

The Uneasy Student Body Performing Fat Suits

Deborah Morrison Thomson

The filing of the first class-action lawsuits over obesity, or “fat suits” as one journalist cheekily called them, ignited a social drama that swept up food industry advocates, public health activists and even U.S. Senators and Representatives. Several of these legislators penned the infamous “Cheeseburger Bill” that proposed banning obesity lawsuits before one made it to trial. This paper offers a critical analysis of two undergraduate group performance classes charged with performing the social drama surrounding fat suits. I argue that dealing with fat suits in the performance classroom created an uneasy student body. I use the term “student body” in both a collective and individual sense to refer to: 1) the dialogical and democratic social body of each of the two classes, and 2) those materially present student bodies charged with performing a fractious body politics surrounding American weight gain. The combined performative force of this dual body (individual/material and collective/dialogical) produced an uneasy student body as students struggled to critically and deliberatively inhabit a contested area of social/political morass and bodily taboo.

In the early days of the new century, U.S. Surgeon General David Satcher warned the American public of the perils of what he identified as an “epidemic of overweight and obesity” (xvi). In the near-decade since Satcher’s “Call to Action,” American weight gain has seen its share of media time. News narratives of rising obesity rates display images of corpulent bodies walking down the street, their heads neatly cropped to protect the identity of the person on display. Public weight loss rituals on television treat weight loss as a game (e.g., “The Biggest Loser”) or a medical spectacle (e.g., “Big Medicine”), even capturing the chopping and cropping of fleshy interiors, the suction of fat cells. By and large, Americans are uneasy with weight, not just as a personal challenge, but also as a public (health) issue. This lack

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of ease is perhaps nowhere more apparent than in the social drama that erupted over potential class action lawsuits against the food industry, or “fat suits” as one journalist cheekily labeled them (Sealey).

In July 2002, New York attorney Samuel Hirsch filed a class-action legal claim on behalf of New York resident Ceasar Barber and a class of unnamed obese plaintiffs against four fast food chains: McDonald’s, Burger King, KFC, and Wendy’s. Barber was a man in his mid-fifties who had suffered two heart attacks after eating a diet heavy in fast food. During the weeks following the filing of this first fat suit, Barber made the rounds of news/talk shows, speaking candidly about his eating habits and medical problems, quickly becoming the object of scorn and ridicule among media pundits and online opiners. When Barber failed to pass the public relations test, Hirsch dropped the suit in favor of a more sympathetic class of obese plaintiffs: children. He filed *Pelman v. McDonald’s* later that same year on behalf of Ashley Pelman and Jazlyn Bradley, two obese New York teens, along with a class of unnamed child plaintiffs. Although the *Pelman* case was initially dismissed by U.S. District Court Judge Robert Sweet, these first two fat suits were seized upon by food industry representatives as a crisis worthy of legislated tort reform. In January of 2003, just six months after the first suit had been filed, Congress took steps toward banning obesity lawsuits altogether by introducing H.R. 339, the “Personal Responsibility in Food Consumption Act,” a bill better known around the halls of Congress as the “Cheeseburger Bill.”¹

At the time when these lawsuits were making the news, I was a doctoral student teaching Introduction to Group Performance at the University of North Carolina at Chapel Hill. In the fall of 2002, I had decided to focus the group performance class on what I was calling “collaborative social theatre.” At the outset, I asked the students (as a group) to choose a social issue for a semester-long collaboratively-created performance project. They decided on “the media’s impact on children” as their top choice, with what they called “U.S. blame culture” as their second choice. I suggested combining the two by taking up the fat suit story in the news. The students were, as one might imagine, a bit skeptical of this idea. Some felt that it would highlight a lawsuit that was unworthy of attention. One student worried that the topic might make overweight people in the audience feel bad. Another felt like we wouldn’t be able to get an audience for such a performance. One student just came right out and called it “a stupid idea.” Ouch. Another student proposed that our performance look at three different areas related to “the media’s impact on

¹ In the 108th Congress the “Personal Responsibility in Food Consumption Act,” H.R. 339, passed the House by a vote of 276-139 but died in the Senate. The bill was reintroduced into the House during the 109th Congress as the “Commonsense Consumption Act,” passing by a vote of 306-120 before once again dying in the Senate. In the 110th Congress the bill was reintroduced in the House, but never made it out of committee. The latest version of the “Commonsense Consumption Act” was introduced in the House on Feb 3, 2009 during the 111th Congress by Rep. Dan Boren (D-OK).

Deborah Thomson

children” and “blame culture,” and with quick consensus this group set off to create a performance they titled “Sex, Violence, and French Fries.” The next year when I taught the Introduction to Group Performance class, I decided to dedicate the semester to a performance-centered study of the fat suit social drama, which was still very much in the news. The performance this class created was titled, simply, “Fat Suit.”

