congress won't get it together to do anything about it.

It's a dicey time. Could go either way.

by Martha Franks

A Scientific Note: Can bees think? by Janette Fischer

In the foothills of the eastern range of the Iberian Mountains in Spain are ancient caves containing remarkable prehistoric paintings of humans stealing wild honey. These cave paintings show a person suspended on vines directing a smoking stick towards a hole with one hand, and, hanging from the person, a bag or container of some sort to hold



“Man of Bicorp”  
in Las Cuevas de la Araña  
in the Bicorp Municipality in Valencia Spain

the honey. Bees are even depicted flying around the honey hunter. The oldest of these cave paintings is at least 8,000 years old, but no one knows when honey gathering itself began. Honey is one of the most nutrient-rich foods which nature has to offer (and it is sweet, too, which makes it rare!), so it isn’t surprising that it would have been highly sought after by prehistoric *Homo sapiens*. The rock art clearly depicts the danger involved in hunting wild honey. By 2450 b.c.e. beekeeping, the maintenance of “domesticated” bees and their hives, had appeared in Egyptian hieroglyphs. Humans have been gathering honey from bees for thousands of years, and yet only recently are we beginning to understand them better and to learn what they are capable of.

There are more than 20,000 known species of bees today, and they can be found on every continent except Antarctica--wherever there are flowering plants. Most species of bees are solitary, but some species are colonial: honey bees (8 species), bumblebees (250+ species), and stingless bees (600+ species). Colonial species produce honey: although honey bees are the most famous for it due to the quantities they produce, bumblebees and stingless bees also produce enough honey to feed their colonies.

Another common trait among these three groups of colonial bees is that they are *eusocial*. Eusociality refers to a level of social organization defined by three specific characteristics: 1) co-operative care of the young in the brood, 2) a division of labor between reproductive and non-reproductive individuals (a caste system), and 3) overlapping generations within a colony of adults. The basic castes in social bee colonies are the queen, drones, workers, and the brood.

Until very recently we thought that the highly regimented caste system of these eusocial colonies meant that workers were interchangeable, practically clones. This belief was due partly to the degree of relatedness within a colony. The genetics of these social bees differs from human genetics; their females have paired chromosomes while their males do not. For example, the honeybee queen has 16 *pairs* of chromosomes, as do each of her workers (who are all female); the drones, however, only have 16 unpaired chromosomes in total. This is termed 'haplodiploidy.' Not only does haplodiploidy determine the sex in these insect orders, but it also produces a 75% genetic relatedness between the queen and her (female) workers. In sex determined systems of humans and most mammals, relatedness of siblings is typically 1/2 (siblings generally have 50% of their genes in common). The worker bees share half-again as many genes. They are not genetic clones, which would mean sharing 100% of their DNA, but nonetheless their higher degree of relatedness has been proposed as what drives kin selection.

In evolutionary terms, *kin selection*, *altruistic behavior*, and *inclusive fitness* go hand-in-hand for eusocial bees. *Kin selection* is a process wherein a genetic trait is favored due to its positive effects on the reproductive success of one's relatives rather than one's own offspring. Worker honey bees bring back to the brood in the hive nectar and pollen from their foraging. The eggs, larvae, and pupae in the brood are not the offspring of the worker bees, but this behavior of caring for the closely related brood has been selected over evolutionary time. *Altruism* enters the picture because the cost of kin selection can be the bee's own life and/or her own reproductive success. Again, the individual workers do not breed; instead, they nurture and care for the brood and the

colony as a whole. When the colony is attacked, certain workers fight the invaders (whether the intruders are wasps, bears, or humans), even to their own deaths. Bumblebees can sting multiple times, but honey bees can only sting once, and the act of stinging kills the bee. Its stinger is shaped in a way that prevents it from being pulled out of its victim and it remains attached to the bee's own abdomen. Hence, stinging causes the honey bee's own innards to be pulled out, killing her. The *inclusive fitness* of an individual is a measure of reproductive success that includes not only an individual's own offspring but also the offspring of the individual's relatives. Worker bees' fitness depends on the survival of their colony.

Taken together, these characteristics led researchers to view worker bees as being committed fully and exclusively to the wellbeing of the colony. Each individual worker was seen as just a cog in the wheel, a piece of the whole, without individuality and completely interchangeable with any other worker in the hive. However, recent experiments have dispelled this view. We now know that bees are conscious, they have both feelings and individual identities, and they can express complex behaviors that require a higher degree of intelligence than previously suspected.

