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## The Sociological Eye 2018

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# **The Sociological Eye 2018**

**Journal of the Sociology Department  
Loyola Marymount University**

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# Introduction

This edition of *The Sociological Eye* presents insights into recent developments in the sociological study of societal/crime problems and social movements or policy initiatives to address them. The issue considers a diversity of social problems that are matters of public concern in the context of criminal justice, health and mental health, education, social media, and other institutions and settings. The contributors use a variety of methodological approaches and theoretical perspectives to examine inequities of race, class and gender related to problems that persist in U.S. society. The articles focus on ways to advance social equity and justice and have important policy implications for improving collective responses to social/crime problems.

Top Paper: “Mass Incarceration in the United States” by Claudia Gonzalez

Runner Up: “Women of Color & Health: Disparities in Health, Factors that Influence Health, and Experiences in the Healthcare Setting” by Savannah McGinnis

# Mass Incarceration in the United States

*Claudia Gonzalez*

## Introduction

In recent times, we have seen a significant increase in the number of people entering our prison system. The majority of these people come from lower-income communities, in which law officials specifically target people of color. This growth in our inmate count has rapidly become a social problem, due to its impact on targeted communities and the distribution of taxpayers' money. Although community corrections programs are usually cheaper and more effective in regards to rehabilitation and lower recidivism rates, the U.S. government continues to invest in the constructions of costly new prisons. These economic factors have also led to the involvement of private business companies investing in the constructions of private prisons that require total capacity fulfillment in order to produce profits.

The subject of mass incarceration has become an important social problem due to the disparities among the prison population and the fact that specific groups of people (minorities) are being circled through our justice system. To further understand this current issue, it is imperative to review the history that led to the massive installations of prisons and the reasons why these prisons are continuously overflowing. Furthermore, it is also vital to not only examine the reasons behind overcrowded prisons, but also to analyze the consequences of this issue. This study reviews the U.S.'s dark history of discrimination and the impact of the War on Drugs in the fostering of mass incarceration. It also analyzes incarceration rates in regards to specific people of color and how these rates influence not only their communities, but our society as a whole as well.

This research paper is divided into five sections, each one analyzes an important aspect associated with mass incarceration in the U.S. The first section examines the racial disparities in regards to prison populations across the nation. The second section provides a historical explanation to these disproportionate incarceration rates. The following section further explains Michele Alexander's notion of the "school-to-prison pipeline" and how youth are ultimately pushed into the criminal justice system. The fourth section describes the involvement

of private prison companies that contribute to the never-ending construction of prisons and the need to have them filled up. The final section then analyzes the myriad of effects mass incarceration has on the communities of color that are primarily targeted.

## Literature Review

Michele Alexander's (2012) book discusses the disproportionality in imprisonment rates there are in the United States in terms of race. She argues that the African-American race and Latinos (to a lesser extent) are primarily targeted by the criminal justice system due to the long history of discrimination and labeling associated with these specific minority groups. Alexander also highlights the notion of the "school-to-prison pipeline", in which students of minority groups go from being expelled from school to experiencing enhanced police surveillance and ultimately being arrested and entering the criminal justice system.

Alexander details the history of slavery and discrimination Africans Americans faced in order to further explain how they continue to be "enslaved" today. She explains how the launch of the War on Drugs fostered the creation of "new" Jim Crow laws. This new era of "Jim Crow laws" vilifies groups of color and encourages strict policing of these communities. When policing these communities, police are given the authority to round up (e.g. neighborhood sweeps for drugs or gangs) anyone they suspect of any type of involvement with illegal drugs. Once in the criminal justice systems, suspects are given inadequate legal representation and ultimately left without any other option than to plead guilty or negotiate a plea bargain. Furthermore, the sentencing of these men and women not only impacts their lives directly, but our society as a whole (even though we may turn a blind eye to it).

Likewise, Lee's (2015) article explains how these racial disparities do not only affect the lives of people of a certain race, but also various other aspects of society and its institutions. Lee utilized the responses addressing prisons from the 2006 General Social Survey to col-

lect his data on the influence of mass incarceration. Lee found that both African American men and women are extremely likely to have a connection to at least one prisoner. More specifically, the data collected illustrated that one in four women have a family member in prison (Lee 2015). These factors can all influence the probability of youth engaging in criminal activities due to the impact mass incarceration has on parenting.

Furthermore, Lee claims that mass incarceration has essentially reshaped American inequality completely in regards to the lives of the prisoners' family members. Lee comes to the conclusion that having a loved one or acquaintance in prison ultimately impacts these individuals' political behavior, overall wellbeing and involvement with criminal activity. In addition, the convicts themselves face endless hardships if they do ever leave prison. These hardships include: difficulty finding employment, as well as loss of benefits for public housing and welfare- ultimately making it extremely difficult to reintegrate into society (Lee 2015).

Zimring's work focuses on imprisonment rates and stresses the influence of politics in terms of the specific punishments administered to convicts. He notes that incarceration rates quadrupled in the 1980s and continued to increase in the mid-1990s due to the implementation of the three strikes rule, mandatory drug sentencing and other serious, repeat offender laws. Zimring states that there are three main factors which he believes would moderate the influx into the prison system: the decentralized structure of criminal law and punishment, the absence of changes in penal legislation and finally, the fixed number of prisons (Zimring 2010). Surprisingly, none of these factors have actually been of great influence in the moderation of the prison population and that it actually continues to increase steadily.

Hawkins and Hardy (1989) take a deeper look into the varying imprisonment rate across the nation and attempt to explain the reasons behind such great racial disparities. Their study analyzed imprisonment data from 39 states and was based off Blumstein's 1982 study in which he found that the black and white incarceration proportion was about seven-to-one. Hawkins and Hardy found that New Jersey, Michigan and Maryland had the greatest differences in black-white incarceration rates. They also found that results were contrary to popular belief that there is greater discrimination in Southern states.

Hawkins and Hardy explain these regional differences in imprisonment rates noting three main factors: legally relevant considerations, methodological considerations, and racial bias. They found that across all the states they studied, African Americans have higher arrest rates for serious offenses than for arrests due to other offenses. In addition, they discovered that race-offense stereotyping explains the higher rates of African Americans being convicted and incarcerated in the Northeast. In terms of methodological considerations, Hawkins and Hardy highlight the problematic fact that the Blumstein (1982) study utilizes arrest data for only one year in order to predict imprisonment percentages for the following year. In conclusion, they mention the possible influence of racial discrimination in the unexplained overrepresentation of African Americans in the criminal justice system.

In addition, Campbell et al. (2015) utilized historical research and quantitative analyses of data collected between 1970 and 2010. Campbell et al. note that in the past four decades, there has been a 450 percent increase in incarceration rates across the nation. He explains how the increase in convicts, sentences and construction of prisons was due to legislative decisions rather than on actual evidence that proved the efficiency of prisons in ensuring public safety. Consequently, higher incarceration rates were not necessarily a product of increasing crime rates; in fact, even though crime rates were declining, the number of prisons being constructed continued to increase (Campbell et al. 2015).

Likewise, Jarvis (1998) focuses on trends in crime and punishment in the 1990s by analyzing empirical studies and offers further models to understand the fluctuations in incarceration rates. Through his theoretical approach, Jarvis finds that imprisonment utilized by the rich as a means to control the poorer, marginalized population. He notes that rather than focusing on tactics of punishment in order to deter individuals from engaging in criminal behavior, there should be a focus in providing education and job training in order to enable these individuals to legally sustain themselves.

Christian and Thomas (2009) on the other hand, utilized the concept of intersectionality to examine the effects mass imprisonment has on communities of color. They focus on the impact imprisonment has not only on women, but specifically on African American women. These women are greatly affected by mass impris-

onment due to the fact that they not only form part of a targeted community, but also because of the tasks attached to their gender and the roles they are expected to perform. Black women that are not in prison are ultimately forced into serving as a social support system and caring for the family members that the incarcerated leave behind.

Finally, Pfaff (2017) highlights the influence of bipartisan politics and the stance each “side” takes in regards to prison reforms. Liberals tend to view mass incarceration as a form of structural racism whereas conservatives view it as government overspending and refuse to reform sentences for violent crime offenders. Although bipartisan coalitions continue to work together to reform state laws, like reducing sentences for nonviolent and/or drug crimes, there seems to be no significant decrease in the prison population. Pfaff argues that long sentences do not really work to lower crime rates and notes that there should be a greater emphasis on police work rather than punishment. In some states though, like in California, there has been a “re-alignment” in the sentences for prison inmates that committed non-violent, non-serious, and/or non-sexual crimes. Rather than staying in prison for life, these inmates are transferred to county jails and/or released on probation.

### **Hypothesis/ Research Question**

In this study, I focus on our country’s prison system, but more specifically on why and how communities of color are targeted. I analyze the vast history behind the growth of our prisons and how they have transformed from correctional institutions to private businesses. Through my research and data collection, I hope to find out why communities of color make up 40 percent of our prison population and how it is that these private prisons continue to profit. Furthermore, I argue that this is due to our country’s long history of discrimination and the inadequacy of our social institutions’ ability to provide viable resources to historically targeted groups.

### **Methods**

In order to understand the history of our country’s prison system, I analyze previous studies that have focused on these institutions. Since I am also examining a contemporary aspect of this issue, I review not only

past incarceration rates, but also current rates and discuss how they have changed throughout time. In terms of the incarceration rates, I gathered specific data that will allow me to analyze the role race plays in this issue.

I analyze previous research that discusses the impact of the War on Drugs and the specific racial groups it targeted. In addition, I utilize previous research to illustrate the progression of mass incarceration and use historical background to provide insight into the specific targeting of the African American community. In order to relate the statistical and historical information gathered to a more contemporary time frame, I also analyze how various institutions feed into mass incarceration and how communities are affected by this systematic oppression.

### **Data and Analysis**

#### *Racial Disparities in Imprisonment Rates*

The U.S. contains five percent of the world’s population and 25 percent of the world’s prisoners (Pfaff 2017). As illustrated in various studies, there is large difference in the incarceration rates of in communities of color versus those of the non-minority group (Whites). In regards to these differences in incarceration rates across the nation, Black to White ratios range from 22% to 96% (Hawkins & Hardy 1989). In terms of gender differences, Black men are imprisoned at a rate 6.2 times higher than White men whereas Black women at a rate of 3.1 times that of White women (Christian & Thomas 2009). Between 1979 and 1981, the ten states with the highest racially disproportionate incarceration ratios were (in order from highest to lowest): Minnesota, Wisconsin, Massachusetts, Dist. Of Columbia, Pennsylvania, New Jersey, Connecticut, Maryland, Michigan and Washington.

More specifically, there was significant increase in the prison population between the 1970s and 2007. The prison population in 1972, 205,000, increased to 800,000 by 1991 (Zimring 2010). For every five-year period between 1985 and 2000, anywhere between 300,000 and 437,000 people entered the prison system (Zimring 2010). Currently, there are more than two million people incarcerated all in various different types of correctional facilities and of these two million people, one in five were arrested for a non-violent drug offense (Pfaff 2017).

## *The War on Drugs*

What triggered these disproportionate rates of imprisonment? In 1971, President Nixon declared a “War on Drugs” which ultimately triggered a strict response to any crime associated with illicit drugs. “Convictions for drug offenses are the single most important cause of the explosion in incarceration rates in the United States” (Alexander, 2012, 60). This so-called war changed the rules of the game and African American citizens “unconsciously” became the primary targets. The tough approach against the use, distribution or any type of involvement with drugs allowed the Supreme Court to eviscerate the Fourth Amendment’s protection against unnecessary searches and seizures by the police. This decision, along with the Terry decision (Terry v. Ohio), gave way to “stop-and-frisk” tactics in which police are allowed to stop, question and even frisk anyone who seemed suspicious of engaging in criminal behavior (Alexander 2012). Although the police are permitted to do this, many times they failed to inform citizens of their right to not give consent and refusal to be searched. Furthermore, when the police conduct random searches or interrogate people, specifically in areas where people of color frequent, and fail to inform them of their rights, these people end up being swept up in the criminal justice system for minor infractions.

When thinking about the War on Drugs, we imagine bringing an end to the use and distribution of dangerous illegal drugs, yet as Alexander (2012) explains, the majority of people are imprisoned for minor, non-violent offenses. For example, 80 percent of the drug arrests in the 1990s were for marijuana possession (Alexander 2012). But due to the punitive approach encouraged by this war, more than 7 million people were imprisoned, put on parole or on probation by 2007 (Alexander 2012). Furthermore, the War on Drugs vilified (through the media) specific groups of people, especially African Americans and allowed for the policing and surveillance of these communities. And in fact, the War on Drugs became an actual war, police departments were provided with military equipment and SWAT teams were sent to major cities to combat “drugs”. Consequently, there was a peak in violent crimes in the 1990s and rates continued to steadily decrease until present day. Ultimately this raises the question as to why mass incarceration is still a problem today if crime rates are the lowest they have ever been.

## *The Private Prison “Industry”*

Consequently, mass incarceration comes attached with the need of large numbers of prisons to house arrested individuals. But how does the U.S. government manage to provide for all of these costly institutions when dealing with a strict budget? This is where the private prison industry comes in. The Correction Corporation of America introduced the idea of running prison for profits in the 1980s and since then there has been an explosion in private-run correctional facilities. Present day, these companies incarcerate 6 percent of state prisoners, 16 percent of federal prisoners and 50% of detained immigrants (Shapiro 2011).

Evidently, these companies benefit tremendously from overflowing prisons, but just how much? “In 2010, the two largest private prison companies alone received nearly \$3 billion dollars in revenue” (Shapiro 2011). Although these private prisons may seem as a reasonable solution to cut government spending on prisons, they can ultimately be damaging to our criminal justice system. Rather than reducing sentences or reforming laws to release non-violent offenders, states could be lured into building more and more private prisons and incarcerating greater numbers of people.

Furthermore, these private prisons not only pose a threat to our legal system, but also the wellbeing of the prisoners and their families. Multiple studies have depicted the physical and psychological abuse prisoners experience while incarcerated in these institutions. Much of the staff working in these prisons are inexperienced and fail to respond adequately to bursts of violence between the inmates. In addition, many of the facilities themselves do not provide human conditions and are not very clean or sanitary (Shapiro 2011).

### *School-to-Prison Pipeline*

Present day, the problem of mass incarceration begins at the schools in communities of color. Alexander (2012) coined the term “school-to-prison pipeline,” which explains how zero-tolerance rules guide youth of color to the path of criminal activity. For instance, schools are set up with fences, guards and even metal detectors in some, mimicking the prison environment. Minor infractions and/or unacceptable behaviors are handled by the guards/police in a disciplinary manner, rather than by the schools’ staff through a more educational approach. Both Black and Latino students living in lower-income communities are the primary targets

of these disciplinary laws in which they are harshly sanctioned for misbehaving. Although Blacks represent 17 percent of the student population in the nation, 34 percent of those students are suspended and Black students have a 2.6 higher chance of being suspended than that of their White peers (Wald & Losen 2003).

These suspension rates clearly illustrate the notion that minority students are harshly punished for lesser offenses than their White peers. Consequently, the idea that these students are on “the prison track” has triggered the disproportionate placing of suspended minority students in juvenile correctional institutions and/or eventually being pushed out of school completely (Wald & Losen 2003). In addition, various laws have been passed which reinforce sanctions against youth. “Black youths with no prior criminal records are six times, and Latino youths three times, more likely to be incarcerated than whites for the same offenses” (Wald & Losen, 2003, 4). Ultimately, youth of color, rather than being educated to better their future, are guided down the path that leads to prison by their schools.

#### *Impact on Communities of Color*

As described previously, mass incarceration greatly impacts communities of color, specifically that of African Americans in the U.S. In regards to the impact of the intersectionality between race, class and gender, mass imprisonment has created a system in which the primary group at risk is uneducated and poor young Black males (Christian & Thomas 2009). Previous studies (Western 2006) have found that of the Black male high school dropouts ages 20 to 40, 32.4 percent of them were incarcerated. This illustrates how low educational attainment leads to cycle of structural disadvantages in which these young men are essentially forced into engaging in criminal activities.

Nevertheless, when gender is considered, African American women arguably face more extreme hardships than those who are actually imprisoned. Lee’s (2015) research found that 44% of African American women have a family member in prison, but only 12% of White women have the same experience. Inclusively, African American men had the highest rate of having people they could trust in prison, 2.87% in comparison to the three other groups studied (White men, White women, and African American women). Furthermore, it is imperative to understand how the lives of the women left behind to care for the families of the impris-

oned are affected. These women experience what has been coined as a “secondary prisonization” (Christian & Thomas 2009) in which they face a shift in responsibilities and become the primary caregivers of the children of the incarcerated family member. Ultimately, this “secondary prisonization”, retains these women from attaining any social and/or economic upward mobility.

Similarly, when prisoners are released back into the community, they face endless hardships as well. If these ex-convicts are not accepted back into their homes with their families, they face the issue of homelessness since the government does not allow them to receive any housing or welfare benefits. In terms of employment, convicted felons are required to check off the “box” and private employers are allowed to discriminate against them because of their past criminal record (Alexander 2012). Consequently, these people are left with essentially one option, return to the criminal behavior that ended them up in prison. According to the United States Sentencing Commission, 44.7 percent of released federal prisoners are arrested again after five years (Hawkins & Hardy 1989).

#### **Conclusion**

Overall, the growth in incarceration rates across the nation has proven to greatly impact our society as a whole. Mass incarceration not only pulls at our nation’s budget in terms of building prisons, but more importantly, it questions our responses to crime and our moral compass in regards to the wellbeing of all of our communities. The War on Drugs facilitated the targeting of minority groups and provided the grounds for incarcerating a large percentage of our population for minor infractions. Furthermore, the school-to-prison pipeline continues fostering the issue of mass incarceration by leading youth of color down the path to crime and imprisonment.

In conclusion, mass imprisonment continues to pose a threat to communities of color. The boom in the private prison industry only worsened the conflict and unless laws and policies are reformed, there will be no concrete results in terms of decreasing incarceration rates. Inclusively, it is vital to take into account the fact that there is a specific community being targeted and the effects are devastating to our society as a whole.

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# Criminal Profiling

*Bliss Paik*

## Introduction

In today's rapidly changing society, the field of forensic psychology has experienced major growth due to the advances in science and technology. Because of this, there has been an increased demand for social scientists in the legal field. Criminal profiling is one specialty area of forensic psychology that is practiced by psychologists and behaviorists, and is known to be more accurate in identifying suspects in certain criminal cases. As forensic psychology brings about new practitioners, the use of criminal profiling through expert testimony will also likely increase. This paper will address the validity of criminal profiling in different types of criminal cases, and will argue for the increased admission of criminal profiling as evidence in trial.