Dealing with these fat suits in the performance classroom was not easy, as some of my students’ initial resistance to the topic might suggest. Weight is hard to talk about, not just as a personal issue, but also as a social issue. The multiple social causes of this public health “epidemic” (as the Surgeon General deemed it) are difficult to fully comprehend, a complexity that too often leads us toward the far easier claim that weight is solely an issue of personal responsibility. Dealing with fat suits in the classroom, as I discuss below, created what I identify as an “uneasy student body.” I use the term “student body” in both a collective and individual sense, to refer to 1) the dialogical and democratic social body of each of the two classes that performed fat suits, and 2) those materially present student bodies charged with performing a fractious body politics surrounding American weight gain. The combined performative force of this dual body (individual/material and collective/dialogical) produced an *uneasy* student body as students struggled to critically and deliberatively inhabit a contested area of social/political morass and bodily taboo. The uneasy student body proved also to be a resistant body, one that in some moments resisted easy conclusions by inhabiting a generative space of dialogue and in others retreated altogether into a protective space of isolation and immobility.

Performing “French Fries”: Democracy and Dialogue

“Sex, Violence, and French Fries” was collaboratively created through a dialogical performance model informed by Freire’s “problem posing education” and Conquergood’s “dialogical performance.” Freire’s pedagogy, which critiques what he calls the traditional “banking” model of education in which the teacher makes “deposits” into a passive student-receptacle, positions both students and teachers as teacher-learners in conversational exchange. Freire claims that “true dialogue cannot exist unless the dialoguers engage in critical thinking” and that critical thinking “perceives reality as a process, as transformation, rather than as a static entity” (92). Freire’s focus on open, critical, and reflective dialogue fits with Conquergood’s notion of “dialogical performance,” which he describes thusly:

The aim of dialogical performance is to bring self and other together so that they can question, debate, and challenge one another. It is the kind of performance that resists conclusions; it is intensely committed to keeping the dialogue between performer and text open and ongoing. (9)

Our goal as a student body engaging in dialogical performance would be to keep not just the dialogue between text and performer open and ongoing, but also to create a performance text *out of the dialogue* taking place among deliberative student/performers. Pedagogically, I was aiming at what Becker and Couto describe as “teaching democracy by being democratic.”

As leader of a deliberative social body striving toward the democratic, I was committed not just to creating spaces for classroom debate, but also to finding ways to stage those debates in the performance. Below I follow the thread of a debate over parental responsibility that began in our discussion of an early workshop scene in fall 2002, continued throughout the semester, and then made it into the show as we scripted part of what had transpired in our classroom. This early workshop scene, devised by a group of five students and titled “Lil’ Caesar,” offered a satirical look at the imagined life of Caesar Barber, the plaintiff in the first obesity lawsuit. “Lil’ Caesar” opened like a 50’s sitcom, with young Caesar Barber’s father arriving home from work to find his wife folding laundry and “Lil’ Caesar” watching TV:

Father: Honey, I’m home. What’s for dinner?

Mother: Chicken.

Father: (surprised) You cooked?!

Mother: (rolling her eyes) No, it’s leftover KFC.

Father: But let’s go out to eat tonight.

Lil’ Caesar: But we went out last night...

Mother: And the night before.

Father: OK, let’s go to Burger King.

Lil’ Caesar: But that IS where we went last night.

Father: OK, then, we’ll go to McDonald’s!

Later in the scene we see Barber sitting on a park bench, as he narrates, “minding my own business, eating tofu and strawberries” when he is kidnapped by McDonald’s Grimace and Hamburglar and “strapped to a chair in the back of a McNuggets processing plant.” Barber tells his audience: “Imagine being forced to eat a bucket of chicken, a Big Mac, a triple double cheeseburger, and you have the Hamburglar, a man who normally wears prison stripes threatening to make you his ‘burger bitch’ unless you eat every bite.” Barber’s attorney then steps forward with the following monologue:

Attorney: My client has also been victimized by various other corporate interests. We’re going to be suing Gold’s Gym next week for failing to convince my client to exercise, Coca-Cola for not making a diet version of their soda that my client likes, Nike for not making running shoes that inspired my client to actually run, and Doritos for not making their Ranch Style chips taste like asphalt so my client

Deborah Thomson

wouldn't be tempted to eat bag after bag of them until he collapsed into a bloated heap on the floor.

The scene ended with Barber falling to the floor, much to the delight of the students who were watching in the audience.

The scene killed when it premiered in our class workshop. It was fresh and funny, an absurd extension of the mockery that was already widely available on Barber within popular culture. The discussion that followed produced a substantive debate over issues of blame and responsibility surrounding Barber's diet choices. One student argued that Barber was to blame, and that this was why the humor of the scene worked: because we all know that nobody gets force-fed. Another student suggested that it was Barber's parents who were most to blame, because they "started him off on a diet of KFC, BK, and MickyDs." Taking the parents' perspective, I argued that it didn't ring true that kid Barber would *complain* about going out for fast food. Another student backed me up, saying that her niece and nephew were *always asking* to go to McDonald's and that it would be more realistic if the kid in the scene was the one motivating the parents toward burgers and fries. We decided to try the scene this way, improvising dialogue with mother and father tired and grumpy and Lil' Caesar excited by the prospect of adding a Happy Meal toy to his growing collection. The scene worked this way, yet there was some resistance to the changed scene. "It lets the parents off the hook," declared one student. "And it's not as funny," noted another. "But it's more realistic" argued the student who had come to my defense. After some discussion, we voted. All but three students voted to keep the scene as originally scripted.