A study led by Gene Robinson at the University of Illinois in 2012 showed that individual honey bees displayed personality differences and showed varying degrees of willingness and even desire when it came to performing certain tasks. Robinson found that some of the honey bees had a novelty-seeking component to their personalities and were 'thrill seekers.' These bees were better at scouting for nest sites and scouting for new food sources. New nest sites become vital when a colony outgrows its current nest: the hive swarms, then divides, with part of the swarm returning to the original nest and the rest of it needing to establish a new colony-nest with a new queen. This is when a few thrill-seeking bees take off to search for a new nest site. Less than 5% of the swarming bees engage in this behavior; these nest scouts are not only better than their sisters at finding suitable nesting sites, they are also considerably better at finding new food sources. Generally, in research studying personality, if one can identify the same tendency happening in different contexts, that tendency can be called a personality trait. Whether searching for a new nest site or new food sources, the tendency of these few bees is to search for novelty. Hence, novelty-seeking, or thrill-seeking, is now considered a personality trait in bees.

This conclusion was supported by subsequent molecular studies showing a genetic basis for the observed behavioral difference between scouts and non-scouts. Genome



experiments revealed thousands of differences in gene activity between scouts and non-scouts, some of which correlated the brain's reward system (involving hormones and other proteins) with the trait of seeking novelty. Scouts were found to possess more glutamate (an excitatory neurotransmitter) and octopamine (a neurotransmitter thought to be critical in 'fight or flight' behavior); when these chemicals were given to non-scouts their scouting behavior increased!

Researchers also found a number of differently expressed genes in the bees linked to proteins and hormones that are also linked to novelty-seeking in vertebrates. "Our results say that novelty-seeking in humans and other vertebrates has parallels in an insect," Robinson said. "One can see the same sort of consistent behavioral differences and molecular underpinnings..., also suggest[ing] that insects, humans and other animals made use of the same genetic 'tool kit' in the evolution of behavior." Though the tools might be the same (i.e., specific molecular pathways), the way each species has adapted them is unique and distinct.

The combined behavioral, molecular, and genetic data clearly show that honey bee individuals differ in their desire to perform particular tasks, pointing to distinctly different personalities. These experiments support an earlier study (2011) at Newcastle University which suggested that worker bees also have feelings/emotions--some of those test subjects exhibited pessimism.

Since 2016 scientists have been testing bees' levels of self-awareness, finding that honey bees, bumblebees, and several other classes of insects *are* aware of themselves--and, in the case of bees, are aware of their feelings. In fact, bees are not only aware of themselves, but they also can modify their behaviors and even learn complex new tasks.

One set of experiments taught bumblebees new behaviors which would never have been required of them in their natural habitat (*Science* 2017). The experiment required a bumblebee to pull on a string in order to pull a false 'flower' out from under a sheet of glass in order to get to the sugar reward in its center. While this bumblebee was being trained it was also watched by its sisters who were held behind a transparent wall. Each "untrained" bumblebee who observed her sister pull on the string to get to the flower's sugar-source accomplished the same task in much less time. This is evidence of cultural transmission: bumblebees are able to learn from each other through observation. Another set of experiments were "tool use" experiments, involving bees rolling a ball (the tool) into a designated spot in order to get the sucrose reward. A sign of cognitive

complexity is the ability to manipulate an object with a specific goal in mind (tool use). The initial set-up consisted of a square platform with a chalked circle at the center and three different yellow balls placed at varying distances from the edge. In the middle of the central circle was a little hole that led into a well. When a bee rolled the ball into the circle a high-value reward of 30% sucrose-water was placed into the well and the bee could drink it through the holes in the ball.

Ball-rolling is not a natural behavior for bees, so some of the bees were 'trained' as demonstrator bees in one of three different ways:

- 1) a dummy bee attached to a clear dowel demonstrated rolling the ball into the circle to a bee in training (social demonstration);
- 2) the ball was moved to its target by means of a magnet underneath the platform ('ghost' demonstration);
- 3) the ball was already at the center of the platform when the bee in training was introduced to it (no demonstration at all).