## What is Criminal Profiling?

Criminal profiling represents a method for "narrow[ing] criminal investigations to suspects who possess certain behavioral and personality features that were revealed by the way the crime was committed" (Greene & Heilbrun, 2014, pp. 147). Profilers use psychological principles as an investigative technique to point out special characteristics of a crime in order to develop a profile. They do not identify a specific person as the subject, but develop a general description of the possible suspect that consists of physical characteristics such as age, height, race, and sex as well as psychological characteristics such as hobbies, interests, and reactions to police (Greene & Heilbrun, 2014, pp. 147-148). A profile, however, can only be put together after investigating all aspects of the crime scene and possible connections to past crimes.

The first step in the investigation for criminal profilers is analyzing the crime scene. The crime scene can be considered one of the most important parts of an investigation because it "contain[s] messages that will lead to answers that the investigator needs to solve the crime" (Douglas & Munn, 1992, pp. 249). At the crime scene, profilers look for clues that aid them in understanding the criminal behavior of the suspect. They

first look at the physical evidence of the crime scene as well as police and autopsy reports. They then develop more meaningful questions about their findings such as: What type of crime was committed? What is the motivation? What type of risk did the victim experience? What was the sequence of actions? Profilers then try to reconstruct the suspect's behavior to determine if they are organized or disorganized. An offender is considered organized if they are highly intelligent and target their victims based on a fantasy that they have. Someone who is disorganized would be "impulsive, less socially competent, [and] possibly even psychotic" (Greene & Heilbrun, 2014, pp. 152). The staging of the crime scene and the victimology are evaluated as well. After all these factors are assessed, the profilers can then formulate a profile which would later be used to aid in apprehending a suspect.

## Validity of Criminal Profiling

Although criminal profiling can be effective in apprehending a suspect, only certain types of cases lend themselves to profiling. Because profilers rely on distinct personality and behavioral characteristics that are revealed by the manner in which the crime was committed, they can only produce useful and valid criminal profiles in the types of cases that show "some form of repetitive behavior with unusual aspects, such as sadistic torture, ritualistic or bizarre behavior, evisceration, or staging or acting out a fantasy" (Greene & Heilbrun, 2014, pp. 148). Such offenses include serial murders, rape, and arson (Ingram, 1998).

One case where the authorities were successfully able to apprehend a suspect based on behavioral clues was in the case of Steven Pannel. He was a sexual sadist who murdered at least three women. He derived sexual gratification from torturing them alive by using hammers and pinching devices on their buttocks and breasts. None of the victims were sexually assaulted in any other way, and were killed by blows to the head with a hammer. He used duct tape and rope to control his victims while he tortured them. One reason why

the police were able to apprehend him and link him to other murders was because he left a signature. A signature is a unique personal expression left by the offender that is based on a certain fantasy that they have. In the case of Pennel, his signature was torturing his victims alive by inflicting pain on their buttocks and breasts. Victimology also helped connect him to these crimes: all three victims were prostitutes with history of drug abuse. They were taken from the same general area and were all disposed of in a similar manner within miles of each other. He left the bodies in full view on the side of the road like roadkill. His disposal method can also be considered another aspect of his signature due to the absence of remorse (Douglas & Munn, pp. 261-265).

Another case that resulted in a successful arrest due to an accurate profile was in the case of Arthur Shawcross, or the Genesee River Killer. He was a prolific serial killer in Rochester, New York that murdered at least twelve victims. He killed his victims by either strangling them or smothering their mouths and throats with objects. He would then dump their bodies into the Genesee River Gorge, and would sometimes revisit the bodies to mutilate them and masturbate. Special Agent Gregg McCrary, a criminal profiler from the F.B.I, took part in the investigation, and developed a profile based on the crime scenes and police reports of thirteen unsolved murders. They found that most of the cases follow a similar pattern, and decided that the murders were done by the same person. They developed a profile that described the suspect as a white male in his 30s that did not stand out in any way, drove a basic car, and had a low paying job. Because Shawcross targeted prostitutes, McCrary deduced that the suspect was familiar with the area where the girls worked, possibly even a regular customer. They also decided that he must either work or live around the area because only locals would know the areas where the bodies were dumped. They assumed that he would return to the bodies in order to mutilate them because his first victim was found cut open postmortem (done several days after the murder). They believed that he would follow this pattern with his future victims. Victimology and the revisiting of the bodies were the key factors that led to his arrest. He was apprehended by authorities while revisiting a body and masturbating, and was further determined as the perpetrator when several prostitutes confirmed that he was a regular that the victims knew. They also found that he was a fisherman whose favorite fishing spots were the

exact areas of the disposal sites (Levy, 2008, pp. 13-16).

### **Profiles Cannot Be Used as Evidence in Court**

Although criminal profiling is known to be successful in accurately narrowing down a suspect, profiles cannot be used as evidence in court. It is only an investigative tool that leads police to apprehend a suspect. The only way profiling can be presented in court is as forensic evidence by expert witnesses such as “criminologists, psychiatrists, psychologists, and F.B.I. special agents” (Bosco, Santtila, & Zappala, 2010). The role of profilers in the courtroom is relatively new, but is not widely accepted because courts conclude that in the profiling process, “there does not appear to be an adequate scientific foundation for expert testimony” (Greene & Heilbrun, 2014, pp. 154). Misperceptions of criminal profiling is one problem that impedes the use of profiling in court. In some cases, law enforcement and defense attorneys believe that profilers can answer specific questions about the offender’s behavior without the support of physical evidence. They do not understand that profilers need physical evidence in order to make inferences about an offender’s behavior. Evaluating physical evidence is the first step in developing a profile. The challenge for the profiler is to work with these misperceptions and provide reliable direction only when it is needed (Turvey, 2001, pp. 351).

Another problem that complicates the use of profiling in court is the nature of how profilers give opinions. While testifying, many profilers recount the series of events as “though they were with a video camera recording the whole event (Turvey, 2001, pp. 351). A profiler’s reconstruction of events should only be based on the evidence found during the investigation. They cannot assume facts that were not established, and cannot overstate the certainty of their opinions about the evidence. This, however, is not enough to be able to fully testify as an expert witness. Even when profilers are successful in admitting expert testimonies as evidence, many appellate courts tend to reverse the trial court’s decision to do so because expert testimony is constituted as “impermissible character evidence, improper subjects for scientific or expert testimony, and unduly prejudicial evidence (Ingram, 1998). Because profiling deals with personality and behavioral characteristics of a person, expert testimony by profilers should not outweigh any probative value of the case by using unfair

prejudice, misleading of the jury, etc.

It seems that criminal profilers must be qualified when admitting expert evidence. There are two standards that test the admissibility of expert witness testimony: Frye standard and Daubert test. The Frye standard, or general acceptance test, states that expert opinion is only admissible when the scientific technique or methodology is known as reliable in the scientific community. It originated from the case of *Frye v. United States* in 1923 where the admissibility of a polygraph test was questioned. The court found that the admissibility of the polygraph test should not be allowed due to the fact that it was not considered “generally accepted” in the scientific community. In order for an expert opinion to be admitted as evidence, different experts must attest to the validity of the science in question in a particular case (*Frye v. United States*, 1923). This case defined the standard for admitting expert testimony based on scientific evidence.

In theory, the Frye standard can be viewed as an effective method in deciding whether or not an expert’s opinion is reliable and generally accepted. In reality, however, many courts have difficulty in evaluating whether or not an expert’s opinion is truly reliable. One example where a court was misled into allowing an unreliable expert opinion was in the case of *Drake v. Portuondo*. Robie B. Drake was convicted of two counts of second degree murder and attempted to appeal his case. The prosecution brought Dr. Richard D. Walter, a criminal profiler, in as an expert witness. Walter claimed that Drake’s motive was based on “a fictional syndrome of sexual dysfunction, dubbed ‘picquerism,’ which is, ‘medically speaking, nonsense,’ but appeared to account for the particular, gruesome circumstances of the shooting” (*Drake v. Portuondo*, 2009). This reasoning was found to be unreliable and not generally accepted by the scientific community. It was later concluded that Dr. Walter provided a false testimony, and even bolstered his credentials in order to appear more credible.

In the case of *Commonwealth of Pennsylvania v. Distefano*, the testimony of a criminal profiler was successfully admitted under the Frye standard. Christopher DiStefano was charged with the murder of a prostitute. The expert witness limited his opinion to the crime scene analysis, and based it on scientific theories that were reliable and relevant to the case. He also avoided any assumptions and did not assume the guilt

of the defendant. This case was successful in admitting expert testimony by a profiler because it left the jury to decide on any inference of guilt (*Commonwealth of Pennsylvania v. Distefano*, 2001).

The Daubert rule is the prevailing standard that is used today by many states and federal courts. Because the Frye standard did not account for all areas of reliability in an expert opinion, the Daubert ruling was designed to address all aspects that were missing under Frye. It is based on three U.S. Supreme Court case rulings: *Daubert v. Merrell Dow Pharmaceuticals, General Electric Co. v. Joiner*, and *Kumho Tire Co. v. Carmichael*. In the case of *Daubert v. Merrell Dow Pharmaceuticals* in 1993, the court found that Rule 702 of the Federal Rules of Evidence did not include the Frye standard, but only incorporated a flexible reliability standard for expert testimony. Rule 702 was then amended in the case of *Kumho Tire Co. v. Carmichael* to state that expert opinion must: 1) help the trier of fact to understand the evidence; 2) be based on sufficient facts or data; 3) be the product of reliable methods; and 4) be correctly and reliably applied to the facts of the case. The role of the judge in determining the reliability of an expert testimony was first brought up in the case of *General Electric co. v. Joiner*. It held that a judge may exclude expert testimony if there are gaps between the evidence and the conclusion reached by an expert. This act of gatekeeping was then applied to all aspects of an expert testimony in the ruling of *Kumho Tire Co. v. Carmichael*. It was established that the task of gatekeeping, or determining the reliability of an expert testimony, rests with the judge. Because the Daubert rule covers almost all aspects of reliability for expert testimony, it is seen as the predominant standard in American courts (Zentner, 2011).

In the case of *Masters v. People of the State of Colorado*, an expert testimony by Dr. Reid Meloy was reviewed under the Daubert standard, and was found to be reliable. The defendant, Timothy Masters was charged with first degree murder. A woman’s body was found in an open field near the defendant’s home with multiple stab wounds, genital mutilation, and a distinctive scratch on her face. The evidence found in the defendant’s home should have been enough to link him to the murder. There were copious amounts of stories and drawings that illustrated his hatred of women. His stories were filled with his personal, negative opinions

about women while his drawings illustrated violent situations of women either in pain or being tortured. Investigators also found multiple knives (serrated) that were similar to the knife used to kill the woman as well as maps of the crime scenes. One particular drawing shocked the investigators because it illustrated the crime perfectly. The drawing showed a dead woman being dragged by her armpits with a blood path trailing behind her. This was almost identical to how the body was moved in the actual crime scene. All this evidence, however, did not definitively prove that Masters was the murderer in this particular case because they could not tie him directly to the crime scene at the time of the crime. The police brought in Dr. Reid Meloy as an expert witness to testify about “the identity of the perpetrator, the motivation and premeditation of the defendant, the defendant’s planning of the crime, his opportunity to commit the crime, and his subsequent knowledge of the crime” (Masters v. People of the State of Colorado, 2002). The defense objected to this by stating that the testimony was improper character evidence. The judge, however, overruled this objection and allowed Dr. Meloy to testify. Dr. Meloy testified about his training and experience investigating sexual homicides, and explained some of the techniques he used to connect the evidence of fantasy to sexual homicide. He explained that such fantasies could trigger a person to commit a violent crime, and stated that the defendant’s drawing and stories were evidence of fantasies. He was not allowed to assert that the defendant fit the profile of a sexual murderer, but was able to explain the relevance of all the evidence. The court found the defendant guilty of first degree murder, and his case was not upheld on appeal (Masters v. People of the State of Colorado, 2002).

## Conclusion

The field of criminal profiling has come a long way in becoming a legitimate sub specialty of forensic psychology. As research and technology advances, profilers will be able to use more reliable scientific foundations as support for their opinions. Many theories, however, are still regarded as unreliable and inadmissible due to misperceptions about profilers and their method of testifying. One common misperception is the belief that profilers can make statements about offender behavior without the support of evidence. This complicates the

use of profiling as evidence in court, and shows the lack of knowledge of the process of developing a profile.

In the past, most expert opinions by profilers were viewed as “impermissible character evidence, improper subjects for scientific or expert testimony, and unduly prejudicial evidence” (Ingram, 1998). To avoid this, expert opinions must meet the standards of Frye or Daubert before their opinions are admissible in court. In the case of Drake, the court rejected Dr. Walter’s testimony because he based his opinion on fictitious theories, and attempted to show the defendant’s guilt by directly connecting him to behavioral characteristics left at the scene. The case ended in a retrial due to the fact that his testimony was found to be completely false. This complicated the case by blurring the truth of the facts with the falsity of his testimony.

The Distefano and Masters cases were examples of correct applications of a profiler’s expert testimony in court. Distefano showed that profiler’s expert testimony can be admitted only if it is supported by reliable psychological theories, and avoids making any inferences of guilt. In the case of Masters, Dr. Meloy’s testimony was properly admitted because he based his opinion on reliable theories of psychology, and refrained from drawing conclusions about the defendant’s guilt. An expert witness should limit their opinions to crime scene analysis and to the psychological evaluation of the defendant, and should only express an opinion about the defendant’s guilt or innocence.

Using Frye and Daubert, courts are able to identify which theories are truly reliable. If criminal profilers can correctly testify under these standards, it seems there can be an influx of profiler opinion in the future. Criminal profiling is not only an effective tool in identifying violent offenders, but can also lead to more convictions. Many have found that “when prosecutors introduce expert testimony, convictions are more likely” (Greene & Heilbrun, 2014, pp. 303). Furthermore, the continued use of reliable expert opinion can correct misperceptions about criminal profiling as evidence in court, which would then lead to more accurate expert testimonies.

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# Women of Color & Health: Disparities in Health, Factors that Influence Health, and Experiences in the Healthcare Setting

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## Introduction

Although women are more likely than men to have health insurance and utilize healthcare services, women are sicker than men (Williams 2008). According to medical sociologist Shirley Hill (2009), industrialization, modernization, and the rise of scientific medicine and the medical establishment have been credited with creating an increase in female health problems. Women's bodies were increasingly medicalized as modern medicine became the standard of care, and women were seen as inherently sick in both mind and body (Hill 2009). The medicalization of the bodies of women of color further hinges on racism and structural inequalities and has been problematized by scholars and activists. Thus, race, class, and gender inequalities intersect to produce seemingly natural, but often complex and multi-faceted, disparities in the health outcomes of women of color when compared to those of White women. The intersectionality of race, class, and gender places women of color at a unique social location that influences disparities, risk factors, and care-seeking behavior. The research questions that guided this work are: Does race and ethnicity affect the healthcare experience of women? If so, how? What are social interactions like between women of color and the medical establishment? Are women of color diagnosed and treated differently than women of the majority race? If so, how? Three themes emerged from the existing literature on the healthcare experience of women of color. The first theme was the disparities that exist between minority and non-minority White women in terms of prevalence and death rates of illness and disease. The second theme was the identification of risk factors that disproportionately affect minority women. The third theme was issues that women of color face in gaining access to care, their unique experiences with care, and care seeking behaviors. The literature also sheds light on an overarching need for reform in the way that our healthcare system

treats and responds to the specific needs of women of color. This work is meant to highlight the need for more adequate and high quality healthcare for women of color so that disparities in health can be reduced.<sup>1</sup>

## Literature Review

*Theme 1: Set Against an Idealized White Standard: Disparities Among Minority and Non-Minority White Women in Prevalence and Death Rates of Illness and Disease*

Research done on disparities in health outcomes for women of color center on a Black/White binary that sets the White experience as the ideal standard. Through my research on the existing literature, I found that women of color are consistently compared to White women when it comes to rates of diseases and chronic ailments, death and mortality rates for both women of color and their children, rates of cancer (including the stage at which the cancer is first identified), and rates of HIV/AIDS and sexually transmitted diseases. Researchers point to a lack of data on ethnic groups other than African Americans as the cause of this Black/White binary in medical research on women of color (Williams 2008). Through my research, I found that the Black/White binary fails to address the various cultural, societal, and structural forces that shape the unique experiences of women of color. As a result, it can become problematic to compare the different health outcomes of women of color and White women, who are generally not subject to the same societal factors that influence health. The Black/White binary, although good at showing the stark disparities in health that exist between women of

<sup>1</sup> Please note that this research is in no way meant to pathologize the experiences of Black or other women of color. Likewise, the term "women of color" is not meant to erase the unique experiences of each and every woman. As a cisgender White female researcher, my privilege has kept me from experiencing the unique challenges that women of color face structurally and socially in our society that were illuminated in the research.

color and White women, fails to appreciate the diversity of experiences between and among different groups of women of color as well as the unique factors that contribute to the disparities. When certain factors such as socioeconomic status are taken into account, disparities still exist for women of color (Williams 2008). However, Williams (2008) points out that race may be a larger factor than SES in determining the health status of women of color. Colette Marie Sims notes, "Black women experience many of the same health problems as White women, as a group they seem to be in much poorer health, use fewer health services, and continue to suffer disproportionately from premature death, chronic disease, and disabilities than white women in the same age group regardless of income, education, or insurance status" (2010:497). As a result, most research continues to compare women of color to White women in terms of health status, due to the availability of data, in order to uncover disparities and posit explanations as to why they exist (Williams 2008).

#### *Rates of Disease & Chronic Ailments*

The health status of Black women of all classes is complicated by both gender and race. Scholars in the field use an intersectional framework to analyze how black women's health issues are further exacerbated by their social location and by unique risk factors that increase their risk of developing diseases. The odds of experiencing high blood pressure, fair/poor physical health, fair/poor mental health, frequent headaches, and chronic pain are higher among minority women (Garcia & Rivera, 2014). Likewise, comorbid chronic illnesses disproportionately affect minority women. Among people with diabetes, Blacks are more likely than Whites to become blind, amputees, develop kidney disease, and to die (Williams 2008). There are several conditions that are among the top ten causes of death for specific populations of women of color. Suicide is a leading cause of death (8th) for Asian/PI women, HIV/AIDS is ranked 10th for Black women, congenital anomalies are ranked 10th for Hispanic women, and Alzheimer's is ranked 8th for Whites. These specific conditions vary between age groups within these populations of women (Williams 2008).