Although our group was working democratically—at least within the American tradition of democracy as majority rule—we were challenged, at points, to stage our dissensus. Kuflinec addresses this problem in her work on the community-based productions of Cornerstone Theatre, noting that Cornerstone's plays often conceal real differences of values, opinions, and identities within a community—differences that are negotiated throughout the rehearsal process, but are more difficult to represent on stage (95). Coleman and Wolf's experiment with a democratic performance classroom confirmed this difficulty of representing dissensus. As their intended public performance fell apart under the weight of cast debates over issues of race and representation, this ensemble decided to forgo the notion of a finished product altogether, presenting the audience instead with a reperformance of the debates that had taken place during their creative process. Following Coleman and Wolf's example, and Kuflinec's charge to represent onstage those differences negotiated offstage, I suggested to the class that we stage our debate over the issue of personal (or parental) responsibility in the segues between the scenes of our third act, "French Fries." The students liked this idea, insisting that the two students who had been most vocal in this ongoing debate, Daria and Zack, play themselves debating just as they had in the classroom. In hindsight, it almost certainly would have been more interesting to have them play each other.

It was getting late in the semester, and although the “French Fries” act was taking shape, that shape was looking very one-sided. We continued to vote on what scenes and ideas were kept in and what was left out. So far, all three of the scenes voted *in* for the third act had ridiculed Caesar Barber or obesity lawsuits, reflecting the dominant view in the class. And so, I did something that might seem fundamentally un-democratic in this supposedly democratic classroom. I sat down and wrote a scene and asked my students to include it in their show. The scene, titled “Fast Food Face-off,” was a television sports-show spoof. The “sport” on display was a race between advertising executives competing to come up with the next big fast food promotion to toddlers. The scene adapted a trade industry article about Burger King’s Teletubbies promotion and included a number of poached quotes from marketing and food industry executives promoting “pester power” and “cradle to grave” marketing. In the scene we see two huddled groups of executives frantically drawing marketing ideas on flipcharts. In the middle of the competition, two actors freeze the scene and address the audience:

Joker 2: Burger King’s most successful marketing campaign really was Teletubbies, a show for one and two year olds.

Joker 1: Mike Searles really said: “if you own a child at an early age, you can own a child for years to come.”

Joker 2: These companies really are marketing fast food... to toddlers.

Joker 1: Does that bother anyone?

Does that bother anyone? It was an important question, and one that I was hoping to pose not just to an anticipated audience, but also to my student collaborators.

Or maybe this is just my own rationalization for taking the un-democratic move of writing a scene (the last scene in the show, no less) into a performance that would otherwise have been written in full by my students. I was not only undermining the democratic classroom by reinstating my authority, I was forcing some representational dissensus upon this democratic body, suggesting that my students’ choice to make decisions by majority rule was flawed. As Haedicke and Nellhaus remind us, democratic theatre processes raise “issues of social location, control, authority, and authenticity: ‘Who performs, whose material is performed, and who decides?’” (13). What if everyone in the group wants to pinpoint blame for childhood obesity on the parents? In a performance striving to be dialogical, must a minority position be raised or represented? Daria seemed to sum up this tension in an email she sent to the class following a rehearsal in which dissenting opinions had been aired only in private conversations behind the curtain. She wrote:

ALL OF THOSE WHO HAVE OPINIONS REGARDING THE
MATERIALS SHOULD SPEAK UP NOW, BEFORE IT IS TOO LATE

Deborah Thomson

AND THE SHOW IS OVER. Even if you are not in the piece and you have issues with one that you are not in, or you have something to offer them...
OPEN YOUR MOUTH AND/OR SEND AN EMAIL ABOUT IT TO THE
GROUP (It's the exchange of ideas that really matters).

Daria's email served as a reminder to us all that it was "the exchange of ideas that really mattered." I use this example, with those provided above, to point to the complexities (and value) of a dialogical performance that infuses the rehearsal process and resulting performance with deliberation and dissensus. The democratic performance classroom can make for an uneasy student body, particularly for those who brave minority positions. Yet, performance seems to offer the perfect pedagogical space for reinvisioning the democratic process, as I will discuss below.

