

28 Days Later

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Ofttimes people go to the movies to escape reality, but what if a movie could be a reality? In the case of the movie 28 Days Later, a reality of this type is highly unlikely. The unrealistic aspect of the movie lies in the disease itself, "RAGE." Although unrealistic, it appears that the reasoning behind this disease is a metaphor – of the effect of the social disease of rage, anger and hate upon people. On the other hand, the movie does provide some insight into the "cause and effect" of a release of a devastating disease created within, presumably, a bioweapons lab.

The movie begins inside a laboratory, panning to TV monitors playing clips of mass hysteria and chaos in the world – people rioting, public hangings, etc. Then one notices chimpanzees actually restrained within the lab, being forced to watch the material on the monitors. The scene changes to show three animal activists infiltrating the lab with significant ease. Clearly the security within this facility is substandard – the activists deactivate monitors in the hallway and use a stolen access card to enter into the lab. Prior to releasing any chimpanzees, a scientist enters the lab to find the activists inside. The scientist warns them that the animals are infected, stating "in order to cure, you must first understand." He warns the activist that the infection is in the blood and saliva – one bite and the infection spreads. Unconvinced one of the activists begins to release a chimp, which then attacks and bites her – within seconds the activist becomes infected. She spits blood into the face of another activist, who then also becomes infected...and the infection begins. The movie then fades to black and the text "28 days later..." appears.

The movie then transitions to 28 days later in a hospital room where the character *Jim* (Cillian Murphy) awakes to a world ravaged by "RAGE." Previously hospitalized for some kind of head injury, Jim appears to have avoided the infection. He leaves the hospital to find an empty world...leading one to believe he may be the only person left. He soon finds that the diseased people are only in hiding and manages to avoid becoming infected by being saved by two other survivors, *Selena* (Naomie Harris) and *Mark* (Noah Huntley). The survivors seek out others and eventually find a father and daughter, *Frank* (Brendan Gleeson) and *Hannah* (Megan Burns). The hope of the survivors is to find some type of secure location within Great Britain, safe from the zombie-like infected who attempt to bite and tear apart any uninfected person. All forms of broadcasting have apparently ceased until the survivors hear a radio broadcast indicating a military establishment that claims to have a cure for the infection. The group sets out to find this establishment and its so-called "cure."

The movie itself is structured in a unique way, in terms of time. The movie begins with the first human infection and then transitions to 28 days later to a land completely ravaged by "RAGE." The movie then transitions to the final 28 days later in which the audience learns the fate of the survivors of the infection and if in fact they remain survivors. The acting in the movie is surprisingly good, especially from the two main characters, *Jim* and *Selena*. *Jim*, at the beginning of the movie, conveys how truly lost and alone the city feels. Throughout the movie, the audience sees *Jim* adapt to his environment, which in its infected state, requires survival of the fittest. *Selena* plays the role of the "rock," and plays it well – the individual who has come to terms with the situation and has no hesitation in killing individuals that become infected.

The Director, Danny Boyle, manages to turn what could be just another zombie flick into a movie that makes you think, especially if you catch the "RAGE" metaphor. Of particular note

is the scene when *Jim* leaves the empty hospital he woke up in to only find what appears to be a deserted city as well. As he walks through the city, the background music resonates with the sadness and absolute solitude *Jim* must feel. *Jim* crosses through a plaza, devoid of human life, and ironically an advertisement in the background displays the smiling faces of beautiful people. *Jim* walks to a kiosk plastered with flyers. When he reaches it, he discovers they are messages searching for loved ones lost during the height of the infection. The movie focuses on one message in particular – it has a picture of a small boy, and the message is from his mother, asking if anyone has seen him to contact her at a certain refuge because the school he was at was deserted. This allows the audience to understand the magnitude of the infection – that it could separate a mother from her child within a day. In this movie Boyle allows the audience to feel what *Jim* is going through – his bewilderment at what has happened, his shock and loss at finding his parents dead, and eventually his strength and desire to survive.