Black women are at an especially high risk for heart disease, as many of the risk factors for the disease disproportionately affect Black women. Black women have a higher heart disease death rate, suffer from more cases

of hypertension, diabetes, obesity, hypercholesteremia, and other risk factors for heart disease (Rodney, Rodney, Nu & Hemans-Richards 2002). Black women are also much more likely to die from heart disease than are White women. "For African American women ages 35-74 the age adjusted death rate from coronary heart disease (CHD) is almost 69% higher than that of White women" (Graham-Garcia, Raines, Andrews, & Mensah 2001:57). Likewise, cardiovascular diseases are also a leading cause of death in Hispanic women of all Spanish origins (Graham-Garcia et al. 2001). In their article reporting on the 23rd Annual Women's Health Congress in 2015, Jennifer L. Plank-Bazinet, Kornstein, Clayton, McCaskill-Stevens, Wood, Cook & Cornelison mention that the CARDIA study found that heart failure before 50 impacts Black women more than White women and that it is likely due to untreated risk factors that occurred earlier in life, such as high blood pressure, tobacco use, physical inactivity, poor nutrition, psychological stress, overweight, menopause, and diabetes (Plank-Bazinet et al. 2016).

#### *Cancer*

The most prominent disparities that exist between women of color and White women in prevalence and death rates of cancer occur in breast and cervical cancer. "Racial differences for breast cancer are considerably larger than those for lung cancer and colon cancer" (Williams 2008:S38). This finding is particularly poignant because while White women have a higher incidence rate of breast cancer, they have a lower mortality rate (Williams 2008). Likewise, "Black women are likely to have more advanced cancer at the time of diagnosis than their White peers" (Williams 2008:S39).

Black women and women of color also suffer disproportionately from cervical cancer. The lifetime risk for cervical cancer among black women is 2 per 100,000, which is more than double that for White women (Rodney et al. 2002). Research on cervical cancer shows that women of lower SES are more likely to develop cervical cancer than women of higher SES. Since black women are more likely to be lower SES, they are more likely to be misinformed about cancer screening, and may get cancer as a result. "Black women are less educated about danger signs, less likely to avail themselves of preventive health tests, such as Pap smears and breast exams; and more pessimistic about treatment for cancer" (Rodney et al. 2002:31). Variations also exist

within broader groups such as Asian women. Vietnamese women have a rate of cervical cancer higher than Whites and Blacks and six times that of Japanese and Chinese women (Williams 2008). Nonetheless, African American women are more likely than White women to develop and die from both cervical cancer and breast cancer (Matsaganis & Golden 2015).

#### *HIV/AIDS and Sexually Transmitted Diseases*

Black women and women of color suffer disproportionately from HIV/AIDS and other sexually transmitted diseases, which affect overall health and the risk of developing cancer. Young women, particularly young Black women are at a high risk for STDs, HIV/AIDS, unintentional pregnancy, and the development of cervical cancer at earlier ages than previous generations (Rodney et al. 2002). Risk factors for HIV affecting minority women include a lack of awareness and recognition of partner's risk, high-risk heterosexual contact, unsafe sex practices, biological vulnerability, and co-morbid STDs (Messer, Quinlivan, Parnell, Roytburd, Adimora, Bowditch & DeSousa 2013). In 2015, 56% of all women living with HIV and AIDS were Black (Matsaganis & Golden 2015). Likewise, Black women are more likely to die from HIV/AIDS than are White women. In 2009, the death rate among adult and adolescent African American females with HIV was 23.8% compared to 1.1% for White women (Messer et al. 2013). Women of color are also at a higher risk for having other sexually transmitted diseases. Low income and racial and ethnic minorities are disproportionately affected by poorer reproductive health including maternal and newborn health outcomes, STIs, and reproductive tract infections as well as access to family planning services and screenings that can prevent and treat sexually transmitted infections (Matsaganis & Golden 2015).

#### *Life Expectancy, Death & Mortality Rates (Mother and Infant)*

Women of color have lower life expectancies at birth than White women. "White women have a life expectancy at birth that exceeds that of their Black peers by 5.2 years" (Williams 2008:S38). Women of color are also much more likely to die during childbirth than White women, and thus suffer from a higher maternal mortality rate. "Levels of maternal mortality were especially high for Black women; the pregnancy-related mortality risk of both US-born and foreign-born Black women

was 4 times as high as that of White women" (Williams 2008:S44). These disparities continue to exist, despite class status. "Black women of high and middle incomes still have higher rates of mortality than White women of any income level" (Alvarado & Chunhwei 2016:209). Babies of women of color also suffer higher infant mortality rates and low birth weights. Black women are more likely to have low birth weight (LBW) babies regardless of educational attainment or income levels (Rodney et al. 2012). The most widely used explanations for birth disparities include SES and stress, personal challenges and structural barriers that can induce psychological or physiological stress in the body which correlates with pre-term birth and low birth weight (D'Angelo, Bryan, & Kurz 2016).

#### *Theme 2: Risk Factors Disproportionately Affecting Minority Women: The Social Determinants of Health*

After reviewing the literature on the health of women of color, it becomes apparent that most scholars tend to use an intersectional framework and note the importance of race, gender, social capital, socioeconomic status, location, occupation, cultural values, insurance and immigration status in determining health. However, each individual scholar tends to focus on one factor over the others. I found that although research on the health of women of color widely notes that structural and social barriers and challenges do exist, there is an overemphasis on the micro-level social determinants of health such as eating and exercise habits, and less of a focus on macro-level structural barriers to health. Some scholars did choose to focus on macro-level barriers such as poverty, institutionalized racism, and cultural figures that stereotype Black women (Hill 2009). Krieger's (1999) use of an Ecosocial approach to healthcare is a stand-out example of an intersectional approach that realizes the importance of macro-level factors such as discrimination on health. Through my research, I found that when socioeconomic status is suggested as a factor that influences the health status of women of color, it is discussed in terms of low levels of education and income, without analyzing the various causes of poverty in our society that disproportionately affect women of color. Likewise, except for Krieger (1999), when neighborhood conditions are discussed, it seems as though little is mentioned about racial residential segregation and other environmental racism concerns that disproportio-

tionately place women of color in danger. After completing a review of the field, it seems as though scholars unanimously vote racism and socioeconomic status as large contributors to health disparities, yet discuss them on a micro level basis, with structural violence and vulnerability rarely mentioned.

### *Socioeconomic Status (SES) & Poverty*

Alvarado & Chunhwei (2016) found that poverty impacts health in numerous ways, including access to resources that impact quality of care and care seeking: “In terms of SES, a higher class standing not only affords greater and better access to health care services, including preventive services, but it’s also associated with lower rates of adverse health behaviors such as smoking and drinking and higher levels of positive health behaviors such as exercising and healthy eating habits” (197). In this way, socioeconomic status undergirds all of the other factors that disproportionately affect the health status of women of color, with those at the top reaping the benefits. On a similar note, David R. Williams (2008) mentions that SES determines access to power, privilege and resources and affects disparities in health. Income is strongly linked to hypertension for Black and White women and to overweight status for White and Mexican American women. However, income is not related to hypertension for Mexican American women or to overweight for Blacks (Williams 2008). At the same time, it is clear that socioeconomic status influences health, but in different ways for different groups of people. Rodney et. al (2002) found a contradiction to the idea that higher SES means better health overall, citing that women of lower SES have a smaller risk of breast cancer than women of higher SES. However, women with a lower SES are more prone to heart disease, coronary disease, cancers, visual impairment, childhood accidents, child mortality, and migraines, and are less likely to be diagnosed at an early stage, more likely to smoke, and less likely to use preventive measures (Rodney et al. 2002). Williams also points out that differences between SES categories within a race are larger than the often-reported overarching differences in SES between races. He argues that race thus becomes more important than SES as a factor in accounting for health disparities (Williams 2008). Women of color are likely to vary individually on measures of SES, regardless of being overrepresented in the lower class as a whole and for suffering from health disparities as a whole (due to

a combination of other factors) (Williams 2008). Black women suffer from higher infant mortality even when education is controlled for (Williams 2008).

### *Neighborhoods and Gender Roles/Families*

After conducting a review of the field, it becomes apparent that scholars tend to agree that the neighborhoods that women of color occupy are often characterized by poor or lacking infrastructures, a lack of access to clean air and exercise facilities, healthy places to eat, and places to seek care. Some scholars focus on the ways that neighborhood and community affect health directly (Williams 2008), while others focus on the ways that neighborhoods affect care-seeking behavior (Matsaganis & Golden (2015). Williams (2008) notes that Black women are more likely to live in highly segregated neighborhoods that tend to have limited exercise facilities and places to work out safely. Rodney et al. (2002) found that Black women are also more likely to be single parents, which influences stress, time, and poses a strain on financial resources that can lead to lower levels of free time for exercise. In this way, the literature shows that communities of women of color closely intersect with their gendered roles as women and social roles as mothers and homemakers. Blacks are three times more likely to live in poverty, and more Blacks reside in areas characterized by poor schools, overcrowding, unemployment, drugs and violence, and stress (Rodney et al. 2002). Community organization and other conditions may also affect population health (Krieger 1999). “Analyses showed an increased risk of black neonatal mortality was independently associated with higher levels of segregation and poverty and lower levels of relative (but not absolute) black political power” (Krieger 1999). In this way, decision-making power and segregated neighborhoods negatively affect health outcomes for women of color.

Matsaganis and Golden (2015) conducted research to look at how the neighborhoods of women of color influence their health seeking behavior. Their work was guided by communication infrastructure theory (CIT). The authors argue that actors in residents’ material environment and their social construction of that environment interact to produce a “field of health action” where healthcare seeking behavior is both enabled and constrained. Four factors emerged as particularly important to the healthcare seeking behaviors of minority women: availability of and perceptions of access

to healthcare resources, transportation, communication resources, and privacy concerns (Matsaganis & Golden 2015). Matsaganis and Golden (2015) argue that the multilevel storytelling network (STN) of a city is made up of micro, meso and macro-level actors. Residents are micro level actors when they share stories with one another. The more integrated residents are in their local STN, the more likely they are to actively seek health information and be knowledgeable about prevention (Matsaganis & Golden 2015). Thus, community life directly impacts the health of women of color. The authors conclude that “communities with poorer stores of bridging social capital (between community members with different social networks) are likely to have access to less information regarding their health care environment, how to access and use healthcare resources, and what current guidelines are with a respect to a variety of health screenings” (Matsaganis & Golden 2015:178). According to this theory, since women of color often live in highly segregated, often homogenous communities, less health related information is available.

Coupled with neighborhood and community factors, women of color are subject to a particular social location that makes them structurally vulnerable. Many scholars argue that there has been a feminization of poverty that has resulted in a marked increase in female-headed households (Rodney et al. 2002). These households are often low-income and produce stress for women of color. Some factors that may reduce the stress that low-income women of color face are “strong family ties, an extended family system, and religious involvement and participation” (Williams 2008:S44). Thurston & Visandjee (2005) find that women of color may feel that they lack decision-making power in a society that often silences them and relegates them to the lowest occupational and social positions: “Perceived gender roles and decision-making within the household limit some women’s ability to allocate resources to health maintenance and promotion” (235). Thus, from the literature, it becomes clear that the neighborhoods and social roles of women of color intersect to produce negative health outcomes.

### *Racism, Discrimination, and Violence*

Scholars in the field note the importance of racism, discrimination, and violence both on a micro and macro level, leading to increased amounts of stress and an increase in illness and disease. Discrimination com-

binates with biological bodies that may be already prone to a disease or illness, and exacerbates the potential health problem (Krieger 1999). Discrimination, which leads to recurring psychological stress, combined with limited resources, affects the physical health and risk for personal illness among African-American women (Stevens-Watkins, Perry, Pullen, Jewell & Oser 2014). Psychological stress and health outcomes are further complicated by social climates and the attitudes that they produce. It seems as though when positive social change takes place, health outcomes for women of color become better. Williams (2008) points to a link between cultural attitudes about race and health: “Racial disparities in health are sensitive to changes in racial inequality in economic circumstances” (S43). For example, the Civil Rights Movement led to an improvement in the political and economic situation of Blacks and as a result, there was a decline in mortality rate. Rates rose again during Regan’s presidency with cuts in health and social services spending (Williams 2008).

Nancy Krieger’s (1999) article uses a macro-level approach and an Ecosocial framework to review definitions and patterns of discrimination and shows how discrimination can harm health. Ecosocial theory argues that how we develop, grow, age, ail, and die reflects an interplay within our bodies of the interaction between the social and biological history of ourselves (Krieger 1999). Thus, our external environments are embodied internally by us and can produce disparities in health. Krieger (1999) mentions that discrimination “can be perpetrated by a diverse array of actors” including the state, non-state institutions, and individuals. Krieger (1999) mentions that discrimination can be covert or overt, legal or illegal, institutional, structural or systemic, and interpersonal. Krieger (1999) also mentions environmental racism as a risk factor, which is unique and stands out among the literature: “Discrimination creates and structures exposure to noxious physical, chemical, biological, and psychosocial insults, all of which can affect biological integrity” which lead to inequalities in health across the life course. Like many other scholars, Krieger (1999) finds that women of color are subject to both racial and gender discrimination, calling this type of intersectionality “multiple subordination.”

Violence against women disproportionately affects women of color. The fear of or actual experiences with violence can and do affect health (Williams 2008).

Garcia and Rivera (2014) studied both abuse in childhood and adulthood and the health affects on women of color. Victims of violence were likely to suffer from depression, anxiety, PTSD and physical health symptoms (Garcia & Rivera 2014). “Victimization (through physical or sexual violence) increased the odds of health problems for all women, but significantly more so for minority women” (Garcia & Rivera 2014:10). In this way, using Krieger’s (1999) Ecosocial theory, violence gets embodied and reflected in health disparities for women of color.

### *Immigration*

The unique experience of immigration is a major contributor to health outcomes for immigrant women of color. Immigrant women face unique stressors and issues with access to resources that further impact their health experiences as women of color. Williams (2008) notes that stressors and resources linked to migration and acculturation can affect the health of immigrant women. During settlement, immigrant women will have to learn new societal norms. “The ability of the immigrant woman to adjust her expectations will therefore depend on the specific social context in which she finds herself, the resources available to her and the collective experience of discrimination” (Thurston & Vissandjee 2005:235). Thurston & Vissandjee (2005) also note how discrimination affects how immigrant women are subject to poverty, employment limitations and lack of access to services in their communities. Often settling in immigrant enclaves, immigrant women are often subject to environmental injustices that impact health. Thurston & Vissandjee (2005) note that local physical conditions, quality of water, air, soil, and housing, accessibility of reroutes that promote health and prevent disease are important for the health of immigrant women. The authors point to the importance of local community organizations that help immigrants with improving policies and programs.

### *Cultural Images*

Cultural images of women of color, particularly Black women, influence the way they view their health as well as their patterns of care-seeking (Hill 2009). Some scholars focus on the way that cultural images affect Black women directly (Hill 2009), while others look at the way cultural images impact healthcare encounters with providers (Andrews, Greenfield, Drever, & Redwood 2015). Andrews et al. (2015) argue, “un-

acknowledged stereotypes may shape clinical encounters at a time when health seems to have become visually accessible by ‘being manifest in the parameters of the body,’” pointing out the cultural tendency to see health externally on the body. The cultural images that Hill (2009) points out revolve around the notions of strength, motherhood and big bodies. “There is evidence that these cultural behaviors reflect pre-colonial African heritage and were reinforced by slavery and racial oppression, but they have always been more prevalent among low- than among middle-income African Americans” (Hill 2009:734). Nevertheless, pervasive cultural images impact both Black women and their providers. “Biomedical knowledge is assimilated, reconstructed and transformed by a number of different discourses including cultural stereotypes, and popular medical science and lifestyle advice disseminated by various media” (Andrews et al. 2015: 3). Three mandates come out of the production of these cultural images: the strength mandate, the motherhood mandate, and the beauty mandate (Hill 2009).

The strength mandate and the image of the strong matriarch are internalized by Black women and prevent them from seeking care (Hill 2009). Hill (2009) notes that Black women are strong, yet they often have chronic stress and are more likely to be depressed, more likely to be victimized by violence and less likely to trust authorities. Andrews et al. (2015) find that despite their struggle, there is an under-diagnosis of neurotic disorders such as anxiety and depression, which may be seen as signs of “powerlessness and vulnerability” (7). Their problems are often masked under the cultural image that portrays them as strong and able to handle their own problems. Hill (2009) notes that, “the notion of strength rarely recognizes that the cultural power of poor Black women has declined, as have their traditional support networks” (739).

Similar to the strength mandate, the “motherhood mandate” refers to the exploitation of fertility that occurred in slavery. Hill (2009), notes that once slavery ended, non-marital childrearing became a “social problem” and Black women were blamed for creating dysfunctional families, becoming targets of coercive sterilization and birth control policies that were hidden under the cover of population control policies. In this way, this image pathologizes the experience of Black teen pregnancy, and influences the way that healthcare

providers deal with young pregnant Black women (Hill 2009). The beauty mandate privileges big bodied women and marks them as resilient, nourished and able to survive (Hill 2009). Hill (2009) notes that this image produces the obesity statistics that we see for Black women: “More than 78% of African American women are classified as overweight, and slightly more than half are obese” (741). Hill (2009) points out a cultural conflict between women of color and their providers’ standards of health.

### *Theme 3: Access to Care, Experiences with Care, and Care Seeking*

Women of color face barriers to accessing quality healthcare, however, those that are insured typically receive public health insurance (Williams 2008). To further complicate their experiences, women of color often experience discrimination and mistreatment at the hands of their providers (Sacks 2013). While some scholars focus on a patient perspective (Sims 2010), others studied the perceptions of providers (Sacks 2013) in the healthcare setting. Some scholars focus on cultural barriers to health (Graham-Garcia et al. 2001), while others focused on patient-provider concordance and how it impacts the healthcare experience of women of color (Sacks 2013).