Performing "Fat Suit": Inhabiting the grey spaces

In fall 2003 I returned to the group performance classroom, this time to engage a new group of students in a semester-long performance project focused solely on the subject of obesity lawsuits. As I had discovered the previous year, fat suits made for lively classroom debates around a host of different issues and could work as what Freire describes as a "generative theme," or a subject that can be harnessed to teach the interrelated web of social problems that characterize an historical epoch. Following Hegel and Marx, Freire views history as a dialectical movement of epochs, each epoch enacting its own "thematic universe" characterized by "a complex of ideas, concepts, hopes, doubts, values, and challenges in dialectical interaction with their opposites, striving towards plenitude" (101). For Freire, we can explore our epoch through a "generative theme," because such themes "contain the possibility of unfolding into again as many themes, which in their turn call for new tasks to be fulfilled" (102). The courtroom battle over obesity would enter a thematic universe that could tell us not just about the contributing factors to American weight gain, but also about the current state of the economic, political, and ethical fabric of American society.

Whereas in fall 2002 I was working toward a democratic classroom, the design of this new project had clearly positioned me much more in the role of the authority. Not only was I doubly empowered as instructor and director, this was a research project for me, one that I would be writing about in my doctoral dissertation. At our first class meeting I explained this, and, as required by our Internal Review Board, I had the students read, discuss and sign informed consent forms. Additionally, certain elements of the project had already been decided, such as the subject matter, structure, and even the title of the show: "Fat Suit." What I had not done was written any of the content of the show: this was all up for debate. This show, like the previous year's, would be devised through small group workshop performances and full class discussions. The students would also be adapting from a variety of texts, some of which were assigned reading and others of which were found through student research. We adapted from Eric Schlosser's *Fast Food Nation*

and Greg Critser's *Fat Land*, the legal claim *Pelman v. McDonald's*, trial transcripts of the British "McLibel" case of *McDonald's Restaurants v. Morris & Steel*, news reports on obesity litigation, McDonald's advertisements, and other texts the students found online or in the library and brought to class. We even staged the text of H.R. 339, the "Cheeseburger Bill" in our opening scene. Our Bill was costumed to resemble the cartoon character "Bill" from *Schoolhouse Rock*, even singing part of the famous "I'm just a Bill" song. To give the reader a sense of this production, I provide an extended script excerpt of the opening of the show:

STAGING NOTES

The performance is staged as a public hearing on H.R. 339 taking place in the "Court of Public Opinion," a mythical space that is simultaneously town hall, courtroom, and theatre. The audience sits in a V-shape, facing the playing space, where scenes will occur and invited guests testify. In the corner of the room opposite the playing space, in the middle of the audience, is a high platform where "The People" are seated. The People are the citizens who are conducting this public hearing. Cast members rotate in and out of the roles of The People such that every cast member will play one of The People at some point in the show. Before the show begins, the audience is told that the performance will conclude with a brief discussion and audience vote on proposed legislation currently before the U.S. House of Representatives.

People 1: [*To audience*] We thank you all for coming out today to this hearing on H.R. 339, the "Personal Responsibility In Food Consumption Act." In recent history, the tobacco industry faced lawsuits brought by 48 States and was ultimately forced to settle for \$246 billion. We may be seeing the same today facing the food industry.

People 2: Now, these "fat suits," or lawsuits over fast and fatty foods, are incredibly unpopular. A July 2003 Gallop poll reports that 89% of the American public opposes holding the fast food industry legally responsible for health problems associated with eating fast food. So far we have had two obesity-related lawsuits filed by a New York attorney against fast food companies, one lawsuit filed by a California attorney to ban Oreo cookies because of trans-fats, and threats from other attorneys to sue local school boards over sodas in schools. Where will this stop?

People 3: But we also have a very serious health crisis on our hands. In 2001 Surgeon General David Satcher reported that obesity was costing Americans \$117 billion in health care costs and 300,000 obesity-related deaths annually. Clearly something must be done, and these fat suits, however distasteful they may be, could have some merit.

People 1: This is why we have gathered today, to decide whether to put a stop to these fat suits with HR 339.

Deborah Thomson

People 2: We will first hear from Congressman Ric Keller, the author of H.R. 339. Mr. Keller, you have the floor.

Keller: The gist of H.R. 339 is that there should be common sense in a food court, not blaming people in a legal court. Nobody is forced to super size their fast food meals or choose less healthy options on the menu. Similarly, nobody is forced to sit in front of the TV all day like a couch potato instead of walking or bike riding. We all know that lawsuits against the food industry will not make a single individual any skinnier. But they would make the trial attorneys' bank accounts much fatter.²

[Cross-fade from The People in the back of the audience to the playing space, where a Reporter waits for Keller. He comes down, speaks to her.]

Reporter: January 27, 2003. Today U.S. Representative Ric Keller, Republican from Florida, filed the Personal Responsibility in Food Consumption Act. The bill's filing comes five days after a federal judge in New York threw out a class-action lawsuit that blamed McDonald's food for children's health problems.

Keller: *[Proudly reading from the legislation]* To prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements.

[Keller walks upstage to his office, sits dictating and munching from snacks on the desk, while Staff members A, B, and C pace the floor. "Bill" stands in the center of the Staff. As they work out the wording for their "Bill," they sculpt him, repositioning his arms, legs and facial expressions, until they have him just right.]