All three balls were within guiding lanes which converged onto the center of the platform. During the training phase, the two balls closest to the center were glued down, requiring the bee in training to move the ball farthest away from the goal. As in the flower string-pulling experiments, untrained bees watched their sister being trained from behind a transparent wall. In the training phase, bees took up to 5 days to learn the task. After completion of the training phase, most observer bees were able to move any of the three balls. If a bee failed to succeed within 5 minutes she was moved back to the hive and allowed to return later to try again.

Bees who watched their sisters being trained by a dummy bee were more successful in the trials and even succeeded more quickly than those who were exposed to the 'ghost' demonstration. Likewise, bees who watched the 'ghost' demonstration were more successful than those receiving no demonstration at all. This suggests that the observation of a moving ball was enough for the bees to solve the task. There were behavioral differences between trained demonstrator bees and their sisters:

demonstrator bees always moved the ball furthest away and in the same spatial location (in training the others had been glued down). Observer bees, on the other hand, more often chose to move the ball which was closest to the center. There was an additional twist: in order to rule out the unintended lesson of 'move the **yellow** ball,' a black ball was sometimes positioned nearest the center, and bees chose to roll it in most of the successful trials. These two variations suggest that the bees were not focused on the location of the ball when they observed their sisters in training, nor on the color of the

ball their sisters rolled, but rather they were focused on the task and its goal. Most observer bees solved the task on their first try (in sharp contrast to the 5 days training required of the demonstrator bees). Clearly, social learning matters to bumblebees. Not only that, the observer bees improved upon the demonstrator bees' behaviors, choosing the ball nearest the goal and thereby doing less work for the same reward.

The behavioral flexibility required in these experiments is substantially beyond anything encountered by bumblebees in nature. Although foraging bees do learn to handle a variety of flower shapes, access to their reward is always present in front of them and the objects that must be manipulated are attached to the flower. In these experiments, however, the reward was behind the bees because they rolled the ball backwards in a pulling manner towards the goal. Additionally, the sucrose reward was not ever-present, but instead was delayed until the ball was actually placed within the central area. This is a sterling example of cognitive flexibility: the bees were able to solve a task which has no analog in the natural environment in which they have evolved.

Living socially requires a certain degree of intelligence due to the complex behaviors expressed through colonial living, behaviors such as group decision-making. Although we have long acknowledged that eusocial animals *are* capable of complex behaviors, we thought until recently that individuality and an intelligence able to solve complex problems were beyond the limits of a single animal like a bumblebee with a brain the size of a sesame seed. Intelligence, emotions, personality, individuality, and the ability to learn and adopt new complex behaviors are not limited by size. Bees have evolved with an array of individual variations in brain chemistry, body size and shape, and personality traits necessary for the continued support and growth of the colony. We now acknowledge the marvelous complexity of bees--not only collectively as a colony, but as individuals. Each is not interchangeable with the others, but rather is as variable and unique as we ourselves are, with her own moods and thoughts and desires. We might even say that each bee is a self-aware thinking being.

"I have a mind myself and recognize  
Mind when I meet with it in any guise.  
No one can know how glad I am to find  
On any sheet the least display of mind."

from *A Considerable Speck* by Robert Frost

Poem:

*Eternity can happen in an instant*

Eternity can happen in an instant  
if you're not careful that is and she isn't,  
not a bit, she is obvious as a hand,  
the young lover's, stupefied at another's  
naked form, she courts transcendence,  
her body unclenched, as easy in the fist  
of day as fresh milk, the cream-  
topped kind, is, her flesh, innumerable,  
her pores, expectant,  
little windows all open to August and all  
but inviting attention and attention,  
any girl can attest, just begets  
catastrophe, certain, whether the eye  
caught proves fate's or of man,  
but what's more, honestly audacious,  
she meets the day as if unacquainted  
with suffering, her's, how fervent  
her aim is, of savoring wrongs, she's got  
no taste for it, tongue to the weather  
soon as a rain hints, yes, it's pleasures  
she collects, how, heedless  
to season, she plucks stone fruit from  
grocery displays, palms every silk in  
the scarf bin, she steeps jade tea so honeyed

her mouth slicks, each resplendent moment,  
pure and impetuous, *I see color*, she says,  
*I want to taste it*, eager as a teacup, she feels  
so ordinary, so touchable, so of course  
she courts it, eternity, the possibility  
that what she is or feels or tastes, pearled  
days, amounts to nothing, it doesn't  
allay her thought, what it is  
to exist, to be susceptible, as she is,  
as a mystic to rapture, she sidesteps  
the snail shells that bauble the esplanade  
in periwinkle, post-rain, peeling  
her third clementine of the morning.

by Kelsey Hennegen

## Film Review:

*Past Lives* (2023)

Director/Writer: Celine Song

Director of Photography: Shabier Kirchner

“Who do you think they are to each other?”