#### *Quality of Care and Access to Care/Insurance*

Williams (2008) notes that medical care is a seemingly small part of health status: “A U.S. surgeon general’s report concluded that medical care explains only 10% of variation in health status” (S43). However, scholars find that medical care may have a greater impact on minority populations due to discrimination and bias in the healthcare setting (Sims 2010). Although women as a whole are more likely to be insured than men as a result of public health programs such as Medicaid, minority women are less likely to be insured, have employer-based private insurance coverage, and are more likely to have public health insurance (Williams 2008). Medicaid coverage may limit the services enrollees receive because many doctors refuse to accept this source of payment (Rodney et al. 2002). As a result, minority women are more likely to receive care in ER and to lack continuity in the health care received than Whites (Williams 2008). Access to care is an issue for minority women for many reasons including divorce, disability, unemployment, illness, retirement, or death of a spouse

(Travis, Howerton & Szymanski 2012). Gender also intersects with other socio-cultural identities such as sexual orientation, social class and race to influence a woman’s ability to access care as well as her experiences with care (Travis et al. 2012).

#### *Barriers to Accessing Care: Language and Transportation*

Women of color face many social barriers to attaining quality health care, including “limited access to health care, crisis-oriented health care, and difficult living conditions that jeopardize their perceptions of their health status. Health promotion and disease prevention services are virtually nonexistent” (Graham-Garcia et al. 2001:59). Other barriers to access include misperceptions about the healthcare setting and language barriers (Graham-Garcia et al. 2001). More than 35% of Hispanics in the US are uninsured and over 25% have limited English-speaking abilities (Horwitz, Roberts & Warner 2008). Minority women also face significant obstacles to health services in the U.S. such as an inability to pay, lack of insurance, lack of bilingual clinicians and translators, and limited clinical facilities (Horwitz et al. 2008). Respondents in Matsaganis and Golden’s (2015) study note that they were satisfied with their healthcare providers but that services were underutilized by the community because of other factors, such as transportation.

#### *Experiences With Care: Gender/Race Concordance & Discrimination*

In her article about race and gender concordance between a woman and her healthcare provider, Tina Sacks (2013) explores the race and gender preferences for Black middle-class women in healthcare settings using in-depth interviews and focus groups to explore the experiences of 30 African American women between 38 and 67 in Chicago. Seventy-five percent of Blacks receive healthcare in racially discordant patient-provider pairs, and 20% prefer a provider of the same race (Sacks 2013). However, she found that a majority of the women expressed a strong preference for a female OB/GYN of any race and had an affinity for black female providers, due to the fact that female doctors could better relate to their health problems (Sacks 2013). This points to the preference and primacy of gender concordance over race concordance in certain healthcare encounters. Sacks (2013) found that racial differences in healthcare treatment including screening, diagnosis, and treatment rates contribute to health disparities. As a result, Black

women create strategies for mitigating disparities such as seeking a race or gender-concordant provider (Sacks 2013). Explanations for why differences in treatment patterns exist center around bias, discrimination and stereotyping by both the provider and patient (Sacks 2013). In her article on the healthcare experiences of older Black women, Marie Sims (2010) notes that clinical encounters often reflect ethnocultural tensions and may be enacted in racial terms. Black women feel that their status as minority woman is a reason that they receive different treatment from providers and develop a “hypervigilance” which is, “a type of healthy paranoia with components of self-preservation, awareness, and self-advocacy, providing resiliency” as a result (Sims 2010). Unfortunately, healthy paranoias often prevent care seeking, participation in medical research, and the donation of organs by older black women (Sims 2010). The ethnocultural tensions that Black women mention are grounded in research on physicians’ bias (Sacks 2013). Sacks (2013) notes that physicians have been found to exhibit “aversive racism,” or unconscious opinions on their patients based on race, seeing Black patients as more likely to abuse drugs, less likely to be compliant, less intelligent, and less educated. Sims (2010) notes that women of color pick up on this bias: “70% of participants felt or suspected that they had been racially profiled in their most recent healthcare encounter” (505). This research serves to point out that “the most important element of the healthcare encounter is not necessarily race or gender concordance but the ability to have a cooperative working relationship” (Sacks 2013:92). Having a positive and respectful relationship with the provider meant that women are more eager to seek and receive care (Messer et al. 2013).

#### *Care Seeking Behaviors: Mistrust and Fear of Medical Establishment*

Similar to Messer et al.’s (2013) findings, Molina, Kim, Berrios & Calhoun (2015) found that provider-patient relationships are major predictors of patient satisfaction in the cancer care context. Racism and judgment by doctors can lead to a mistrust of the medical establishment as a whole, which is associated with anxiety, depression, and perceived lower quality of care (Molina et al. 2015). Bias and discrimination may lead women to fear the healthcare setting, and often employ a fatalistic view of their health as a result (Ma’at, Fouad, Grigg-Saito, Liang, McLaren, Pichert & Troutman

2001).

## **Conclusion**

The intersection of race, class, and gender serve to place women of color at a unique social location that impacts their health outcomes, especially when compared to the outcomes of White women. These outcomes include their chance at having diseases and suffering from chronic ailments, the death and mortality rates of themselves and their infants, their rates of cancer, and their rates of HIV/AIDS and other sexually transmitted diseases. Women of color face a variety of both external and internal, micro and macro level factors that influence the disparities that exist in their health. As a result of these unique factors, the way that women of color are treated in the healthcare setting, their experiences with healthcare, and their health-seeking behaviors are drastically different from other women. This research points to the need for culturally competent care and prevention education that takes into account the various micro and macro level factors that influence the daily lives of women of color and make them more susceptible to disease and illness.

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# Jewish Feminism & Feminist Judaism

*Erica Tietz*

## Introduction

Gender and religion are inextricably intertwined, as religious scholars and communities have questioned and debated the differences between men and women throughout history. Judaism is a religion with ancient foundations, and the Jewish people have wrestled with the consideration and definition of gender roles in Torah study, in the home, and in prayer (Koltun 1976, Ferziger 2015, Zuckerman 1997, Labovitz 2012). The Torah is not universally accepted as an understanding of the way of the world, and Jews have contested and resisted stagnation in its interpretation for centuries, so it could be assumed that theories of gender as it relates to religion have shifted, grown, and changed over time (Irshai 2010, Kaufman 1999, Franke 2009). As a Jewish feminist, I have often wondered what teachings the two bodies of thought could lend to one another. Through a literary analysis of Judaism's various teachings and interpretations of gender, combined with sociology's discussion and critique of the inclusion of a Jewish feminist identity within the discourse of social science, I hope to define what a Jewish feminist or feminist Jewish identity entails. I will identify the gender roles, depictions, and expectations in Judaism, mainly focusing on women, and discuss the trajectory from halakhic (legal), biblical Judaism to modern-day Orthodoxy, as well as the critiques and additions of the Reform Movement. This background information will provide context for further questioning of the application and consequences of these depictions within the lives of Jewish women. Then, I will show how Jewish teachings and practices along that spectrum inform female agency and choice in ways that are either restrictive or liberating. Finally, I will explore the role of intersectionality in discussions of gender and Judaism, finding that Jewish feminist voices and the inclusion of Judaism along with race, class, and gender, are just beginning to be considered by sociological discourses and scholarship.

## Literature Review

### **Roles, Depictions, and Expectations of Women in Judaism**

#### *Orthodox Judaism and Halakhic Law*

In order to address the roles, depictions, and expectations of women (and men) in Judaism, it is necessary to explore the traditional, biblical understandings of gender roles and differences: the ancient, patriarchal depictions, as well as modern-day Orthodox interpretations and teachings. Within Judaism's history and literature, the roles assigned to women and men by the larger community and culture are often ones that contradict one another, because gender is fluid and open to interpretation even within these traditional contexts (Davidman 1990, Berman M. J. 1988, Berke 1996, Prell 1982, Irshai 2010, Zuckerman 1997). It is important to note the difference between biblical text and Talmudic debate, as the focus of this review will be the discussion between rabbis and scholars regarding the differing interpretations of Torah passages, not the writings themselves. While some Torah passages may be read in ways which position women and men as equals in terms of the value and the respect they deserve as human beings, some teachings show a distinct oppression of women in comparison to their male counterparts; this may be due in part to the patriarchal culture in which the majority of this scholarship has occurred (Jospe 1978, Prell 1982). If we accept the dichotomy of men and women as different, mutually exclusive types of people with opposing strengths, weaknesses, and tendencies, Sered suggests that this belief leads to a systematic hierarchy of power because the genders are ranked against one another: "if everyone is the same, there is no basis out of which hierarchy can develop or be sustained" (Sered 2001:154). The literature on women's roles in Orthodox Judaism tends to root their basis in patriarchy, which enforces the hierarchical ranking Sered identifies; however, some modern-day understandings allow for more flexibility and egalitarianism (Davidman and Greil 1993, Davidman 1990, Berman, S. 1973, Prell 1982, Meyers 2014, Rothstein 2005). By acknowledging the blatant patriarchal hierarchy that informed traditional

Jewish teachings on women's roles (Simon and Nadell 1995, Rothstein 2005, Meyers 2014, Prell 1982, Irshai 2010, Kawashima 2011), I will then explore how the progress towards gender egalitarianism over the centuries has impacted these same considerations of gender in Judaism.

Irshai questions the importance of power and authority in regards to the construction of gender roles within an institution: if men have largely decided the structure and practice of Orthodox, halakhic Judaism, then women's roles are defined through a male lens (Irshai 2010). This is echoed by Hellig, who explains that, "since men generally did the defining with regard to the nature and role of women in the world's religions, and since men promulgated laws which reinforced and legitimated that definition, [Jews] are generally forced to scour our traditions in order to come up with exceptions to this rule: the women who were depicted by males in such a way as to have decisive and influential voices" (Hellig 1998:36). As these considerations came to light, traditional depictions of women's roles within Orthodox Judaism began to be challenged by rabbis and scholars throughout the last century (Jospe 1978, Berman S. 1973, Rothstein 2005, Irshai 2010, Berke 1996, Berman M. 1988).

Berke notes, for example, that the construction of God as a male figure has silenced and dominated women's experiences in Judaism, because it was created out of a patriarchal ideology and does not provide women the opportunity to feel represented in their religious communities (Berke 1996). However, not all scholars agree with the perspective that the Torah's claims about gender can or should be overlooked or re-interpreted for feminist purposes (Berman, M. 1988, Meyers 2014). In contrast to Berke's claims, Rabbi Martin Berman suggests that because the Torah's instructions are Divine, and made for all human beings, the Divine nature itself requires us to consider how any division between the sexes is not a reflection of the patriarchal culture dominant in society - rather, it is God's will (Berman, M. 1988). Such commandments throughout the Torah include instructions for men to participate in certain blessings and prayers that women are not required to partake in, so rabbis have often wanted to interpret the text in ways that would allow for women's increased religious participation (Simon and Nadell 1995, Rothstein 2005, Zuckerman 1997). This has led to tension

in religious scholarship and debate dating back to the first few centuries, as is true of many topics in Judaism, because there is no correct answer as to the universal truth of the Torah passages and commandments (Berman, M. 1988). I will now examine the depiction of women in rabbinic interpretations of religious texts as homemakers and mothers, as distractions in prayer, and as different legal entities.

Religion often presents sex and gender as entirely binary, opposite, and mutually exclusive, and Judaism is no different (Sered 2001). Berman claims that "Jewish society has projected a uni-dimensional "proper" role for women which denies to them the potential for fulfillment in any area but that of home and family" (Berman, S. 1973:8). This suggests that in Judaism, women, by definition, are confined to the home and the private space; as Sered writes, "gender ideologies are how societies establish and justify the links between bodies and laws, emotions, customs, and behaviors; between sex and gender. Gender ideologies are ideologies of difference that elaborate and legitimate the attribution of a range of traits, roles, and status to men or to women" (Sered 2001: 154). As Berman and Sered both identify, women are traditionally defined in Orthodox Jewish culture by their role in the family as wives and mothers; consequently, Orthodox women are realizing these gendered restrictions and have been leaving the religion altogether, prompting mainstream feminist movements to lodge the critique that religious communities must rethink ways to retain these women by perhaps defining their roles in a less restrictive manner (Davidman 1990). Scholars such as Davidman debate whether it is the larger patriarchal society that influences these dichotomized definitions and Orthodoxy is a reflection of that culture, or if patriarchy is essential to and ingrained within the Jewish religion to begin with (Davidman and Greil 1993, Berman M. 1988). Either way, it is clear that women are socialized the expectation that they will stay within the home, and men are to operate within the public sphere: traditional gender ideologies, reflective of the larger culture, are integral in Jewish communities (Berman, S. 1973, Davidman 1990). These gender roles are not only cultural, but defined in halakhic law as well.

Another aspect of gender differentiation in the Torah is in regards to legal status: women were not considered equal entities under the law in biblical Judaism, which meant that their rights were heavily reduced and

restricted. Kawashima explains that they could own property, but only in the case that a male was not present - for example, if a woman had no father or brothers (Kawashima 2011). There is much to be considered within these ancient legal statuses: as another example, is interesting to note that whether free or enslaved, women's legal statuses in biblical Judaism were essentially the same in terms of their subordination. Labovitz notes how women were defined through their bodies and sexualities; the difference between a slave and a free woman was that the slave was subject to physical violence and sexual assault while a free woman was protected from strangers' violations of her body (Labovitz 2012). Women could be fined for having sex, depending on the type of person (captive, convert, etc.) she had relations with; they were also punished and their social statuses diminished if they were not virgins at marriage, showing a restriction of sexual agency: "the sexuality and sexual activity of both free and enslaved women may be considered the responsibility of the free male householder, and must be controlled by him (Labovitz 2012:82). However, these restrictions are not just in biblical times, Carmody writes that as of 1984, "many Jewish women still do not have equal inheritance, marriage, and divorce rights. For example, the deserted wife still cannot obtain a divorce and permission to remarry, unless she can prove her husband's death" (Carmody 1984:39). With these patriarchal restrictions in mind, Berman explains, "Jewish women are not an organized constituency: they have no elected spokesmen, no leaders designated to interpret their beliefs and feelings to the rest of the world. Any attempt to generalize about their condition, particularly about a matter as internal as their religious state, is fraught with multiple dangers" (Berman, Saul 1973:5). The essentialism that is shown in this understanding of women's experiences denies a systematic understanding of them as individuals in the eyes of the rabbinate and Talmudic scholarship throughout the centuries.

Perhaps the most distinct and well-known example of the dichotomization of gender roles in Judaism is within the worship and prayer space. Women are typically relegated to a separate prayer space, usually on a balcony above the men in the synagogue, due to the belief that women are distractions to men during prayer (Prell 1982). The instructions for prayer in the Torah are directed towards men, which could be interpreted as universal and applicable to women as well, but is most

often utilized to separate the sexes (Berman, S. 1973). Additionally, advanced religious education was uncommon and usually unavailable for young Orthodox women until the mid-nineteenth and early twentieth century (Ferziger 2015). Since women are not commanded to take part in specific religious rituals that men are, Berman explains this can either be considered a kindness, as they do not have to take the time to participate, or a hindrance, and form of sexism, since they are not fully taking part in the Jewish identity (Berman, S. 1973). While Berman identifies how this difference in instruction for men and women may or not be understood as sexist, Meyers suggests that the differing roles for men and women are not necessarily oppressive towards women - just separate (Meyers 2014). She states, "Men undeniably had more numerous and more visible roles in community life, but women were not categorically excluded" (Meyers 2014:18). Essentially, these expectations of men and women under the law, in the home, and in prayer can be perceived as patriarchal and oppressive, or as different and equal, depending upon the rabbi, scholar, or community in question.

Moving forward, women's "adherence to the patriarchal model did abate somewhat in the late twentieth century, perhaps because studies of women's roles in ancient Israel had begun to contest aspects of the patriarchal paradigm" (Meyers 2014:14). The 1900's brought new understandings of women's roles in Orthodox Judaism for a variety of reasons; the fact that women could now serve as rabbis and in other leadership positions within congregations brought a new sense of egalitarianism to a religion that was previously strictly divided along gendered lines. Simon and Nadell suggest a clear disconnect between the male rabbinate and the entire Jewish population as they were lacking in something universally appealing to everyone in the religious community, leading women to fill religious leadership roles (Simon and Nadell 1995). Ferziger argues that the outreach to non-observant Jews was considered to be done well by women, so women were allowed into these leadership capacities to benefit the Orthodox community, as they attempted to recruit more members than the men did (Ferziger 2015). This interesting difference between the genders is seen in an exploration of women's roles compared to men's in the rabbinate as well, as Simon and Nadell explain, women rabbis "described themselves as less formal, more approachable, more egalitarian, more likely to reach out to touch and hug...

and less likely to seek center stage” (Simon and Nadell 1995). While the inclusion of women in these leadership roles was controversial for some, at the Symposium on Jewish Education, scholars noted in response that “advanced Torah study by women is not an attempt to blur traditional roles. Rather it flows from a desire to make those roles more meaningful” (“Symposium on Women and Jewish Education” 1994:8).

In sum, traditional, biblical understandings of women’s roles are not necessarily attractive to all modern-day Jewish women, perhaps because they are not considered equal in various aspects within the religious context. Most of Orthodox Judaism is rooted in biblical traditions and is conservative in nature, so the branch of Judaism that turned towards the Reform Movement must be considered to understand the experiences of many American Jewish women today.

#### *Shifting Perspectives in the Reform Movement*

There are a few key ways in which the Reform Movement defined women’s roles and gendered expectations differently than the foundation of Orthodox thought did. Many scholars identify examples of progressive, feminist ideologies as necessitated by Jewish communities for a number of reasons (Prell 1982, Hurst and Mott 2006, Berke 1996, Ferziger 2015). First, Prell explains how the Enlightenment brought about a new understanding of women’s roles in Judaism due to the belief of reformers that Orthodoxy was too antiquated for 19th century culture (Prell 1982). As women occupied a unique legal status in Orthodox Judaism that was inextricably connected to gender, the attempts towards egalitarianism effectively erased women’s experiences and roles in 19th century Reform Judaism (Prell 1982). Due to the culture of the time, in which gender equality did not exist - and some argue still does not today - the removal of women’s legal status, as specifically lesser than their male counterparts, was thought to free them from these restrictions, but they were instead confronted with the gendered expectations of the time and place (Prell 1982). Hurst and Mott build on this point, saying that, “although all contemporary Jewish denominational groups are more gender-egalitarian than had been true in the past, differences persist in how members view the primary roles of women and how women are involved in synagogue and religion-linked activities” (Hurst and Mott 2006: 443). This confirms the progress towards gender egalitarianism in recent years from the

more traditional, patriarchal gender role division, while acknowledging the spectrum of possibilities for interpretation.