Staff A: Name of the bill?

Staff B: Personal Responsibility in Food Consumption Act.

Staff A: The manufacturer of a food product shall not be subject to civil liability

Staff B: The manufacturer of a food product

Staff C: Manufacturer or distributor

Staff B: Manufacturer or distributor or seller

Staff A: The manufacturer, distributor or seller of a food product

² This scene is adapted from the testimony Keller gave at the hearing on H.R. 339 before the U.S. House Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, June 19, 2003 and the text of H.R. 339.

Staff C: Of a food product OR non-alcoholic beverage product! [*proud of herself*]

Staff B: Of a food product or non-alcoholic beverage product **intended for human consumption!** [*Beat, they look at her like she's nuts, then they all laugh*]

Staff A: The manufacturer, distributor or seller of a food product or non-alcoholic beverage product intended for human consumption shall not be subject to civil liability [*Long Pause, as if the end.*]

Staff C: Shall not be subject to civil liability

Keller: Unless they're not in compliance.

Staff B: Whaaaaat?

Keller: If they're not in compliance with THE LAW. If they're not in compliance, then you can sue the hell out of 'em.

Staff A: Shall not be subject to civil liability unless the plaintiff proves that the product was not in compliance with the law.

Keller: Not in compliance with THE LAW.

Staff C: In federal or state court

Keller: Unless the plaintiff proves

Staff A: In federal or state court, whether stated in terms of... [*He gestures to the group for help. They gather around and start interjecting ideas.*]

Staff B: Negligence!

Staff C: Strict liability!

Staff B: Absolute liability!

Staff C: Breach of warranty!

Staff B: Or state statutory cause of action! [*Beat. All shoot her a look.*]

Keller: [*Calming*] Unless the plaintiff proves that the product was not in compliance.

Staff A: Unless the plaintiff proves that, *at the time of sale*, the product was not in compliance...

Staff B: in compliance WITH...

Deborah Thomson

Keller: THE LAW!

[They cheer and applaud each other, having finished the bill. The reporter reenters the scene.]

Reporter: In the 2000 election, Keller was the top congressional recipient of campaign contributions from the processed foods industry, leading some to question the motives behind the bill. *[Bill perks up at this, looks at reporter, looks disappointed.]*

Keller: *[To the Reporter]* I'm about 20-pounds away from being the ideal sponsor of this bill.³

Reporter: After the news conference, Keller had a breakfast of Egg McMuffins, Chick-fil-A sandwiches and Krispy Kreme doughnuts with his staff in his office.

[Staff clear away the food and Bill sings the Schoolhouse Rock tune "I'm Just a Bill."]

The scene cross-faded from Keller's office back to the hearing in the "Court of Public Opinion," and a new group of The People began to question the next witness.

Over the course of the play, The People heard from a number of invested individuals—attorneys, journalists, public health advocates, and food industry representatives all offered their perspectives. In the interstices of this public hearing, scenes took audiences to a variety of locales on the terrain of American obesity. In one scene a student walks through her high school corridor where the soda advertisements come to life, seducing her to "Drink Coke." Another scene contrasts two dinner tables, one at the home of a McDonald's Vice President, the other at the home of a McDonald's employee who can only afford to feed her family fast food. In yet another scene, Oprah and Dr. Phil discuss the history of high fructose corn syrup. Toward the end of the performance, The People leave their spot in the Court of Public Opinion, which has now turned into a courtroom in which a surreal trial of *Pelman v. McDonald's* is getting under way.

We playfully scripted our trial of the *Pelman* case by adapting what could be found—the names of key players, the arguments from court documents—and by imagining the rest. Our courtroom comedy/drama began with our imagined Bailiff:

BAILIFF: All rise, all rise. The Supreme Court of the State of New York is now in session, the Honorable Judge Robert Ssss-weeeceet presiding.

SWEET: *[Sweet scowls at the Bailiff]* You may be seated. We are here to hear case number 24809, *Pelman v. McDonald's*. Arguing for *Pelman et al*, attorney Samuel Hirsch. Arguing for *McDonald's*, attorney Sarah Olsen. Mr. Hirsch, your opening statement.

³ This quote and the following reporter line are adapted from Schneider.

HIRSCH: [*Rising, speaking directly to the audience*] Thank you, Your Honor. I am here to prove to the court that McDonald's acted negligently in selling food products that are high in cholesterol, fat, salt and sugar when studies show that such foods cause obesity and detrimental health effects. McDonald's has engaged in unfair and deceptive acts and practices, in violation of the New York Consumer Protection Act, by misleading the plaintiffs, through its publicity, that its food products were nutritious, and easily part of a healthy lifestyle if consumed on a daily basis, when in fact they are potentially addictive and dangerous because of their processed nature. McDonald's aggressively markets these dangerous products to children, promoting excessive consumption through "value meals" and "supersizing."

SWEET: Great opening statement. Just how I like 'em, short and sweet.