This we hear from two people at a bar speculating about the three people across from them: an Asian man (Hae Sung), an Asian woman (Nora), and a white American man (Arthur). The spectators are clueless. They can't figure out if any of the three are dating or related. What seems apparent though, what they don't say, is that the three of them

are important in some way to each other, and here they are together at an impenetrable and key moment in their lives.

Under the tranquil surface of Celine Song's *Past Lives* run troubled and profound waters. The steady visuals and elegant and patient pacing allow viewers to sink into the subtleties and poetics of what reveals itself to be an affecting and sublime piece of cinema.

On the surface, the movie is a story of Nora (Greta Lee), who reconnects with a childhood crush, Hae Sung (Teo Yoo), whom she hasn't seen since she emigrated from Korea when twelve years old. Now in New York and married to a man named Arthur (John Magaro), she finds herself caught between new and old loves. A familiar concept, if not a ubiquitous and multi-faceted dilemma.

One layer down, we see Nora's crisis as one of identity. She was born and raised in Korea. At age 12, she emigrated to Canada. Later, she moved to New York City. She is now in her 30s, Korean-American and feels caught between being neither fully Korean nor fully American. Arthur, a white Jewish New Yorker, represents the identity she's grown into. Hae Sung, fully Korean, cultural idiosyncrasies and all, embodies her past, the place she came from, that part of earth from which she first grew. Is she betraying or abandoning one identity for the other by being with either man? As she tells Hae Sung when he visits her in New York, in a moment when they are surrounded by other couples staring longingly into each other's eyes, "roots need to find their place." This deeply human need for being grounded leaves Nora wondering where her place is, where, if anywhere, she belongs.

One more layer down, Nora's crisis is one of fate versus agency. At one point she describes the Korean concept of 'in-yun' to Arthur, which roughly translates to 'providence.' It applies to a series of fated events between two people over the course of hundreds or even thousands of lifetimes. Even the faint brushing against a stranger's shoulder walking down the street is supposed to have originated in hundreds of previous lifetimes. When two people marry, it's believed that their union is the culmination of 8,000 past lives. "Do you believe in that?" asks Arthur. Nora responds, "That's just something Koreans say to seduce someone." In this exchange Nora seems ambivalent toward the idea of fate.

Neither does Nora understand herself as having agency in her own life. Late one night when Arthur is up ruminating on her situation with Hae Sung, he laughs and says, "I was just thinking what a good story this all is...childhood sweethearts who connect 20 years later only to realize they were meant for each other." A touch annoyed, Nora

retorts, "We're not meant for each other." Arthur can't let it go. "In the story I would be the evil white American husband standing in the way of destiny." Nora laughs at him: "Shut up." Arthur persists, "What if you met someone else at that residency... wouldn't you be lying right here with him?"

"That's not how life works."

"But wouldn't you be lying right here with him?"

"This is my life. I'm living it with you."

"Are you happy with it?"

"This is where I ended up. This is where I'm supposed to be."

Note how carefully Nora balances herself on the edge between fate and agency. She neither accepts fate nor attributes the place in which she finds herself to her actions. Throughout the picture, Nora is portrayed as precariously balanced between two men, two identities, and two belief systems, neither of which can she bring herself to choose. Complicating her conundrum is the concept of in-yun challenging whether she ever even had a choice to begin with. How does a person choose between two equally balanced alternatives? What does it mean for a person to choose when she doesn't know if she has a choice? Can someone choose to have a choice?

And yet, *Past Lives* isn't just about how fate or the decisions we make separate us from each other, but also how decisions bring us together, whether today or sometime in the next eight thousand lifetimes.

The movie ends with Nora shuffling down a sidewalk into the arms of one of the two men, where she sobs heavily. Sobbing, I think, not because she's unsure of her decision, but because she's unsure whether she made one.