One major change in the Reform Movement from Orthodox Judaism is the fact that women are allowed to participate in aliyot, or reading from the Torah (Rothstein 2005). There has been a great deal of conversation between rabbinic Talmudic scholars as to why women are not typically allowed to read from the Torah, finding that the issue is not the woman reading from the Torah itself, but the community’s dignity in having to experience a woman reading (Rothstein 2005). This claim is complex, as it does not suggest that women are unequal to men as human beings, but that the expectations of gender differences are such that a woman reading from the Torah is sacrilegious (Prell 1982, Berman S. 1973, Ferziger 2015). Waxman explains the progression of women’s inclusion in Jewish worship throughout the twentieth century:

In 1922, Judith Kaplan, daughter of Reconstructionist ideologue Mordecai Kaplan, became the first girl to celebrate a bat mitzvah at the Society for the Advancement of Judaism (SAJ), the flagship synagogue of Reconstructionist Judaism.... In 1945, a full generation later, the adolescent girls of the SAJ initiated a campaign for greater religious recognition. They lobbied first to carry the Torah on Jewish holidays and then to be called to the Torah for honors on occasions other than the day of becoming bat mitzvah. In 1950, their efforts culminated in the granting of full religious equality for women within the congregation, through the democratic vote of the membership (Waxman 2010: 87).

This organization within the Jewish community exemplifies the frustrations women experienced with the exclusion from traditional worship practices, and allows us to consider how the congregation’s membership was directly involved in the progress towards gender egalitarianism.

Another way in which the Reform Movement took strides forward from traditional Orthodoxy was through the introduction of gender-sensitive, inclusive language into prayer books, changing words and phrases to include things such as “fathers and mothers” instead of just “fathers,” and replacing gendered pronouns with neutral ones (Berke 1996). This addresses the earlier is-

sue of Judaism representing God as a male, by allowing for a more accepting discourse; it is just one example of a way in which Jewish teachings and practices can inform women's agency, by restricting or liberating them in their choices and actions (Berke 1996). The context of the scholarship and conversation surrounding depictions of women's roles in the Reform Movement as they relate to typical Orthodox understandings is necessary to consider the ways in which Jewish teachings and practices inform women's agency.

### **How Women's Agency is informed by Jewish Teachings and Practices**

#### *Restriction of women's agency*

Zuckerman explains that research on gender and Judaism defines the two entities as entirely tied to one another, and notes the regulation of women's actions in public places, such as prayer, occasionally leading to conflict and tension in religious spaces; "many studies of American Jewry have highlighted gender regulation as a major component of Jewish religious identity" (Zuckerman 1997:355). He notes a specific case study of a synagogue in Washington whose congregation divided, predominantly around a social conflict surrounding the treatment, expectations, and regulation of women within the temple; some members were progressive and egalitarian while others believed in a more traditional practice (Zuckerman 1997:357). Jewish teachings and practices, which vary along a spectrum of interpretations and allow for fluidity in most cases, are shown by scholars to impact women's agency in a number of restrictive ways that affect the lives they lead and the communities around them (Zuckerman 1997, Ferziger 2015, Carmody 1984, Berke 1996).

One of the clearest examples of women's exclusion from Judaism is through religious education and practice, as noted earlier. Reformers in the 19th century Enlightenment era considered the practice of prayer space separation to minimize women's experiences, as they were not counted as people in prayer quorums and were excluded by the men from rituals and worship (Prell 1982). Today, "Talmud study for women has not created a movement for Orthodox women rabbis, nor have these women been those to come to shul in talit and/or tefillin [religious garments]. On the other hand, thousands of Orthodox Jewish women now have greater Jewish knowledge" ("Symposium on Women and Jewish Education" 1994:11). As Berke states in support

of this gender inclusion, "if Judaism is to survive and flourish, it cannot afford to alienate half of its members with outdated sexist language and conceptualizations" (Berke 1996:34). Even when progressive steps were taken towards gender egalitarianism, so as to combat concerns like Berke's, in efforts to include women more fully within Jewish practice, Meyer notes: "it is especially difficult to determine the extent of women's influence in the early [Reform] movement since, where it was present, such influence was exercised through the agency of men" (Meyer 2011: 146).

With this in mind, there is also a body of literature that addresses how women's agency is freely interpreted in Jewish contexts by Jewish scholars and religious leaders.

#### *Women's agency in the form of freedom/liberation*

Although there are many ways in which Jewish teachings can restrict women's agency, it must be noted that certain interpretations can also lead to freedom and liberation of choice. While Judaism traditionally puts forth a division of responsibilities based on gender, there is nothing that holds men and women to those specific roles. The way traditional teachings are taught can lead to a more feminist interpretation, as many progressive rabbis and scholars are doing today (Davidman 1990). Similarly, Franke argues that by adding social science methodologies to biblical studies and modern-day synagogue practices, new life can be breathed into old texts and traditions, thus creating different understandings of accepted beliefs (Franke 2009). There are many examples of ways in which scholars suggest women may find freedom within Judaism, that I suggest should be encouraged in the pursuit of a more feminist Judaism (Meyers 2014, Berman M. 1988, Carmody 1984, Alpert 2013).

It is crucial to recognize agency in this discussion, as Meyers suggests: "identifying female agency challenges the idea, embedded in the patriarchy model, that women were helpless victims of a male-dominant system" in that they were subject to a culture they had no voice in (Meyers 2014). Sered defines agency as imperative, in support of women's agency as well: "women as agents can demand rights, enter into negotiations, and protest unfair treatment. In religious contexts, agency is expressed in such activities as the ability to state one's religious needs out loud, to image and address the divine as one sees fit, to gather together openly with others

of like mind in order to carry out rituals, and freely to choose which rituals and ceremonies to join or eschew” (Sered 2001:156). Sered suggests that women threaten patriarchy when they attempt to become agents, and for feminist purposes, this is essential.

Regarding interpretation and space for agency, Rabbi Martin Berman has an interesting take on the religious relegations for women: because women are not commanded to recite the blessings that men are, it is left up to debate whether or not they can participate - therefore, women’s prayer groups have been established that are accepted by the community so long as they do not aim to discount the authority of the Torah (Berman, Martin J. 1988). Irshai also contributes a unique suggestion, claiming that since women have never been allowed to partake in halakhic discussion, they can critique and change the system from an external perspective - creating alternative halakhic stories that uncover the morals at the base of these teachings and represent them to include gender justice (Irshai 2010).

These perspectives allow for an understanding that Judaism is not set in stone; rather, typical assumptions may be challenged. For example, many women in the Jewish community do not feel as though they relate to a divine figure that is masculine, so the gender-inclusive language shift in the Reform Movement brought about a new perspective that valued women’s experiences as much as men’s, denoting an ideological shift that advocates for women’s agency (Berke 1996). Additionally, Carmody notes the progress with which “feminists are devising new rituals for the female life cycle, so that key moments in a girl’s life will be solemnized, as they have always been for boys. This means celebrating a daughter’s birth with a special blessing, paralleling the gift-giving for a boy’s ‘redemption’ with one for a girl’s, working out bar-mitzvah rituals in which girls read Torah on coming to maturity” (Carmody 1984:39). This example of progress and female inclusion in worship is similarly found in Jewish education: while it exemplified the systematic restriction of women’s agency, “women in contemporary times no longer can learn all they need to know from their parents in the home, since parental authority has diminished and people do not live in the same places as their fathers.” meaning that women can participate in religious study (“Symposium on Women and Jewish Education” 1994:5). Strides were taken in this realm as the first Beth Jacob School was established

in 1917, organizing Jewish religious education for girls and women (“Symposium on Women and Jewish Education” 1994).

Another space for liberation is through Jewish involvement in feminist movements. 1988 marked the beginning of the feminist movement in Israel, as the Women in Black protested wars that supported violence – namely violence against women. The power of their demonstrations brought Israeli and Palestinian female peace activists into conversation, taking action together to support women in the West Bank and the Gaza Strip who are affected by the war. Their ability to effectively organize is a sign of female Jewish agency (Alpert 2013). The Jewish Feminist Movement, including the organization Jewish Voice for Peace, is led mainly by Jewish women activists and has equal numbers of men and women who serve as rabbis and other types of religious leadership (Alpert 2013).

Women wear head-coverings in Hasidic Judaism as soon as they get married. “This is a powerful way of symbolically expressing their rejection of a totally secular way of life... the sheytl and tikh [head-coverings] represent Hasidic women’s commitment to the laws of the Torah, and by extension their resistance to assimilation” (Feder 2013:447). This is an alternative perspective to the notion that religious women’s dress is oppressive and constricting: “given that the majority of women in the West do not cover their hair, Jewish women often give in to secular pressures’ by giving up traditional forms of dress in order to fit in to largely non-Jewish and secular communities. Thus, many Hasidic women see the practice of wearing head-coverings as an act of resistance against the threat of secular society” (Feder 2013:446). This specific example of dress code regulations allows for an interpretation to be found within the scholarship, as Feder suggests that traditional dress can actually be an expression of a woman’s agency.

With these understandings of Jewish women’s agency as informed by the teachings and practices that reflect gender roles and expectations, it is now necessary to move beyond gender and religion to include a more intersectional approach. The exploration of a Jewish feminist identity should have this foundation of the complex relationship between gender and Judaism, but there is much more to take into account.

## Intersectionality & Identity

### *Inclusion of Judaism in race, class, gender discourse*

Women's agency and roles within Orthodox and Reform Judaism must be placed within the broader context of social science regarding intersectionality and identity. Although the context of Jewish scholarship and traditions have largely taken into account the relationship between gender and the religion, Greenebaum suggests that Judaism has largely been left out of the "sociological discourse on inequality and oppression" that typically considers the intersectionality of race, class, and gender (Greenebaum 1999). She argues that this exclusion results from a number of things, including the paradox that Jewish women are simultaneously considered ethnically different and white, which leaves Jews in an unclear space regarding racial hierarchies in conversations of oppression. Additionally, because Jews have typically held higher socioeconomic statuses, they have not been included in the discourses of marginalized classes, although Greenebaum does not acknowledge how they are studied as a privileged class, either (Greenebaum 1999). These discrepancies and areas of uncertainty led Greenebaum to claim that "feminists do not want to deal with yet 'another issue' (anti-Semitism) that divides feminists. Others reject the need to fight specifically against anti-Semitism since they equate anti-Semitism with racism", meaning that anti-Semitism need not be acknowledged separately from racism as an issue to combat - glossing over the specific oppression of the Jewish minority (Greenebaum 1999:56). She concludes: "feminists have begun to understand how racism and classism interlock with sexism. They do not yet seem to grasp, however, how anti-Semitism, classism, and even racism interlock with sexism to materialize a particular experience for Jewish women" (Greenebaum 1999:58). Her writing suggests the need for a more involved discussion of Jewish women's experiences, within Judaism, scholarship, and the feminist movement.

Friedman and Rosenberg echo Greenebaum's claims and expand upon her theories by identifying the exclusion of Judaism from intersectional discourses through an analysis of the classroom, noting how Jewish women effectively have no place in teaching on race, class, and gender relations (Friedman and Rosenberg 2007:325). The authors taught a class called "Jewish Women in Contemporary America" in attempts

to address and define Jewish women's experiences, as complex and variable as they may be. Even in a sociological context, the literature and practice that preached intersectionality was not entirely inclusive, and did not allow for Judaism to be considered specifically because Jews were left in an invisible, malleable racial category unto themselves - Jews have been identified as "non-white, then not-yet-white or not-quite-white" over the last century (Friedman and Rosenberg 2007:317). Therefore, conversations regarding Judaism and gender did not bring race into the picture, because race was difficult to define (Friedman and Rosenberg 2007).

Belzer explains, however, that Jewish feminist scholarship has been growing over the years, and there are more of those voices speaking to the intersectional female Jewish identity than ever before (Belzer 1999:165). Her work analyzes the life of Dorothy Rodgers as she touches upon multiple important ideologies, including the fact that Dorothy's "Jewish identity was a constant negotiation of contradictory realities that resulted from her particular matrix of oppression" (Belzer 1999:165). She, too, notes: "though race is a variable often excluded in the discussion of Jewish identity, Dorothy's inferior social status parallels any experience of a socially constructed hierarchy related to race" (Belzer 1999:162). While many sociologists address how Jews' racial statuses have been constructed throughout the centuries, as they were considered a separate, non-white ethnic group in Europe but came to be considered "white folks" throughout the twentieth century in America (Brodkin 1998), the intersectionality of race and religion as it pertains to Judaism is often left out of the discussion surrounding gender and Judaism. This finding supports the theories of many other scholars which state that race and class are not usually taken into account when considering gendered Jewish experiences, for many reasons: perhaps because of the racially and ethnically ambiguous identity of Jews, as they may be considered white, or "not quite white" (Belzer 1999:162, Brodkin 1998, Friedman and Rosenberg 2007). Kaufman, for example, notes that "ethnicity among Jews is reinforced by the powerful economic and associational ties such a strong socio-economic position offers", allowing Jews to construct identities that "mix and match ethnographically and the autonomy to pick and choose historically in the presentation of themselves as Jews" (Kaufman 1999:78, 82). Hurst and Mott also address Jews' class status as a "religious subpopulation that has successfully

maintained a unique cultural identity simultaneous to their successful assimilation within the social and economic mainstream” (Hurst and Mott 2006: 440). The American perception of Jews is not as a racial or ethnic minority, rather, an advantaged socio-economic group, which leads to the exclusion of a Jewish identity within this discourse.

While many of these scholars (Greenebaum 1999, Friedman and Rosenberg 2007, Belzer 1999, Kaufman 1999, Hurst and Mott 2006) address sociological and intersectional scholarship, Horowitz notes a similar exclusion of Judaism from the literature specifically on radical feminism: “First, why is there so little scholarly work on the Jewishness of the 1960s Jewish women who were feminists? Second, how do we explain the disproportionate percentage of women who were feminist writers and activists in the 1960s and who were, perhaps not coincidentally, Jews? To an exceptional extent, American Jewish women in the postwar period engaged in struggles for social justice” (Horowitz 2010: 245). Feminism however, especially during this time period, did not always acknowledge the specific oppression women of color faced, and Jewish women did not always recognize their privilege in terms of class or assumed whiteness, either (Greenebaum 1999). These problems reflect the claims made by other scholars regarding the way in which Judaism has been left out of much of the sociological, intersectional discourse, for varying reasons, with no absolute conclusion (Belzer 1999, Friedman and Rosenberg 2007, Greenebaum 1999). This creates a void of examples of Jewish, feminist voices throughout history; Dufour explains that many Jewish women struggle with conflicting identities, whether spiritual or feminist, and attempt to create a cohesive identity for themselves. The result is that there is no singular feminist Jewish identity (Dufour 2000:90). She identifies three types of identities - inclusionist, transformationist, and reinterpretationist - that women tend to gravitate towards, which is interesting to note in light of the fact that other scholars may not even address the existence of Jewish feminist identities or attempt to define them whatsoever (Dufour 2000:97). It is simple to see how a Jewish feminist identity would be difficult to construct, when interpretations of a patriarchal religion could lead to justification for either oppression and restriction, or egalitarianism and liberation, depending upon the scholar or rabbi that you ask.

## Conclusion

The gender roles, depictions, and expectations in Judaism, drawn from biblical texts and interpreted by Talmudic scholars and rabbis throughout the centuries, have evolved in varying capacities depending upon the culture, time, and place, but overall convey a traditionally patriarchal understanding of men and women. Congregation members’ frustration with the exclusion of women from Jewish worship, practice, and education became a catalyst for change in traditional Orthodox and halakhic Judaism, leading to Reconstructionist and Reform Movements, which proposed gender-inclusive language and allowed women to have an equal part in religious practices. The implications of the patriarchal considerations of women’s roles commonly resulted in a restriction of women’s agency, but biblical texts and passages could be reinterpreted through a feminist lens to allow for a more inclusive, liberating understanding. Throughout the twentieth century, Jewish women struggled to find a cohesive voice, as shown by the lack of consideration of Judaism within many feminist and sociological discourses. Due to the ambiguity of Jews’ racial statuses as white or non-white, the hesitancy to address anti-Semitism, and varying other factors, gender and religion are often discussed as they pertain to Judaism, but a full intersectional approach of gender, race, class, religion, and other aspects of identity are not typically found in literature on Jewish experiences. I suggest that future research would benefit from this inclusion. In conclusion, women’s roles and agency are inextricably tied to Jewish teachings and practices. Jewish feminism and feminist Judaism are identities that, while intersectional, have not necessarily been included in sociological discourses but are complex and varied in nature.

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# Sexual Assault: The Change for Good or Bad?

*Katherine Krol*

## Introduction

In this research paper, I will be discussing the topic of sexual assault specifically sexual assault on college campuses along with the college's policies and procedures of dealing with sexual assault. I will discuss the transition of the sexual assault policy from the Obama administration to the Trump administration and how it will change the way colleges handle the response to sexual assault on their campuses. This research is important because it affects college students especially female students around the country. The change of the policy of sexual assault is important knowledge due to the negative effects and prolonging of the investigation. The policy will change the standard of proof from preponderance of evidence to clear and convincing evidence, which shifts from advocating for the victim to advocating for the accused. Clear and convincing evidence is the second highest standard of proof where the evidence presented must be highly probable to be true rather than not and the trier of fact must have a firm conviction of factuality. In contrast, preponderance of evidence is the lowest standard of proof where the defense must provide convincing evidence and focus on the probability of its truth rather than on the amount of evidence. My research entails the new policy change from the Obama Administration to the Trump Administration then addresses the issues of sexual assault on college campuses. Lastly, I will include the involvement of Title IX in the procedures, discuss the procedures of a sexual assault cases on college campuses, and the differences in policies of sexual assault in the criminal law versus on college campuses.