BAILIFF: Sssss-weeet! [*Judge Sweet shoots him a disapproving look.*]

SWEET: Attorney Olsen, your opening statement.

OLSEN: Thank you, Judge Sweet.

BAILIFF: Ssssssw.... [*Sweet gives a quick glance, and the Bailiff freezes.*]

OLSEN: [*Also addressing the audience.*] The public is well aware that hamburgers and fries and other fast food fare contain high levels of cholesterol, fat, salt, and sugar. Every responsible person understands the consequences to one's waistline and potentially to one's health, of excessively eating these foods over a prolonged period of time. McDonald's has always promoted healthy lifestyles that include nutritional balance and vigorous physical activity. Only the individual can be responsible for choosing what to eat and in what quantities, in order to maintain a healthy weight. When it comes to children, the burden of this responsibility falls solely to the parents.

SWEET: Thank you. Enough of the small talk. O.K. Prosecution, let's hear some evidence.

HIRSCH: I will first show the court how McDonald's deceived customers, in violation of the New York Consumer Protection Act, by claiming that its food products were nutritious. [*Turns on overhead projector.*] This ad is from a marketing campaign begun in 1987 and continuing for several years, despite a 1987 cease and desist order from the New York State Attorney General. [*Shows "Balance" ad.*] In this ad McDonald's customers are led to believe that McDonald's foods are part of a balanced diet. [*Shows "What We're All About" ad.*] In this ad McDonald's specifically claims their food to be "good, basic, nutritious food." The text reads: "What We're All About. Meat and potatoes. Milk and bread. Good, basic, nutritious food. Food that's been the foundation of well-balanced diets for generations."

Deborah Thomson

OLSEN: I object to this evidence, your honor. This is from an ad campaign that is now over 15 years old. One of the plaintiffs was not even born yet when these ads were run. None of the plaintiffs claim to have ever seen even one of the McDonald's statements and advertisements Mr. Hirsch has described.

HIRSCH: Yes, but I'm building an argument here, that McDonald's has promoted its food as "nutritious."

SWEET: Objection overruled.

What starts as a courtroom scene takes a turn toward the surreal as Eric Schlosser is called to testify on behalf of the prosecution. The courtroom fades for a moment as a new scene in a chemical factory appears, with flavor scientists working to perfect the McDonald's milkshake, pouring chemicals into an actor dressed in a milkshake costume. Our Milkshake will later appear in the courtroom, along with her friends Big Mac and French Fries, and the Chief Happiness Officer of McDonald's: Ronald McDonald. When Ronald is called to the witness stand on behalf of the defense, the courtroom dissolves completely, taking the audience to an undefined space. No longer public hearing or trial, we are now within the marketing spectacle of the McDonald's Corporation, as Ronald and friends entertain the audience with songs and magic tricks, even leading the audience in a "Do You Believe In Magic?" sing-along to "end" the show.

At the end of this scene, I appeared from behind the curtain to invite all assembled (cast and stage crew included) to discuss and vote on H.R. 339, the bill seeking to ban fat suits. Our discussions lasted between 10-15 minutes, and then, as a body, we voted on the bill by a show of hands. During our discussions, many of the students argued passionately with audience members who raised objections to, or defended passage of, the bill. They also carefully considered the viewpoints of their audience guests, as I will discuss below. H.R. 339 passed on night one of our run, and then failed to pass at our two remaining shows.

The Uneasy Democratic Body

While the U.S. House of Representatives passed H.R. 339 with ease, many of my students were not so easy with the bill to ban fat suits, which lost support throughout the run of our public performance. The vote was close in all three cases. More interestingly, my students' votes changed over the course of our run, shifting from a split 8-8 vote on Friday, to a vote on Saturday of 7-9 against the bill, and on Sunday of 5-11 against the bill.⁴ Thirteen students held fast in their opinions. Three changed their minds. The three who changed all revoked their support for the bill, later revealing that they had been resistant to either the bill or the process of voting

⁴ It should be noted that at our Friday night show, one student did not vote and another student voted twice.

publicly. It was only after hearing (and reading) my students' stories that I realized what an awkward position I had put these students in with this public vote. Still within the frame of performance but having dropped all characters, I was asking these students to adopt a public political persona. By asking them to make and defend positions *as themselves* and in dialogue with their audience (friends and family members who had come to see them), the stakes were high.

In a class meeting following our public performance, I asked students to write a short paper on how they voted and why. We then shared these as a class. Gary, a student who had consistently supported of H.R. 339, had this to say:

I'm not sure which way I'm going to go with it. Every time someone brings up a good point, I'm like yeah, I agree with that. You have white. You have black. I'm in the grey. When it comes to kids, I think parents have to be responsible for what they eat. But what happens when your kids go somewhere else?

Gary's testimony surprised me, as did his change of vote, in part because he had been one of the most ardent proponents of "personal responsibility" in our discussions. And even though several of the students in the class had engaged his arguments of personal responsibility throughout the semester, somehow an audience member had loosened his hold on the notion of parental responsibility, leaving him suddenly "in the grey." Gary's articulation of this in class felt like a breakthrough moment, because he was able to name the problem of dichotomous "black and white" thinking and was now searching for an alternative as he inhabited the grey.