Writer and director Celine Song, along with cinematographer Shabier Kirchner, working in gloriously shot 35mm film, handle these delicate themes with the deft, gentle, and poetic hand of master filmmakers. The way in which Song raises and lowers the themes of the movie, like a tide washing over the characters, creates a profound and affecting experience. I think this is the best movie I've seen in over ten years.

by Scott Hannan

## Small Gems Recent and Remembered

Eulogy for a Released Colleague: #1432769, 1941-2013

*And thus was the burial of Hector, tamer of stallions. Iliad, Homer*

Until a few weeks ago I mispronounced his name. It was Yusef, and I, as a child in Paterson having heard the name as my uncle Joseph's, gave it a Yiddish 'o' instead of an Arabic 'u.' But it never bothered Yusef when we spoke. He accepted that as he somehow miraculously accepted his life sentence at the Maryland Correctional Institute/Jessup. "I've known him for 15 years," said a middle-aged black man in our weekly discussion group. I and seventeen others, all volunteers from inside and outside the prison, had gathered that Tuesday, the day after Yusef's burial, in our regular room for a Touchstones session. "...And I never heard no complaint, not about food, nor noise, nor nothin'." For 37 years, Yusef, a lifer who I presumed was sentenced for murder, never complained.

Yusef and I met almost ten years ago when I was once again able to bring Touchstones Discussions back into a Maryland prison. I went in to meet an inmate literacy tutor who had been using it for a month in the prison school and also met Yusef, who was his assistant. Yusef spoke quietly and was attentive but unobtrusive. Over the next months, I noticed that his superior, a contract killer, was always less agitated and more thoughtful when Yusef was present. "It's hard here, to be perfectly honest, not to be angry. Angry at everything," said a remarkable self-educated white prisoner who was also serving life. "But a word from Yusef, and you know how he mumbled, could make it all quiet. He quieted me down so many times."

When the lead inmate tutor was transferred, Yusef took over his role. Each week he did the count-out for the men and arranged their relatively prompt arrival for our sessions. I was there to facilitate the class. Yusef, as I learned over the years, facilitated the more difficult passage between the world of the prisoners and the world of their prison guards. "The most incredible thing," a stocky burly man added, "in 37 years he only had one infraction. I can't imagin' it. You know, the guards have a bad day, and there you get one. Don't need a reason. And then those times when you yourself don't care about nothing, not even about life. It's what I know is true about him, but still I can't believe it."

Two months ago, as we waited for the other men to arrive, Yusef quietly, almost under his breath as if unfamiliar with the mode of asking others, asked a favor. Would I write a letter for him? "You know, he never asked for nothing big," said a small bristly white man entering the conversation, "but sometimes for small things – gum, a hard candy.



And he'd say when I hesitated, 'come on, you know you can do it.' And of course you always would. It was for Yusef." His case was up for review, and it was possible that a problem in the original trial might change his sentence. I agreed to write the letter, and we at Touchstones prepared it chronicling the many services he had performed to enable our work in the prison to continue.

One month later the judge determined that the instructions to the jury had been faulty, and that Yusef could either have a new trial or be immediately released on parole. He selected the latter. And after 37 years he left the prison complex at Jessup, Maryland to rejoin the family he had left those many years before. "His family was always on his mind," said one of Yusef's converts to Islam, "but he always said the one thing he wanted was not to die in prison." The young man spoke to us with great passion, recognizing as he spoke that such a fate might well be his own story. Many others in our group of seventeen that Tuesday afternoon nodded agreement, as Yusef had previously lived out the fear many of them felt. Death alone in prison.

Yusef intended to live with his wife and be with his brothers, his daughter, and grandchildren. And he hoped to run Touchstones groups on the outside with children, at risk youth, released prisoners, vets and the homeless. A man who had clearly been thoughtful throughout this session finally spoke up. "I was in the army. They pushed me out. It wasn't a dishonorable. But it wasn't too honorable neither. Yusef invited me to the vets here, he made me come. Didn't feel I belonged, but he made me. And so I became a vet. He said I had already been one. I owe him." The man was shaking as he poured out the words. Yusef had himself been all of these,-- an at risk, a vet, perhaps even homeless. And if anyone could reach those at the edge, it was Yusef.