## Literature Review

The article "The Old College Trial: Evaluating the Investigative Model for Adjudicating Claims of Sexual Misconduct," discusses the "struggle to sift through a morass of Department of Education regulations, conflicting case law, and institutional incentives in order to design disciplinary procedures that protect the rights of both complainant and respondent students" (Smith 2017, 953). Both Title IX and the Department of Education implement regulations on college campuses

in order to handle the sexual misconduct and claims. They use models such as the disciplinary-hearing model, investigative model, and hybrid model in order to determine the sexual misconduct with the case at hand. The investigative model involves a trained investigator who interviews both parties involved in the case, gathers physical evidence, and then presents a recommendation for both parties or acceptance-of-responsibility with the offender. However, the disciplinary-hearing model is comprised of a panel and a hearing officer who tries a student's case and the board is charged with a final determination of the case. Lastly, the hybrid model is a blend of the disciplinary-hearing and investigative model by combining a panel and a trained investigator to both investigate the complaint and provide a hearing to accept the testimonies of both the accused and the accuser to be under review of the panel for a final determination. The Department of Education, during Obama's administration, worked with the college campuses to comply with Title IX in order to provide guidelines for developing sexual misconduct policies. Title IX is a law enforced by the United States government and apart of the Education Amendment of 1972 that prohibits sex discrimination in education including sexual assault, which has the ability to interfere with equal education by creating a hostile environment for the victim. If sexual misconduct allegations occur and there is a lack of adherence to Title IX, then a student can file a complaint to the Office for Civil Rights in order to investigate the university's practices. Universities need to have a prompt and equitable response to the filing of sex discrimination in relations to sexual misconduct.

Secondly, "The Burden of Consent: Due Process and the Emerging Adoption of the Affirmative Consent Standard in Sexual Assault Laws" adds to the procedures created by the Department of Education in accordance with Title IX by stating California's law on sexual assault at state universities while providing a court case example of the policy/law. In this article, it states the due process of affirmative consent standard in both a criminal case and a university case meaning that

the accused must prove consent and/or the burden of proof of the sexual conduct. In the case, *Mock v. University of Tennessee at Chattanooga*, the article discusses the definition of sexual assault regarding the case, the burden of proving consent, and questioning the validity of due process within the case. The case deals with the criminal justice systems way of evaluating consent versus how the university weighs the “totality of evidence” before proceeding. Lastly, it discusses the different of the understandings of consent in universities compared to the criminal justice system.

The problem of sexual assault is both the increasing quantity of complaints and the different procedures to assess the violation. The article “Sexual Assault on College Campuses” addresses the prevalence of sexual misconduct and the legislation used to counteract the frequency and quantity of sexual assaults being reported, especially on college campuses. For example, “California’s recent measure “yes means yes,” which was passed unanimously by the California Senate in 2014, requires individuals engaging in sexual activity to affirmatively consent. President Obama’s “It’s on Us” campaign aims to raise awareness of the prevalence of sexual assault on college campuses” (DeMatteo 2015, 227). However, administrators on college campuses still need legislative guidance and new policy changes in the procedures in order to promote reporting, protect the victim from further harm, protect the perpetrator from unfair ruling, create a just punishment for the crime, and comply to the self-imposed policies relevant to both the state and federal legislation. Secondly, the adjudicatory procedures vary in the criminal justice system and vary across college campuses because one uses the evidence of beyond a reasonable doubt while the other uses preponderance evidence. Legislators have worked on expanding the awareness and procedures of sexual misconduct on college campuses through the use of the Clery Act, Campus Sexual Assault Victims’ Bill of Rights, and the Violence Against Women Act. The Clery Act requires institutions of higher education to annually disclose information about crimes committed on campus while the Campus Sexual Assault Victims’ Bill of Rights amends the Clery Act by requiring academic institutions to develop prevention policies and provide certain assurances to victims of sexual assault. In addition, the Violence Against Women Act requires the disclosure of campus security policies, crime statistics to improve awareness of violent sex crimes, disclose

disciplinary proceedings following rape allegations, and establish procedures for protection of the rights of the accused and the accuser. This allows for the administrators at universities to provide better safety, reporting, and procedures when handling sexual misconduct that is not in the realm of the criminal justice system.

Specifically, the article “NFIB’s New Spending Clause: Congress’ Limited Authority to Prevent Campus Sexual Assault,” hones in on the implementation and the implications of the Title IX regarding sexual misconduct. However, the Department of Education’s Office for Civil Rights, which implements the adherence to the Title IX policies on college campuses, has jurisdiction over all schools that receive government funding with possible sanction for non-compliance of removing this funding. Yet, to change the policy of the implementation of Title IX, the Obama Administration developed the White House Task Force in order to further protect and fight for victims against sexual misconduct. This Task Force will require universities to fill out Climate Surveys in order to assess the environment and the potentiality of sexual assault on college campuses. The surveys will discover the prevalence of sexual assault on college campuses as well as discovering the influence of the limited reporting of sexual assault. Secondly, the Task Force seeks to implement educational programs on college campuses to inform students of the definition of consent, the violence of sex crimes, and the prevalence in the environment of a college campus. Lastly, the Title IX needs to be amended by Congress on college campuses in order to address the requirement of administration of Climate Surveys, create standards of unambiguous misconduct policy, and prevention of sexual misconduct through educational programs.

Although legislators are working to prevent sexual assault on college campuses, there remains a prevalent factor contributing to sexual misconduct, which is the favorable treatment of student-athletes regarding the issue of sexual assault. The article “Are Institutions of Higher Education Failing to Protect Students?: An Analysis of Title IX’s Sexual Violence Protections And College Athletics” addresses the favorable treatment of athletes within a college institution by the athletic department pressuring the victim to recant or failing to report the crime to protect the athlete. Athletic departments of universities care very little of an athlete’s

prior history of sexual assault or misconduct because their main concern is obtaining a high skilled athlete for their program. Unfortunately, athletes that commit sexual assault are shielded by athletic directors in order to protect the athlete versus the victim, which is evident in the case *S.S. v. Alexander*. Even with the implementation of Title IX, athletic directors continue to delay reporting, investigating, and the hearing of sexual misconduct in order to allow the athlete to continue its participation in the sport until the season is over. Both examples of the athletic department not reporting and suspending the hearing until after the season is present in two separate cases at Florida State University and University of Alabama in Huntsville. Lastly, the sanctions imposed on student athletes are minimal and the disciplinary action of a sexual misconduct is even less than the norm for other college students. Student-athletes are either suspended or put on probation from participating in the sport while other college students can be suspended or expelled from the university.

### **Research Focus/Analysis**

What are the sexual assault procedures of a college institution? How has the change of policy during the Obama administration affected the college campuses procedures of sexual assault and the prevention of sexual assault? How does the new policy under the Trump administration create implications for the handling of sexual misconduct allegations and/or complaints? This paper will focus on the procedures of college campuses in sexual assault cases, the policies created to prevent further sexual misconduct, the change in policy from Obama to Trump administration, and the special treatment of student-athletes regarding sexual misconduct.

Sexual assault is defined as “any type of sexual contact or behavior that occurs without the explicit consent of the recipient” (U.S. Department of Justice 2017, par. 1). In the California state law, universities and the criminal justice system adhere to the affirmative consent standard in the due process of an individual in a sexual assault court case. Affirmative consent standard is “the determination of whether consent was given by both parties to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent” (Hilgert 2016, 879). Unfortu-

nately, out of 27 universities across the country, 33% of women will fall victim to nonconsensual sexual contact. In the “Campus Sexual Assault Study, 52.7% of sexually assaulted students had experienced less than 2 years of college at the time of the study, and when limiting the sample to college seniors, 26.3% of women reported experiencing attempted or completed sexual assault since entering college” (DeMatteo 2015, 228). Statistics prove the prevalence of sexual misconduct on college campuses; however, this data is not entirely accurate due to the underreporting of victims. Many victims fail to report their encounter with sexual assault on college campuses due to seeking to avoid of public disclosure, questioning their amount of evidence against perpetrator, fear the lack of adequate punishment against the perpetrator, the lack of confidential reporting while at a college institution, and the experiencing of shame and self-blame. The procedures college campuses undergo to adjudicate claims of sexual assault is adhering to Title IX and the Department of Education’s regulations.

During the Obama administration, there was a strife towards complying with Title IX and expanding the the Department of Education’s guidelines and policies for college campuses regarding the issue of sexual assault. For example, in 2011, there was a release of the Dear Colleague Letter as a update to the Office of Civil Rights Guidance on sexual harassment by discussing three broad requirements for college administrators “disseminate a notice of nondiscrimination, designate at least one employee to coordinate [the school’s] efforts to comply with and carry out its responsibilities under Title IX, and adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints” (Rameshwar 2015, 960). To provide fairness to the proceedings, college institutions must resolve complaints and procedures promptly and equitably. Additionally, universities must adhere to the use of preponderance evidence during the proceedings of sexual misconduct in order to provide equal opportunity for the accused and accuser to provide the evidence and witnesses pertinent to the case. Secondly, the Office of Civil Rights states against the cross-examination of the victim or perpetrator due to creating a traumatizing or hostile environment for either party. These procedural requirements provide as guidelines for college institutions to deal with the task of sexual misconduct, yet it does not determine the proper or fair proceedings to adjudicate

claims of sexual misconduct.

One of the important requirements for college institution is to maintain compliance with Title IX during sexual misconduct cases in order to avoid discrimination or an unsafe environment for students. Title IX requires that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education” (Rameshwar 2015, 395). The obligation of universities under the Title IX developed in the Dear Colleague Letter in order to keep universities accountable to address and prevent sexual misconduct. To create more compliance to Title IX and prevent any future increase in sexual assault, the Obama administration developed White House Task Force “with the purpose of addressing sexual assault on college campuses. The first thing on the Task Force’s agenda is to use Climate Surveys to assess the extent of sexual assault on campuses, including students’ attitudes toward and awareness of sexual assault” (Rameshwar, 398). The goal of this task force is to provide a means to an end of sexual assault on college campuses through the use of educational programs on sex crime violence, bystander prevention, and defining consent. The Task Force helped assess the climate of the needs of the Title IX, which help Vice President Joe Biden draft the reform of Violence Against Women Act, which provides more coverage to women. The Violence Against Women Act expanded the definitions of

“personally identifying information or personal information” with respect to a victim of domestic violence, dating violence, sexual assault, or stalking; “underserved populations” as populations that face barriers in accessing and using victim services because of geographic location, religion, sexual orientation or gender identity; and “youth” to mean a person who is 11 to 24 years old.” (Leahy 2013, par. 1)

The expansion of the Violence Against Women Act provides more protection to victim while allowing the rights for protection of the accused.

College campuses are subjected to change in policy, like the expansion of the Violence Against Women Act, when conducting sexual assault cases, yet their proceedings differ from the criminal justice system. In the criminal trial for sexual assault, “the prosecution must prove every element of the offense beyond a reasonable doubt,

which is the highest burden of proof in the U.S. justice system” while “all institutions use a preponderance of the evidence standard in disciplinary proceedings for campus sexual assault” (DeMatteo 2015, 229). This differentiation in proceedings benefit a victim of sexual assault on a college campus by providing easier means to prove evidence of sexual assault, receive accommodations/services from the university post sexual assault, and allow for less underreporting. The only implication of ruling on preponderance of evidence within a sexual assault case on a college campus is the lack of proper discipline and the ability to encounter the perpetrator on campus. However, the due process rights administered in a criminal context are not required outside the criminal justice system; therefore, when college administrators are adjudicating claims of sexual misconduct, there are no rights to confrontation, to a lawyer, to compel witnesses to appear and give testimony under oath, or objective determination for either the perpetrator or victim. Unfortunately, in the college institution proceedings, the punishment for sexual assault is minimal compared to criminal trials because a student can be either suspended or expelled versus in criminal courts where there is incarceration, registering as a sex offender, or notification requirements. The protocol and procedures of a sexual assault case are minimal compared to the criminal justice system, yet should be reformed because each system deals with the same degree of misconduct. Therefore, college campuses should adhere to the due process rights of an individual, adhere to the burden of proof of beyond a reasonable doubt, and provide punishment that is equal to the crime versus their present minimal proceedings and rulings, even though colleges cannot incarcerate those found responsible.

It is evident how college institutions handle sexual assault cases differently from the criminal justice system especially in regards to student-athletes. In both recent events and studies, such as the Stanford rape case, student-athletes obtain special treatment regarding accusations of sexual assault. For instance, the athletic departments will delay a hearing, coerce a victim to recant, or fail to file the knowledge of sexual assault in order to protect the athlete and continue their participation within the sport. The athletic department cares more about winning and protecting its star athletes than complying with Title IX in regards to reporting sexual assault committed by one of their athletes. For example, “In *S.S. v. Alexander*, a female freshman equipment

manager was raped by a football player who she previously had a consensual relationship with. When the incident was reported to the assistant coach and also to the associate athletic director, both suggested that the victim transfer out of her position with the football team” (Moorman 2016, 553). There are minimal sanctions imposed on student-athletes due to their scholarship and participation within the college community. This is evident in *People v. Turner* because Brock Turner was a champion swimmer at the University of Stanford with no prior criminal offenses to the recent sexual assault of an unconscious woman. Yet, the judge took into account his academic and sports accomplishments by misapplying the law and sentencing him to 6 months of incarceration with good behavior and then parole along with registering as a sex offender in accordance with the law. This proves how student-athletes receive protection for their actions and misconduct based on their athletic capabilities/accomplishments instead of complying to the policies stated in the law.

However, despite the expansion of the Department of Education and more compliance with the Title IX policy to prevent and bring awareness to sexual assault, excluding the recent events of student-athlete sexual misconduct, the Trump Administration under the Betsy DeVos have decided to reverse the policy administered by the Obama administration. Betsy DeVos administered a new question and answer interim provided to college campuses on how to investigate and adjudicate complaints of sexual misconduct under federal law. The most important and altering implication for the sexual assault policy is changing from “the lowest standard of evidence, preponderance of evidence, and raise it to a higher standard of clear and convincing evidence”, which is harder to prove under United States law (Taylor 2017, par. 3). This change affects the strife of the Department of Education and the Office of Civil Rights towards creating a policy that will aid the victim of sexual assault while providing reasonable and fair regulations on how to handle college campus sexual assault. However, due to Betsy DeVos’ change in policy, there is more advocacy for the accused, which will in the end weaken sexual violence protections and create confusion on how best to address sexual misconduct on college campuses despite the progression towards prevention during the Obama administration.

## Conclusion

The topic of sexual assault on college campuses is a pertinent issue because of the proceedings handled by administrators, the action taken to prevent sexual misconduct, the protection of victims, and the education regarding sexual violence. Sexual assault is most prevalent on college campuses, yet the jurisdiction and the process of sexually violent cases is handled completely differently than within a courtroom ranging from the burden of proof to the punishment according to the crime. It is important to understand the guidelines of handling a sexual assault case due to the nature of the crime, the psychological effects on the victim, and the need to prevent from future victims. College campuses need better regulations and procedures for sexual assault because sexual assault is a criminal offense and should be treated according to the crime. However, college campuses handle it according to the lowest standard of evidence to advocate for the victim, yet the punishment does not prevent future sexual violence for individuals outside the university community. Thus, the change in policy on sexual assault will create an additional burden on college campuses because there will be stricter standards for conviction and evidence, yet the punishment standards remain the same in comparison to the lawful standards of the criminal justice system.

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# An Exploration into the Unknown World of Pedophilia

Zahra Khan

## Introduction

One of the most taboo subjects in modern society is sexual violence against children. With infamous church scandals, Hollywood scandals, football camps, teacher-student scandals, etc. constantly plaguing our media coverage, pedophilia is an issue that can no longer be ignored. The American Psychiatric Association's Diagnostic and Statistical Manual defines pedophilia as, "recurrent, intense, sexually arousing fantasies, sexual urges or behaviors involving sexual activity with a prepubescent child" (Cloud 1). There is relatively little research done on pedophilia; however, the research that exists reiterates the same opinions and challenges about the study of and prevention of pedophilia. This paper aims to consolidate five different sources to make a comprehensive "guide to pedophilia," and shed more light on an issue that affects the most vulnerable in our society.

*Source 1: "Is Pedophilia a Sexual Orientation" by Michael C. Seto*

In his paper, "Is Pedophilia a Sexual Orientation," Michael C. Seto, a forensic psychologist, sexologist, and author, explores if pedophilia can be categorized as a sexual orientation- akin to homosexuality and heterosexuality. He labels pedophilia as a form of sexual age orientation, and homosexuality/heterosexuality as a form of sexual gender orientation (Seto 231). It is important to note that his research focuses on comparing the similarities and differences between heterosexual, homosexual, and male pedophiles; so, his paper is not representative of the entire child sex offender population.

Seto defines pedophilia, "as a sexual attraction to prepubescent children, as indicated by persistent and recurrent sexual thoughts, fantasies, urges, arousal, or behavior" (Seto 231-232). (However, it is important to disclaim that the criminal law defines pedophilia as sexual conduct with a minor- without the specification of a prepubescent child). Seto defines male sexual orientation as, "direction(s) of a male person's sexual thoughts,

fantasies, urges, arousal, and behavior" (Seto 232). The aspects of sexual orientation explored in this paper include: age of onset, sexual and romantic behavior, and stability over time (Seto 232). In sexual gender orientation cases (sexual attraction based on gender), age of onset (awareness of one's sexual gender orientation) occurs before puberty (Seto 232). However, the age of onset is relatively unknown for pedophiles. One study found that only a minority of pedophiles interviewed found sexual interest in children before adulthood (Seto 232). Another study found that 23 of pedophiles had sexual fantasies about children before their first offense (Seto 232). Again, Seto did not find enough information to make a generalization about the age of onset for pedophiles. The second tenant of sexual orientation is sexual and romantic behavior. Seto cites an expert sociologist on child sexual abuse, David Finkelhor, for the explanation of this facet of sexual orientation. Finkelhor defines sexual and romantic attraction as emotional congruence (Seto 233). Emotional congruence with children is the extent to which having sex with a child fulfills emotional needs (Seto 233). However, emotional congruence also includes the level someone enjoys the company of children, "enjoys child-oriented activities," and believes his emotional and intimate needs can be met by children (Seto 233). Sexual and romantic behavior between a pedophile and a child cannot be compared to a relationship between two consenting adults.

The third and final tenant mentioned by Seto is stability over time. In sexual gender orientation, stability over time refers to the fact that even though a person can curb their sexual arousal, they are still attracted to who they are attracted to. For example, conversion therapies to change a gay man into a straight man do not work (Seto 232). Conversely, "pedophilia is viewed by many researchers as having a lifelong course" (Seto 233). The research on whether or not attraction towards a child can be altered is also inconclusive. However, Seto writes that, "viewing pedophilia as a sexual orientation would suggest that treatment is more likely to

be effective if it focuses on self-regulation skills than on trying to change sexual preferences” (Seto 233-234). Even though studies regarding if pedophilia can be curbed through self-regulation skills are inconclusive, they do offer hope. Seto cites a study that shows clinically diagnosed pedophiles who had multiple offenses, showing reduced sexual attraction to children compared to adults, after partaking in treatment that focused on relationship skills, intimacy, and self-esteem (Seto 233). Therefore, there is evidence that pedophiles can learn to change their lifestyle habits through therapy.