One draw back of the movie is the disease and the special effects used to indicate an "infected," meaning an infected person. Once a person contracts "RAGE," they themselves become enraged and blood thirsty. The special effects used to indicate an "infected" show the people in a zombie-like state, with red eyes, spewing blood from their mouths, walking jerkily and completely incoherent – making the movie quite unbelievable. The film could have been just as effective, or more so, if the disease had been a recognized disease or an engineered disease. For example, a genetically engineered hybrid of smallpox and Ebola could have been utilized.

28 days later presents a few legal issues of importance. The sheer devastation of the disease eliminated the government, therefore, laws effectively ceased to exist. While *Jim* is

wandering through the city trying to find other people, he finds a newspaper with the following headlines that you can see if you *pause* the movie:

EVACUATION

- Mass exodus of British people causes global chaos
- ...Blair declares a state of emergency
- ...Military ordered "shoot to kill"...
- Government check points overrun
- UN to build giant refugee camps

Of course, the primary legal issue presented in this situation is what can the government legally do? One must keep in mind that this is Great Britain and not the United States, which although have the same legal tradition, vary based on government organization. The most significant difference is the United State's federalism relationship with the states of shared powers.

When dealing with a deadly disease that has no known cure, one must consider what steps must be taken in order to prevent further infection. The first option of course would be to quarantine the individuals infected. If this were the United States, each state would have the ability, under police powers, to quarantine certain areas. At the same time, because of the restrictions a quarantine places on fundamental rights, the government would have to have a compelling state interest in quarantining areas. Further, the quarantine itself must be narrowly tailored and the least restrictive means to achieve the state interest. If the United States had a disease similar to "RAGE," a quarantine would have no problem passing this kind of strict scrutiny analysis. The reason being is that the individual rights of the "infected," who more than likely cannot be cured, must be trumped by the need to protect the rest of the population. But to what degree can the government enforce the quarantine? As indicated in the headlines, military was ordered "to shoot to kill" the "infected." If this kind of disease did occur, which is a BIG "if," it seems likely that deadly force could be used to enforce a quarantine. This is because the infected individuals are clearly dangerous, not just in terms of spreading a deadly disease, but the

way the disease makes the infected want to kill others. Further, if this were to happen in the U.S., there would be a clear violation of the *Posse Comitatus Act*, which prevents the use of the military against civilians. But, given that this would be a state of emergency, the use of the military under the *Posse Comitatus Act* would be allowed under an exception, such as the constitutional exception of Presidential Power in emergency authority. Further, it could fit within the statutory exception that allows the use of military by the President to control an insurrection, as was utilized during the 1992 Los Angeles riots. The movie also raises the question as to whether researchers have a right to conduct research which could potentially create a new deadly disease. Clearly, if this right exists, the government would have a compelling reason to prevent all research of this type given the possible harms associated with the risk of contagion.

International public health issues arise within the context of 28 days later as well. The primary issue is how to control and prevent the spread of infection. A disease of this nature invokes fear in the public, and as the headline indicated, caused a "mass exodus" of people from the country resulting in "global chaos." Additionally, the movie indicates that "RAGE" infects people and animals equally. So even if you could control the migration of people, what of animals? This is similar to avian influenza, but worse, because the infected animals actively seek to attack people and other animals. This kind of disease, therefore, requires a response internationally, such as from the World Health Organization in concert with the United Nations. To prevent the spread, countries would need to close borders and international travel would need to cease. Because the disease is new and presumably created by man, efforts would need to be taken to search for some kind of cure. To do so, infected animals and people would need to be studied, raising questions as to ethics of human test subjects. Additionally, an effort would need

to be undertaken to determine the source of the infection, and in particular, the research material that was collected during the creation of the disease. Because of the violent nature of the disease, a military role in preventing further infection would appear to trump that of public health, which would mostly be playing a role in simply finding answers as to how to stop and prevent further spread of infection and possibly find a cure.

Overall, the movie is quite enjoyable and frightening at the same time, the only drawback being the absurdity of the disease – specifically its creation and the effect it has on people. The movie does raise issues of legal importance such as what amount of force the government may use for the good of the people. In terms of public health, one is concerned primarily with how the international public health community could respond to a newly created disease of this kind. Let's hope we *never* have to consider these issues in conjunction with a disease like "RAGE."