On the Friday immediately after his release, as I was driving home, I received a call from a teacher at the prison. Yusef had had a heart attack. He had died the previous evening. My world and that of others who would hear about this was in these few words stripped of all illusion: it suddenly became empty and without meaning. At our meeting, a young devout convert spoke up: "I'm not sad. I'm not sad." He asserted this with great intensity, yet holding himself in control. "Yes, I'll miss him but I'm not sad," he said again. "God released him to spend a few days with his family. And then He took him to Himself. He released him again. You know it's all written." Others, his spiritual brothers, agreed. It helped the rest of us to think that Yusef might also have agreed.

I never knew why he was in prison. For with Yusef there was no need to know whether he was innocent or guilty, whether he premeditated an action almost 40 years ago or was perhaps simply in the wrong place at the wrong time. A man whose name I didn't know, who had been struggling through the hour and who often raised a tissue to his eyes, said,

“You know, I heard the judge when he looked at the evidence said it wasn’t no good either. So after all these years, it could be he was innocent.” I knew Yusef only in those brief moments, that hour when we were together on Tuesdays in the prison and with the men whom he had mentored officially as the chief school tutor or had shepherded through his vision of the world, who appeared from their cells to attend our weekly discussions. Another convert who often spoke in our meetings but rarely attached his own thoughts to what preceded, this time added seamlessly, “He spent his life preparing to die. Gettin’ ready to die, doin’ all he did was in preparation for his death. And he was ready.”

It was only after he died that a fellow inmate at the prison explained, as we seventeen sat together in our circle for the discussion, that with Yusef you knew in a moment everything you needed to know. However, for me it was only then when all of us had gathered in the prison school room and heard his incarcerated friends and spiritual children speak, that I knew what I had previously only vaguely glimpsed. It was then that I fully grasped how Yusef’s life had helped redefine for our world the Biblical account of leadership of his ancient namesake. Joseph, when freed from Pharaoh’s prison, first explored his freedom by serving others. As with his ancient namesake, Yusef also overcame a famine. But this famine was one felt by men who lived in remorse and without hope. His fellows fought the sense of oblivion feared by those who feared others would forget them. Another man, almost an adopted son, spoke: “With Yusef, you always knew you were not alone.”

When the teacher at the prison school called, I was speechless, literally speechless as I could feel words forming and dissolving, impeding my breathing. I could hear she realized that as she said she had felt that very feeling of speechlessness when she heard. And so she had to utter words for me. When I reached home, I began making calls to volunteers who each week had joined other prisoner volunteers along with Yusef. Together we had thought about the hardest questions we all face. Each person I called lost the very words we were all seeking, and I had to fill the silence and try to overcome their shock. “... I was...,” here an elderly serious man paused because of his terrible stammer, struggling to get a sound out. This prisoner was a remarkable intelligence held captive by his terrible stutter and also by a crime. He had been in the group in the past and reappeared a year ago. “I was here years ago,” he began again with a burst, “...and stopped coming. But Yusef brought me back. He said I could listen, and speak when it came out. And so I came back.” That simple sentence overcoming the deepest emotional and physical challenges took many minutes to articulate. We all waited as each of his words formed, unformed, and finally emerged. All of us there in the circle on the day

after the burial service felt the great abyss we must all cross in speech, and which he had crossed only with Yusef's help.

The memorial service was on Monday at the Islamic Center in Lanham. I knew I would go and spend time that weekend worrying whether my presence would intrude; how to dress, how to behave in a community I was not part of in mourning one of theirs. I read what I could-- long sleeve shirt, top button buttoned, no tie, dark pants, good socks, and you are a guest, an observer. You would not join the community service as burial is a deeply religious act. I kept reading, more worried that my very different cultural habits and instincts would obtrude and offend his memory there with the community he had joined from a distance behind razor wire thirty miles away.

As I was about to leave for the mosque, a former colleague returned the call I made myself, over my own resistance, make. "It's Howard," I had said very hesitantly to his voice mail, realizing the surprise and confusion my voice would cause in him as well as in myself while saying it. "Please call when you have a moment. Its about the prison." A former friend and colleague in the work in prison, he and I had moved away from one another to work on different approaches. We had been apart for almost three years. He called: "Where was the service and when?" I arrived at the Islamic center in good time. The imam greeted me, some visitors even wore ties, but we were all warmly greeted. We were all welcome, guests and observers, strangers but genuinely welcome. We were all there, having traveled to pay our respects to a man and honor his community. As we were permitted to join the community and family to visit the body, my former friend appeared. "Hi," I said. "Glad you made it." "Yes, thanks for calling," he answered and walked with me. "Good to see you," I said. "Yes, Good to see you too," he answered as we walked together, both shaken from viewing Yusef's body swathed in white cloth as if new-born. We both held back tears.