Seto says that even if pedophilia is inherent in a person, like homosexuality or heterosexuality, it can never be allowed because children cannot give consent (Seto 234). But, he does argue for more compassion towards pedophiles to encourage them to seek help, even if that means accepting pedophilia as a sexual orientation instead of a preference.

*Source 2: “Explanations of Pedophilia: Review of Empirical Research” by David Finkelhor and Sharon Araji*

The expert Seto mentions in his work, David Finkelhor, published his own work on pedophilia through the University of New Hampshire’s sociology department. He co-wrote a paper titled, “Explanations of Pedophilia: Review of Empirical Research,” with Sharon Araji of University of Alaska Anchorage. This article uses empirical research to discuss theories on why adults become sexually attracted to children (Araji and Finkelhor 17). The scholars divide their research about the different theories into four categories. The four categories are as follows: emotional congruence, sexual arousal, blockage, or disinhibition (Araji and Finkelhor 17). The article starts off with an in depth discussion on emotional congruence. One theory of emotional congruence states that pedophiles are emotionally immature and see themselves at the same emotional level as children, which is why they choose children as sexual partners (Araji and Finkelhor 20). Another similar theory is that pedophiles have low self-esteem and being with children gives them, “a feeling of being powerful, omnipotent, respected, and in control” (Araji and Finkelhor 20). A final and highly popular theory for emotional congruence is the concept of “identification with the aggressor,” which means that someone who was abused as a child will also become an abuser of a child, as a way to combat their own trauma (Araji and Finkelhor 20). The authors cite evidence to support

the claim that pedophiles were often sexually abused as children; therefore, they learn arousal towards children as a means to take back power from their abusers (Araji and Finkelhor 25).

The concept of sexual arousal is that early experiences of arousal become part of a fantasy, which are repeated and reaffirmed through masturbation (Araji and Finkelhor 25). Sexual arousal often goes in tandem with the next category, blockage. The theory of blockage is that, “individuals are blocked in their ability to get their sexual and emotional needs met in adult heterosexual relationships”, so they turn to children (Araji and Finkelhor 26). Blockage suggests that pedophiles seek emotional and sexual fulfillment through children, similar to the concept of arousal. There are a variety of reasons as to why someone cannot function in adult relationships, but the common consensus lies within sexual anxiety and poor social skills (Araji and Finkelhor 28).

The fourth category mentioned in this article is disinhibition. Disinhibition has to do with impulse control. Lack of impulse control is not a justifiable explanation for pedophilia because studies prove that most pedophilic attacks are premeditated (Araji and Finkelhor 30).

*Source 3: “Researches Seek Roots of Pedophilia” By Lynne Lamberg*

Not only has this research into pedophilia been explored by expert sociologists, but it has also been picked up by published journals. The Journal for the American Medical Association published an article in 2005 titled, “Researchers Seek Roots of Pedophilia,” by Lynne Lamberg. The focus of this article is on how pedophilia is a lifelong disorder that requires lifelong treatment. Lamberg quotes Yuli Grebchenko, a resident of psychiatry at Beth Israel, for his opinion that pedophiles have “a higher propensity to hold cognitive distortions than other groups” (Lamberg 547). He believes that pedophiles have psychopathic traits, which prevent them from understanding the consequences of their behavior (Lamberg 547). However, this same article cites another researcher who found that, “sexual abuse may distinguish pedophiles from controls better than other forms of child maltreatment do” (Lamberg 547). This statement is the conclusion reached by Lisa Cohen, PhD, associate director of biological psychiatry at Beth Israel (Lamberg 547). She conducted a study among pedophiles, former opiate addicts, and a control group. The

purpose of comparing opiate addicts and pedophiles was to compare two groups of people with similar impulsive, addictive, and psychopathic traits, and then figure out which characteristics were unique to sexual abusers (Lamberg 547). The results showed that 5% of the control subjects reported sexual abuse, 20% of substance abusers reported sexual abuse, and an overwhelming 60% of pedophiles said they had been sexually abused as children, on average around eight years old (JAMA 547). Again, this research is inconclusive, but does point to sexual abuse during childhood as being the greatest catalyst for pedophilia. The Journal of American Medical Association is one of few reputable/prestigious sources willing to talk about pedophilia.

*Source 4: "Pedophilia" by John Cloud*

In 2003, Time Magazine published a very famous and controversial article titled, "Pedophilia." The purpose of this article was to bring massive attention to a real societal problem that is often labeled as taboo. The article references two experts on pedophilia. Dr. John Bradford, a psychiatrist at the University of Ottawa, says pedophiles make up 4% of the population; hence, it is a big enough problem to warrant a discussion (Cloud 1). The other doctor mentioned in this article, Dr. Fred Berlin, a Johns Hopkins University professor, is one of the most renowned people in this field of study in the United States. His philosophy is that pedophilia is a sexual orientation that people are born with; so, he believes providing treatment is the long term answer. He equates pedophilia to alcoholism because both are "incurable but treatable" (Cloud 1). At his clinic, the clients must admit to their urges and confront them in group therapy; while, counselors help restructure the clients' lives to eliminate contact with children. Dr. Berlin also prescribes medication, also known as chemical castration, to reduce the sex drive of 30% of his patients who do not respond to nondrug therapy (Cloud 1).

Dr. Berlin's belief that therapy can work for pedophiles has strong supporting evidence. The American Journal For Forensic Psychiatry did a study of 400 of his patients and found that only 1.2% of his patients, who went through his 2.5 year treatment program, re-offended three years after completion of the program (Cloud 2). However, Dr. Berlin's patient success is not reflective of a large enough population of pedophiles to see if treatment really works. It is important to remove the stigma around pedophilia in order for people to

seek treatment, and researchers like Dr. Berlin to prove whether treatment is effective.

*Source 5: "A profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment, Outcomes, and Forensic Issues" by Dr. Ryan Hall and Dr. Richard Hall*

"A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues," written by Dr. Ryan Hall and Dr. Richard Hall provides a further in depth analysis of pedophilia. This article makes an important distinction that pedophilia and child molestation are not interchangeable terms. Pedophilia is a clinical term used to describe someone who has been diagnosed with having sexual attraction to children; it is not a legal term (Hall 457). Child molestation is a legal term, not a medical diagnosis. "A child molestor is loosely defined as any individual who touches a child to obtain sexual gratification with the specifier that the offender is at least 4-5 years older than the child" (Hall 457). Even though the terms are not interchangeable, studies show that 88% of child molesters are people who now or in the future will meet the criteria for pedophilia (Hall 457).

The characteristics that make up a pedophile are anxiety, narcissism, inferiority complex, emotional immaturity, anti-social behavior, and loneliness (Hall 462). Impulse control does not count as a characteristic because 70%-85% of pedophilic acts are premeditated (Hall 462). The previously mentioned personality traits lead pedophiles to commit a large range of acts against children including: exhibitionism (exposing themselves to children), voyeurism (looking at naked children), and frotteurism (rubbing genitals on a child) (Hall 458). They then fit one of five defense patterns in an attempt to justify their actions. The US Department of Justice manual for law enforcement defines the patterns as: denial, minimization, justification, fabrication, and attack (Hall 458).

There are many theories about what causes someone to act on pedophilic urges. The most common theory is that abused children grow up to become abusers in an attempt to dispel their own identity as a victim (Hall 464). Two less common theories are that abused children have imprinted sexual arousal patterns because of early abuse trauma, and post-traumatic re-wiring of

the brain leads to hypersexual behavior (Hall 464). The Abel Assessment for Sexual Interest (AASI) is a self report questionnaire that checks visual reaction time to clothed pictures of children and adults. This test is not completely accurate, but gives a good enough indication of whether or not someone displays pedophilic tendencies (Hall 464).

### **Analysis of Literature**

Given the previous literature, the focus of this paper is to share factual information about what makes a pedophile a pedophile, by looking into studies that focus on personality traits, surveys, catalysts for pedophilia, treatment, and expert opinions on the effects of stigmatization.

The five scholarly articles reviewed in this paper present several interesting findings and common themes. The first being, every author or expert referenced, pushed to destigmatize pedophilia because most of them believe it is a sexual orientation or a lifelong illness. In his paper, Dr. Seto does liken pedophilia to homosexuality and heterosexuality, but does mention that children cannot consent; therefore, pedophilia can never be treated like a true sexual orientation. However, on the final page of his work, he does argue that stigma surrounding pedophilia prevents pedophiles from coming forward and seeking help. Dr. Araji, Dr. Finkelhor, Dr. Hall, Dr. Hall, and Dr. Cohen all expressed similar sentiments. Dr. Berlin is the only person mentioned who has taken it upon himself to make a treatment plan; he is also a proponent of pedophilia being seen as an illness that needs treatment. According to all the experts reviewed, the only way to move forward with the research and prevention of pedophilia is to end the stigma associated with being a pedophile.

Besides agreeing that pedophilia should not be stigmatized, every scholar shared the same disclaimer about their research. The research in these articles only represent a small portion of pedophiles. This is because a majority of the pedophiles used in the studies are in the criminal justice system, or are in mandated treatment programs. This is an issue because Dr. Araji and Dr. Finkelhor write that using only institutionalized pedophiles for research leads to a narrow perspective on the study of pedophilia, as some of the characteristics that are used to generalize pedophiles, like passivism and low self-esteem, might actually be the result of those people being in the criminal system, and not

a reflection of the characteristics of pedophiles (Araji and Finkelhor 33). Pedophilia has to be less stigmatized for researchers to have access to a diverse group of pedophiles-including those that go undetected like neighbors, priests, coaches, etc.

### **Concluding Thoughts**

Besides learning about expert opinions on pedophilia and impediments surrounding its research, I was surprised to learn that impulse control is not a justifiable reason for pedophilia. I believed that pedophiles acted on their urges because of a lack of self control, but Dr. Araji and Dr. Finkelhor's research shows otherwise. I also had the misunderstanding that pedophilia was interactions between strangers and children, but was surprised to learn that incest pedophilia is a rampant epidemic. Dr. Hall and Dr. Hall cite that federal data shows 27% of all sexual offenders assaulted family members, and 50% of assaults committed against children under the age of 6 were by family members (Hall 459). These alarming statistics reinforce the need to have proper legal policies that protect children and provide pedophiles with proper treatment.

As Dr. Seto previously mentioned, recognizing pedophilia as a sexual orientation helps pedophiles come forward and seek help. However, allowing pedophilia to be equated to heterosexuality and homosexuality leads to a host of problems. Even though homosexuality was previously unaccepted just as pedophilia is now, does not equate the two as equal sexual orientations. A homosexual relationship is between two consenting adults, and a child will never be able to provide that consent. There should be laws recognizing pedophilia, so that pedophiles are less ostracized and are encouraged to seek help, but pedophilia should never be given the same legal rights or benefits that heterosexuality and homosexuality warrant. Rather, laws should be in place to open up more treatment facilities like Dr. Berlin's, in an attempt to treat and rehabilitate pedophiles back into society.

Mandatory reporting laws, such as Megan's Law, are already in place. Megan's Law was enacted after the death of seven year old Megan Kanka, who was raped and murdered by her neighbor. The perpetrator, Jesse Timmendequas, had been previously released for his second sex offense against children before murdering Megan (Hall 467). Megan's community and family were unaware of Mr. Timmendequas's criminal past, which

is why they pushed for mandatory reporting laws. The purpose of these laws is to serve as a deterrent to sex offenders and to keep communities safe; however, these laws also prevent sex offenders from avoiding treatment and registering out of fear of their safety and employment reasons (Hall 468). Mandatory reporting laws are vitally important in ensuring the safety of children, but come at a price. They need to be amended to include some sort of privacy and safety for the pedophiles and sex offenders, so they have an incentive to register themselves and seek treatment. Such an amendment could include them registering their address, but not necessarily their names.

There is still so much to learn about pedophilia and its origins. The best way to protect children from pedophiles is to remove the stigma around pedophilia. Pedophiles have to be encouraged to come forward, so that researchers can begin to understand what pedophilia really is. This will help researchers and lawmakers come up with the best course of action to protect children and encourage pedophiles to seek help. Pedophilia will never be accepted, as children cannot consent, but strides can be taken to understand it.

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# Family & Development

*Veronica Nederend*

While an individual continues to grow and develop in the years following their childhood, it is evident that one's early years have a very strong effect on that person, both as an individual and within the family setting. In recent years, studies have demonstrated a significant increase in family structures that differ from what most people refer to as the "traditional family," which consists of a mother, a father, and a few kids (Talmon 2007). Modern society has shown that it is now more normal and acceptable to be raised by a single parent, homosexual parents, divorced parents, divorced and remarried parents, and so on. With these changes in an individual's childhood, there are many concerns that arise because of the effects that may occur to the child's mental development. With this knowledge, we - as part of a broader society - can decide what to make of it. Perhaps we will raise our children in the same way, or maybe we will make a change and help to create an environment that is best suited for a child's mental development. This research paper is going to unpack the ideas that shape an individual's upbringing, analyze how significant changes within a family structure affect the individual, and discuss if a certain family structure is more beneficial to an individual's mental development.

A child's mental health in their early developmental years can have lasting effects into their adulthood, so it is important to research how and why family structure in these developmental years are so crucial to the overall well-being of an individual. In her article, "Family Structure and Child Health Outcomes in the United States," sociologist Loretta E. Bass draws from the study of nearly 5,000 students nationwide to analyze how family structure affects children. She writes, "When considering the children of married-couple families, children born to married couples have better health and health care compared to children born to unmarried couples" (Bass 2011). Sociologist M.M. Scott discusses further implications, such as the access to resources that help an individual be at their best mental state, "The degree to which household structure and composition determine children's access to resources (material and nonmaterial) can only be evaluated in light of knowl-

edge about family relationships both within and across households" (Scott 1993). A child who is denied access to certain resources - such as financial needs, high education, therapy sessions, health insurance, and the like - may not be receiving the necessary treatment to dealing with problems at a young age. This can lead into more issues if the child never fully resolves their childhood problems.

It is important to understand the correlation between a child's mental health and well-being, and the framework of their family. A study in the *Medical Care Research and Review* journal demonstrated the correlation, as well as the positive and negative effects on individuals within a family. One of the main conclusions from their study of 100,000 persons, was that two-parent families demonstrated less doctor visits related to mental health concerns. Darrel J. Gaskin writes, "Compared to children who lived with two biological or adoptive parents, children in other families [with single parents, blended families, or divorced parents] were more likely to have a mental health visit; and among children receiving care, they had more mental health visits" (Gaskin 2008). He proceeds to discuss the effects that significant changes in one's childhood may have for the individual later on in life. He discusses how nontraditional families often experience consequences later on, by writing, "Changes in the family structure have been linked to higher rates of child poverty and higher incidence of other problems including school dropout, alcohol or drug use, adolescent pregnancy and child-bearing, and juvenile delinquency" (Gaskin 2008). The data analyzed in the study demonstrated a strong correlation between a child's upbringing, and the benefits or consequences that they experienced later on in life.

Sociologists have examined the reasons as to why an individual's family structure has such a strong correlation to their mental development. While it can pertain to many aspects, the relationship between parent and child is crucial to the development of the child (Kaluza 2015). If that relationship is in any way severed or not completely intact (for instance: divorced families, step-parent involvement, widowed parents), the child

will likely experience challenges and conflicts as they continue to develop mentally. In his article on family structure, Ming Wen writes, "Parent-child conflict may also result from a sense of betrayal and resentment in children whose parents have divorced" (Wen 2008). These feelings at such an early age can have detrimental effects, as the child never fully learned how to cope and then recover.

As a child from a nontraditional family grows up and enters adulthood, he or she may experience some psychological changes that affect their relationships with others in a negative way. In his article analyzing family structure and socioeconomic status, Alan Acock suggests his theories for the origin of these psychological changes in one's family structure. He writes, "family disruption also may influence two beliefs that are central to well-being: sense of control over one's life and trust in people" (Acock 1989). These two main beliefs seem to be the root of many other issues that occur as a child grows into an adult, because of the family changes that he or she experienced in the developmental stage. Acock proceeds to discuss the other negative effects in adulthood such as "lower levels of happiness, satisfaction with life and various domains of life, a sense of fate control, trust in others," along with other negative effects on one's psychological well-being (Acock 1989).

When considering the future of marriages and families, it is important to analyze the past examples in order to contemplate how to move forward. Many sociologists provide evidence of how family structure has affected children in the past, along with reasoning as to why family structure is so correlated to an individual's mental well-being later on in life. The next step is to contemplate what we want to continue doing, and what needs to be changed, in order to create the best home environment for future generations to grow and develop in. In her article, "Advances in Families and Health Research in the 21st Century," sociologist Deborah Carr provides some resources that parents can use to help strengthen their relationships. While others focus on the concept of marriage, she encourages programs that support the general idea of healthy relationships, such as "parent education, conflict resolution, communication, health behaviors, and financial literacy modules" (Carr 2010). While these programs and ideas are not exhaustive, Carr suggests that they can definitely help to provide benefits for mental health of both par-

ents and children. Another sociologist, Sarah Meadows, focuses on unmarried women who have children, and suggests programs that provide "recovery period" so that mothers can readjust after a time of familial transitions (Meadows 2008). While these alternative family structures have created some mental issues in family members, there are some programs that can help to prevent these issues, so that both parents and children have a chance to recover and then be their very best in familial relationships.

In conclusion, many studies have demonstrated the effects that family structure has on the mental development and well-being of children as they enter adulthood. Many sociologists, such as Darrell Gaskin, Anne Barrett, and Deborah Carr, provide data that pertains to mental health effects of people based on their family's framework at a young age. It is clear that these studies point to a similar conclusion: children in nontraditional family structures tend to experience more mental health issues, due to a lack of resources, lack of support, and lack of stability. When considering where to go from here, it is important for future and current parents to be made aware of these studies, and then decide for themselves how they will raise their families. As society continues to show an increase in alternative families, that differ from the traditional family structure, there must be a solution to the problems that people might face from these negative psychological effects that often take place in familial settings. The traditional family with two biological parents in a stable marriage is the most optimal; however, there are many programs and resources available to help those who are not able to attain this. With these programs and resources, we are better able to create a stable home environment for children to properly grow and develop. It is important to help society reach its fullest potential, looking first at ourselves and then at others, and this is a way that we can provide the best kind of family structure to help children achieve the greatest mental development.