A second student, Leah, changed her vote over the course of the run. In her short essay on how she voted, Leah wrote:

My vote swayed back and forth on the bill throughout our performance. On the first night of the performance I did not vote. I know that it was bad that I didn't vote, but I just couldn't make up my mind. On the second night of the performance I voted for the bill. I thought people have to know that McDonald's food is fattening and if you eat it all the time you will most likely get fat. I'm a proponent of personal responsibility. We choose what we are going to eat. Many of the reasons I changed my mind were brought up in the performance. The fast food industry does market to children, which I don't particularly think is fair. Also, fast food is cheap and therefore a good choice for those from a lower socioeconomic class. But what made me ultimately vote against the bill was a comment from an audience member. She said that the legal system is set up so that frivolous lawsuits don't go to trial. I don't think we should have a bill that could possibly prevent a lawsuit that is worthy of being examined for trial.

I was intrigued by this student's self-described voter ambivalence, even chastising herself for abstaining: "I know that it was bad..." Leah seems to be struggling to reconcile being a "proponent of personal responsibility" and a critic of food marketing to kids (which she had documented in depth in her own research presentation to the class.) And, like Gary, she claims that what ultimately influenced her vote was a comment from an audience member. In this liminal democratic

performance space of the pre-vote discussion, Gary and Leah were listening to what their audience members had to say.

The third student to change her vote was Alyse. On the third night she voted against the bill, after finally contemplating its meaning:

Even though I had been there each night I really never thought about what the implications of the bill were and what it would mean to pass or fail it. [...] After the [Saturday night] show, I discussed the bill with some of my friends that had come to the show. I decided that though the cases could be somewhat silly and that it could be a waste of taxpayer's money, I could not justify ratifying a bill that takes away the rights of the people to even be heard. I grant that the right to sue is not in the constitution, but often suing is one of the only ways that one's opinion is taken seriously and heard. As a nation we are bound to protect the people and not the businesses of our country. This bill seems to be a shield for conglomerates and monopolies of the food industry and not at all intended for the good of the people. It seems that in supporting such a bill the food industry proves that they have something they wish to be kept hidden and this bill is meant for no other purpose than to blind the public. It is with this reasoning that on the third day of our performance, I voted against the bill. It was the only time I had actually thought about what it would mean for this bill to be passed.

When asked why she had voted in favor of the bill the first night, Alyse cited peer pressure and confusion about the wording of the bill, also stating that she wanted to see Bill sing again. (The class had agreed before the Saturday show that if H.R. 339 lost, then the character of "Bill" would return to sing an encore of "I'm Just a Bill.") It seemed that Alyse was invested, to some degree, in her vote as a performance for her peer group, as she contemplated how her classmates would view her or whether they would get Bill to perform again. And it was precisely because Alyse seemed to have so little at stake in the bill's passage that her incisive critique of the bill as a shield used to blind the public to corporate interests was so poignant. For Gary and Leah, the audience discussion had proved a disruptive space for considering alternate positions. For Alyse, it was talking with friends after the show that had provided such reflective space.

In this sense, it was important that this pedagogical project of investigating fat suits was a *performance* project, and not some other worthy endeavor such as a public debate over fat suits or a closed classroom discussion. By what Anna Deavere Smith has famously described as "walk[ing] in the speech of another," (xxvii) students inhabited risky positions on a fractious social issue, positions that may have initially seemed foreign or even loathsome. And, at times, students found their own positions challenged. The student who played food industry lobbyist Rick Berman, for example, agreed with Berman's position upon first reading, but became less enchanted with the character the more he *became* Berman. We had adapted Berman's voice from an NPR interview in which he attacked public health advocate Kelly Brownell's credibility on the basis of his weight:

BERMAN: Wait. I just heard Kelly talking about—"small imperceptible taxes." But in his book he speaks about large snack taxes that can generate considerable revenue and appear to drive down sales of these foods. Mr. Brownell has admitted that his own obesity is related to the fact that he was very sedentary while he was writing his book. And he admits that lack of exercise and snacking has resulted in his own weight gain. Now this is a personal responsibility issue. The restaurants that he went to, I'm sure, offered doggy bags if he wanted to take a smaller portion size home.

As we rehearsed this portion of the show, the actor playing Berman had difficulty playing the personal attack—at times he would stop the scene with his own uncomfortable laughter. When asked once why he had stopped the scene, he said: "I don't want to do this part. I feel like a jerk saying those things." The heightened, reflexive space of performance had led him to this realization. After all, this student had expressed an unproblematic sympathy with Berman after reading the NPR interview in class. It was only through a rehearsal process that challenged him to repeatedly embody Berman that the student found himself uncomfortable with Berman's position, arriving at a more complex, less sympathetic view of his character.