The next day I was to go into the prison in the late afternoon.. We went in each Tuesday, I and some Touchstones volunteers, to join Yusef and perhaps 15 other volunteers from inside. Each week we spend an hour on a short text and explore our thoughts and beliefs just as people here and abroad of all backgrounds and ages do who participate in Touchstones. We examine the deepest issues of life and death, happiness and misery prompted by the short text we would read aloud-- Confucius, Malcolm X, Aristotle, Jenny d'Hericourt. I was to see the group for the first time since Yusef died. I felt we should somehow honor him. I thought I would ask each of us to write down a memory or an impression and we could collect them for the family. But this began to seem too contrived and too much pressure to place on all of us. So I thought perhaps I should choose a text, but after many tries that idea seemed equally forced. In the early afternoon I called

another teacher who also had Touchstones volunteers in her class that day to ask what had happened. "They brought a passage from the Koran. We read that, and it led into talk about Yusef. It was perfect." Her report was a lifeline. I found the text in a Touchstones volume and made twenty copies. It was four passages on forgiveness we had previously selected for middle school students to explore. Yusuf never missed a class, never missed a chance to study Koran or Touchstones. "Touchstones, he made me promise before he left," said a school inmate associate of Yusef's who shared this last wish for himself and his other friends, "must always continue here."

I arrived at the prison at 5 and saw another volunteer waiting in the parking lot. I was relieved I was not going in alone. When we reached the room in the school, there were fifteen men already waiting there. Often people drifted in as the correctional officers might have delayed getting the count out to the men's cells. But this time all were there, and we all nodded as the two of us found chairs in the circle. "Are others coming?" I asked to no one in particular as Yusef was not there to respond, and I was seeking a pause before starting. I felt I couldn't delay more than a few seconds, so I began. "There was a service yesterday at an Islamic center," I said. "We and many others were there. It was very dignified," I continued. But here I could feel myself lost. My words vanished as I began again to sense the impact of our loss. I couldn't speak and tried to apologize. "Take your time," said one of the men from across the circle. I tried but couldn't continue as tears began to come.

Suddenly someone handed me tissues, and as I wiped the tears away, my neighbor continued for me. "I first met him three weeks ago in the yard. He brought me into the group. He wanted me to become a tutor, but I said no. But I'm here now." When he finished another picked it up and then another and another as we moved around and across the circle, each speaking when another finished, no interruption, no delay, no pause as if each had already thought exactly what to say and what needed saying at just that moment. "The most incredible thing," said another man, "I was in B building for awhile, for about a year. But it was bad and I had to get out." A fourth man added, "But Yusef was there for 17 years." "How was that possible," said a middle-aged man shaking his head in disbelief, and all of us shook heads in concert. And it continued without a hesitation for 50 minutes until someone offered a comment about Yusef on what had happened. "If Yusef were here I know what he would say. 'Hey, let's stop all this stuff, and get on with the program.' Open that folder and pass out the text." All laughed as we all recognized Yusef in another's voice. And the spokesperson continued now for himself and for all of us: "And this time we're not listening to him."

With a few minutes left before we had to separate, my neighbor spoke again. "I'm writing a letter to the warden. Yusef worked in this school for over twenty years and when that happens on the outside, a man is honored. I'm asking the warden to name this building after him. It would be only right. This is his building. Everything that happens here is about him." We were all startled at the request, and all stretched ourselves to imagine a government employee, a prison warden, deciding to name a public building in a state prison after a man convicted of murder. It seemed inconceivable. Were such a thing to happen, we could barely imagine what else might be possible. Our culture would have finally matured in its understanding, its compassion, and its trust. We all sensed that it was absurd, impossible, but we all felt it was right, that it would encourage the very people who might gain from it. And we were pleased that we at least could imagine what was not possible now but could occur if only in our imagination and then in our whispers to each other. It seemed right to all of us that a prison school be named after Yusef, a man who never complained, who could calm anger with a word, who never missed a class, who brought others into the school's programs, who rescued people at the edge, and who led by being second.

And such was our burial of Yusef Rashid, who lived and died protecting his fellows and was a civilizer, by his example, of all of us in that room.

by Howard Zeiderman