The Hostile Student Body

The majority of students I encountered in both classes, like the American public more broadly, were inclined to view the specter of obesity lawsuits unfavorably. I was initially alerted to the antagonism surrounding fat suits when a student in 2002 had called it "a stupid idea" to base a performance on the topic. This hostility toward, and easy dismissal of, fat suits in particular and obese bodies in general bubbled up at times, causing some discomfort. Most alarmingly, some students exhibited hostility toward a distant, imagined obese public seeming to confirm Hartley's notion that "fat-phobia is one of the few acceptable forms of prejudice left" (65). For example, one student said in class discussion that fat people needed to "put down the Twinkies and get their fat asses off the couch." I generally took a hands-off approach to such statements, pointing to their harshness but not critically interrogating the underlying hostility. I was keenly aware of not wanting to silence the students, but I now feel that I may have inadvertently legitimated such fat hostility by not exploring these missed "teachable moments" that a more mature teacher would most likely have handled better.

The most problematic of all such statements came at the end of the course by a student who had been very quiet all semester. In the post-performance class meeting where I asked students to share how they had voted over the run of the show, this student said that she had voted in favor of the bill all three nights. She then offered this succinct malevolent prognosis for the obese: "This whole issue is human evolution. We're dumbing it down too much. Fat people are going to die off. Problem solved." I was shocked by the statement. I paused and awkwardly

responded, “even when class and poverty are factors?” The student responded, quietly, “I don’t know.” Another student said to her, “Don’t recant. We’re not going to burn you.” The conversation proceeded with no discussion of her statement. It had become a space of disruption that was too abject for us to inhabit. I felt I had failed. To her obesity was a crime punishable by death, the only warranted action: inaction, as the fit and thin stand by sneering while the obese move on in grave procession. Did she conjure this same scene for others in the class, I wondered, and are they disgusted, or titillated, or amused by what she has said? My biggest fear was that they were all thinking the same thing but not saying it. I am still exhausted by this possibility.

I have thought often of this student’s statement and long mourned the lost opportunity to delicately unpack the hostility behind her sentiment (not to mention what was at stake for her in making it). The statement was particularly shocking because of the ugly truth that it revealed, a truth that went beyond fat prejudice and into a larger ethical problem characteristic of late-stage global capitalism and American individualism. It displayed an ethics of *uncaring*, an ethics that absolves individuals from the burden of dealing with collective problems by promoting isolationism, apathy, and cynicism (or perhaps serving as a strategic distraction masking fear or self-loathing).⁵ This student certainly was taking a risk in saying what she did. After a fourteen-week process that had encouraged students to question authority and challenge assumptions through play, this student’s statement might also be viewed as an enactment of rhetorical agency liberated by the performance process. It is still difficult for me to view it as anything other than a failure.

Reckoning with the Uneasy Student Body

Performance work is ephemeral; its very nature is that of disappearance, as Peggy Phelan has famously noted. Its surviving artifacts—playscripts, programs, costumes—belie its impact, which exceeds both the materials and moments of live performance in ways that are impossible to measure or predict. I have offered in this essay some illustrative examples of the ways that performance exceeds itself, multiplying into an unknowable multitude of potentially productive traces of the original performance process. These traces, like the creative process that precedes them, are characterized by an awareness, invention, and investment that are perhaps the promise of a democratic social theatre.

⁵ Gilligan’s “ethics of care” offers us possibilities for rearticulating “responsibility” as shared. Gilligan writes: “The ideal of care is thus an activity of relationship, of seeing and responding to need, taking care of the world by sustaining the web of connection so that no one is left alone” (62).

Dealing with obesity lawsuits in the performance classroom created a situation in which competing claims and positions on obesity worked themselves out on student bodies and within our deliberative body, often taking us to disruptive and uncomfortable spaces that were illuminating, perplexing, and exhausting, sometimes simultaneously. In at least one case we arrived at a place where reason and communication shut down, and fear and loathing arrived to fill the void. I found moments such as these particularly hard to negotiate in the classroom, often missing the opportunities such occasions presented for delving into obesity as bodily taboo. And yet, even as students claimed such sites of resistance (to the topic of obesity, to the process of dialogue), these spaces may have been just as productive in their excesses, particularly in what was happening outside of our classroom.

As a teacher and researcher, I am left to wonder what impact my students' social theatre experiences will have on the choices they make over time as they continue to negotiate their world. I wonder whether the learning that took place in the performance classroom might lie dormant, waiting to be activated in some future moment. Phelan speaks of this as "reckoning," the process by which our initial response to performance changes over time, as ongoing experience and reflection deepen and complicate our visceral response to the immediacy of performance (162). What reckonings will my students experience as they continue to encounter the issue of American obesity? What reckonings may occur as they struggle with their own children's tantrums in the candy aisle? Will they recall the food industry's strategy of "pester power" in that moment of the tantrum, and will it make sense then in a way that complicates notions of responsibility? These things I can only imagine, and I imagine them hopefully.

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