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# The Internet, Social Media, and Social Movements: Should Online Activism Replace Traditional Activism?

*Amira Gregory*

## Introduction

The internet, since its creation, has opened many doors for new modes of global communication. Websites, emails, blogs, forums, social media, and other online mediums of communication have given those with access a way to have their voice be heard on a large scale. Due to its ability to disseminate information quickly and efficiently, the internet has become a popular place for news and discussions regarding issues in society and politics to take place. Individuals and groups have used the internet to gather around socio-political issues that they are passionate about, to voice their opinions on these issues, and to connect with others with similar interests. The passion that these groups have for issues presented on the internet has resulted in online activism, which uses the internet as a tool to create social change. Online activism and traditional activism are similar, since they both aim to achieve the same end goals: to educate people on issues, to get people involved in the movement, and to create social change through different avenues (i.e. petitioning, boycotting, protesting, etc.). The literature I found regarding online activism analyzes the role that the internet plays in online activist efforts, and all answer in one way or another the following questions: how effective is online activism in making changes in the real world? Does politics on the internet help or hurt the process of creating social change offline?

## Characteristics of Politics on Social Media

In the past few decades, the internet has changed the nature of politics drastically, especially how politics are spread and discussed. How has the internet shaped characteristics of politics in a virtual platform? In Karamat and Farooq's (2016) article that studies the role that social media plays in political activism, they argue that social media has played an essential role in the spreading

information about news going on in society and politics to the world. They state that "it has become a platform for the people to express their political views" (Karamat & Farooq 2016: 395). More specifically, Scherman et al. argue that social media has given people opportunity to utilize the information they receive regarding social and political movements, which might have been more difficult to access in the past (2015). This opportunity that social media gives people to receive information allows them to get more involved in politics, since it brings awareness to different ways to get involved in politics (Scherman et al. 2015).

Social media is given a lot of credit for facilitating the distribution of political information, and is described as having the ability to unify people around a cause, which results in people creating a collective identity around said cause (Onuch 2015). Websites such as Twitter and Facebook are used by news sites to connect people with their political articles and news stories, and are a place for people to discuss the topics put out by the press (Onuch 2015, Juris 2012, Spiro & Hernandez 2016). Since websites and blogs can be created by unreliable sources, the internet is also a source for fake news stories, which can be confusing when they circulate on social media. As Onuch states, "the final point of concern raised by activists was that once released into the digital universe, the posts, even if 'fake', can eternally circulate and misinform citizens and be used at a later date by 'enemies' of the protesters" (2015: 180).

Another way that politics has changed over the years has to do with the fact that social media has given politics a more interactive arena. This points to the ability of citizens being able to directly contact politicians online, and to congregate virtually to discuss issues in real time. This change in the level of immediate, direct interaction that citizens have with politicians has resulted in politicians using social media to voice their opinions and to gain followers to support their cam-

paigns. People can follow their favorite politicians on Twitter, and are able to interact with them by sharing their tweets and replying to them (Karamat & Farooq 2016). Online political involvement has also allowed people to take politics into their own hands, through the creation of their own social media sites, websites and blogs. Sometimes, social media politics takes the form of “liking” articles online or “sharing” the articles through social media to the rest of their online friend circles (Onuch 2015). Although there are debates about the role that social media has in the success of social movements, “Some scholars point to the ability of these platforms to facilitate sharing, which has been identified as a key component of connective action, allowing individuals to personalize their participation and interaction with the protest” (Spiro & Hernández 2016: 14). Hashtags are also used online politics, to spread word on topic by labeling it with a hashtag that anyone can use to join in on the discussion (Juris 2012). For example, Juris (2012) discuss how hashtags were used in multiple #Occupy movements to spark conversations online using the hashtag to promote the movement. The #Occupy movement “has also spread through the occupation of physical spaces as well as the diffusion of evocative images through traditional mass media platforms” (Juris 2012: 260).

Live streams, as Onuch mentions, were also helpful to activists and other citizens in broadcasting the EuroMaiden Protests and to, “unite people with different political views and from different regions” (2015: 178). Another example of people taking politics into their own hands online is discussed by Van Laer and Van Aelst (2010) when many women protested for their rights as mothers in the Mothers’ International Lactation Campaign. These mothers participated in an online sit-in, in which they focused on “asking Facebook members to change their profile picture into a breastfeeding one.” (Van Laer & Van Aelst 2010: 1156). Their goal was to dispel common ideas about breastfeeding in public, and to widely voice that breastfeeding is a normal part of being a human being that should not be shameful on their Facebook group titled “Hey Facebook, breastfeeding is not obscene” (Van Laer & Van Aelst 2010).

A website that is focused on allowing people to create and publish their own news stories that might be left out of mainstream media is Indymedia (Juris

2005). The news stories that are typically shared on the platform have do with political organizing and ongoing campaigns (Juris 2005). Another popular outlet for people to exchange ideas and congregate around a campaign is through Facebook, which housed the one of the largest social media campaigns on the site with over 1 billion members as of 2014 (Lewis et al. 2014). Facebook also contributed to a candidate winning the Mexican state election. “His public Facebook page became the key information infrastructure supporting public policy conversations among citizens well beyond election day” (Howard et al. 2016: 68). A study conducted by Tufekci and Wilson (2012: 374) which discusses the impact that social media has on people’s protest participation, who stated that “the protesters we sampled had first heard of the protests on Facebook and, in addition a quarter used Facebook to disseminate pictures and videos they had produced” Due to the many different sites and ways to get politically involved online, Juris (2012: 271) argue that it is challenging for citizens as well as experienced activists, “to keep up with the sheer number and diversity of communication channels.”

### **How Online Activism in “Slacktivism”**

Slacktivism, a term that is used by scholars to critique online activism, describes the issues involved with using the Internet as a tool for advocacy. It implies that those who use the internet as their primary source for activism are ‘slacking,’ suggesting that online activism is an insufficient tool for social change. In other words, the most effective and engaging activist efforts occur offline and in the communities that they are meant to serve. But how exactly is online activism “slacktivism”? The two main opposing arguments in the literature that are presented against online activism state that online activism does not allow people to fully commit themselves to the cause, causing the passion to die down fast (Diani 2000, Spiro & Monroy-Hernández 2016, Kristofferson et al. 2014, Lewis et al. 2014) , and also argue that activism online is too easy (Onuch 2015, Van Laer & Van Aelst 2010, Stoecker 2002, Comunello & Anzera 2012).

#### *Lack of full commitment.*

Due to the nature of online activism, it does not require people to meet and interact with each other face to face. Diani (2000) argues that face to face interactions help create solid connections between members of

a movement. This connection is crucial for the movement's survival, since its purpose is, "recruiting members and securing their commitment" (Diani 2000: 397). This lack of commitment was detrimental to the five studies that were performed by Kristofferson et al. (2016). Their study suggests, "the existence of slacktivism, wherein an initial act of token support does not lead to an increased willingness to provide more substantial contributions to the cause" (Kristofferson et al. 2014: 1162). Furthermore, they conducted tests to figure out what types of behaviors resulted in slacktivism. They found that private participation in helping a cause (i.e. privately donating money) often results in these people participating in subsequent activist actions (Kristofferson et al. 2014). Actions such as publicly stating that you have done some kind social activism (i.e. wearing a pin, or showing participation online) leads to lower rates of subsequent participation (Kristofferson et al. 2014). The study shows that when people show their participation publicly, they have the feeling that they have done enough for the cause since they can be recognized for their actions publicly (Kristofferson et al. 2014).

Another study that points to a lack of commitment associated with online activism was conducted by Lewis et al. (2014), which showed the results from the online cause they were studying were not impressive. They people who were involved did not participate in the recruitment of other potential members, nor did they support the cause monetarily themselves (Lewis et al. 2014). This shows that the members of the online movement were not fully interested in the success of the cause, and were not fully invested interested in using their own resources for its benefit. The pressures that are often associated with participating in a movement that takes place in the movement are removed when participation is solely virtual. Even if people are extremely involved from the beginning of the movement, studies show that individual's online political participation tends to die down over time (Spiro & Monroy-Hernández 2016, Lewis et al. 2014). From this point of low participation, organizations tend to take over and keep the movement alive and thriving (Spiro & Monroy-Hernández 2016).

Online movements often do not lead to action that can be sustained, according to Diani (2000), due to them lacking the face to face interaction of traditional

social movements. This can be a problem for the success of a social movement, especially ones that are the most radical in nature, since they are, "dependent upon direct, face-to-face interactions" (Diani 2000: 397). As Stoecker points out, "in cyber-organizing, people are not developing face-to-face relationships, and when threatening conflict occurs are they going to support each other, for example, getting clubbed, gassed, or worse?" (Stoecker 2002: 156). For movements that might have dangerous outcomes, online movements might put people in dangerous situations if trust and commitment are lacking in the relationships between protestors. The strong level of commitment might be missing with online social movements, since the participants do not make the crucial face to face connections that Stoecker describes are necessary for the survival of high risk movements.

*Too easy/low risk factor.*

Another factor that scholars contribute "slacktivism" has to do with online activism making it easy for people to claim that they are doing a lot for social movements when they actually are just "liking" a facebook page or "sharing" informational articles. Although both of those actions are in support of a movement or cause, it is argued that these low-risk actions do not have the same reward and results as those actions that require more risk (Onuch 2015, Stoecker 2002, Comunello & Anzera 2012). The lack of commitment that is associated with online activism affects the level of engagement that participants are willing to put forth for projects that might require sustained effort, since it is easier to participate through the click of a button (Van Laer & Van Aelst 2010). For example, Comunello & Anzera (2012) describe traditional protest behaviors that they claim strongly benefits the success of a movement. They claim "protesters who decide to leave domestic safety and to challenge a menacing repression force cannot be compared with acts of 'keyboard activism'" (Comunello & Anzera 2012: 463). To these scholars, online activism cannot be compared to the real-life actions of offline activism, such as potential arrest, injury, or death (Comunello & Anzera 2012).

When the internet is the main source of collective action, Stoecker (2002) claims that we should be careful to expect online activists to put forth high-risk efforts for the sake of the movement. They might not be willing to do what they need to do to truly bring attention

to the cause to make a change, which might involve “disruption action” (Stoecker 2002: 156). Those that participate in activism through social media might feel as though they are truly making a difference in a movement. Onuch (2015) states “this form of engagement and demonstrative support does not place them at the same level of risk than if, for example, they engaged in protests outside their homes” (Onuch 2015: 178). Being able to stay in one’s home and support a cause and educate others might be convenient, but Stoecker (2002) believes that true action is done through hard work and commitment. Onuch also argues that social media is responsible for “creating conditions for direct inaction” (2015:178) due to inability to produce substantial social change.

Scholars that are concerned with the effects of “slacktivism” on traditional activist efforts demand that online activism not be relied upon for the future of social movements (Van Laer & Van Aelst 2010, Stoecker 2002). Also named “keyboard activism,” Van Laer & Van Aelst (2010: 1162-3) state that activism of this kind “may go at the expense of real actions that demand a higher commitment.” Van Laer and Van Aelst (2010) use language such as “real actions” to directly oppose what they deem are lesser actions, which are those associated with online activism (i.e. liking, sharing, retweeting, etc.). This divide is also discussed by Stoecker (2002), who implies that online activism is not on the same playing field as community organizing. Stoecker (2002) states “Community organizing, therefore is still about face-to-face relationship building, street-level actions, and the hard work of winning hearts and minds. Thus, we cannot think of the Internet as a new form of organizing” (Stoecker 2002, 157). By pitting online organizing against offline organizing, they argue that activism on the Internet is not able to achieve the things that offline activism can. Lacking in areas that Stoecker (2002) claims to be essential to a successful social movement, online activism cannot replace traditional activism.

### **How Online Activism Leads to Offline Activism**

Opposing the arguments that claim that online activism is “slacktivism,” scholars also argue that the internet is a successful tool that can be used to encourage people to leave their phones at home and to create social change in offline spaces. Although some social

movements begin and gain followers online, these authors argue that online activism can be a gateway for participating in offline activism.

#### *Effective communication and motivation.*

How does online activism push people to enter the streets and communities? One way that is argued by scholars is through the internet’s ability to effectively relay information to many people, that might encourage them to participate in offline action. Juris (2012), who supports this argument, states, “Although social networking tools allow activists to rapidly circulate information and to coordinate physical movements across space, they are perhaps most effective at getting large numbers of individuals to converge in protest at particular physical locations” (267). This ability of the Internet is strongly demonstrated in Hwang & Kim’s (2015) article, which describes the significant role that social media played in the “Occupy Sandy” movement. This movement, which was organized on social media, could get people to mobilize offline and get those that were affected by the Hurricane the resources that they needed through online encouragement. Van Laer (2010) discusses the internet’s ability to help online activist keep each other updated on future offline protests, it also is successful at “sustaining and reinforcing particular motivational elements: “online” activists showed higher levels of some sort of group-based anger” (Van Laer 2010: 361).

Carty (2002: 144) describes the role that the internet plays in relaying information to a large group of people, as well as encouraging them to participate in collective action. “The Internet has proved to be a medium that enhances the interconnectedness and consciousness of groups and individuals on a global scale. This has opened new possibilities for social relations between workers in developing countries and activists in core countries, and concerned citizens across national boundaries. Not only does the internet raise consciousness amongst groups and individuals, it allows for them to connect with global citizens who are also interested in creating large-scale social change” (Carty 2002). The internet gave protesters the opportunity to quickly spread information regarding businesses taking advantage of their power, which fed the fire for offline mobilization due to their darkness coming to light (Carty 2002). Kamel (2014) also describe how the internet and social media are used to encourage people to get involved offline,

specifically in Egypt's political protests. In Egypt, social media is given credit for pushing forward the movement "that led to the nation's uprising... demonstrators and activists spread the word on Twitter and Facebook encouraging followers and friends, respectively, to go down to the streets in specific times and locations" (Kamel 2014: 84). The encouragement and planning that took place online led to a successful political uprising that made substantial change in Egypt's political climate (Kamel 2014).

Although social media and the internet is praised as being an extremely helpful tool that activists can use to spread information and organize offline protests, Valenzuela (2013: 936) makes it clear that, "social media are not so much creating new forms of protest but amplifying traditional forms of protest, such as street demonstrations." They argue that social media is not meant to replace offline protests, but instead are successful at making sure that offline protests are strong and unified (Valenzuela 2013). They also claim, "social movements seeking to exert changes in society need to understand that social network sites and other Web 2.0 platforms can aid offline forms of citizen participation, rather than the two forms (online and offline) being separate, parallel worlds of activism" (Valenzuela 2013:936). This argument blurs the line between offline and activism, and states that the two work seamlessly together to benefit the overall success of social movements (Valenzuela 2013). Instead of social organizations fighting against internet activism by wanting to be more successful than them, they should utilize the internet to make their campaigns more effective. If organizations commit to using the internet to their advantage as they have in Egypt, they could possibly experience the same success that they have in achieving their political goals. Kamel states, "social media technologies, tools and applications were at the core of the events and represented an invaluable vehicle that effectively contributed in the formulation of the protests" (Kamel 2014: 79).

#### *Reliance on Social Media.*

Multiple studies show that those who use social media are likely to be more involved in offline social movements (Van Laer 2010, Hwang & Kim 2015, Scherman et al. 2015, Carty 2002, Valenzuela 2013, Štětka & Mazák 2014). Scherman et al. (2015: 167) state, "According to the analyses presented, we conclude that there

is a positive relationship between the use of both Facebook and Twitter and participation in student demonstrations and street marches against the construction of a power plant in the Patagonia." This study indicates that young people are motivated to participate in offline protest through coordinating and motivation on social media (Scherman et al. 2015). Since young people are generally known as being social media savvy, this study aligns with young people's connection to the internet as place to relay important information. Hwang & Kim (2015) also indicate similar findings: "According to the media use patterns identified in this study, those who use and depend on social media more were identified as having higher levels of both intention to participate in social movements participate and actual participation in social movements" (485-6).

Since most young people fall into the category of being reliant on social media, the internet can be a particularly useful tool for getting this portion of the population to become interested in participating and participating in social movements. Van Laer (2010: 356, 358) claims, "the Internet is an important medium to connect with students and young activists." Some internet platforms target students by "providing them with organizational educational technology that enables students to organize campus-based or national campaigns" (Carty 2002: 135). These students are taught how to organize through online training workshops that give them to tools to engage in offline political mobilization (Carty 2002). The internet gave students the opportunity to use the internet, a platform they are familiar with, to their advantage for planning offline organizing efforts.

## **Conclusion**

The literature I found regarding the relationship between the internet and socio-political involvements displayed the characteristics of online politics, the slacktivism debate, and how online activism leads to offline activism. The first section of literature focused on how political new and discussion is spread throughout cyberspace, as well as how the internet has shaped the nature of politics as a whole. I also discussed how politicians have changed their methods of promoting their campaigns, and have adjusted to the times and are creating social media accounts. Citizens are now able to immediately react to politics online through social media, websites, and personal blogs, as well as direct-

ly communicate with politicians through sites such as Twitter. The second section of literature discussed how online activism is “slacktivism,” which scholars describe as being a deficient form of activism. These articles explored the reasons why online activism is problematic, and claimed that it does not result in true commitment to the cause, nor does it require the true effort that is needed to make a movement successful. Scholars that oppose online activism also were concerned with online activism taking the place of traditional activism, and exerted that offline activism does not have the capacity to sustain a social movement. The third section of the literature discussed the opposing argument, which considers the internet an extremely helpful tool when it comes to bringing online activism, offline. Scholars that support the use of the internet in promoting offline activism discuss the ways that the internet is used to encourage people to participate in offline movements. They mention that the internet’s ability to allow people to spread the word and motivate people about offline social movements plays a part in getting people in the streets. Another way that the internet was used to attract people to participate in offline activism was to target different groups, specifically young people and students.

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# Social Movements and Social Movement Theory

*Erin Griley*

## Introduction

Social movements are products of the desire for change or action by a certain group. For the purpose of this review, I will focus strictly on movements occurring in the United States. Social movements in various forms have been occurring since the beginning of humanity. What constitutes a social movement has been argued for centuries between scholars and historians. The rise in education in the United States, as well as the rise of the industrial revolution and urbanization of cities, spawned an uprising in social movements (Bruce Weinberg, Ko de Ruyter, Chrysanthos Dellarocas, Michael Buck, Debbie Isobel Keeling). What inspires people to organize, and how they organize, is widely discussed in modern literature. Further, how movements achieve success is disputed throughout the work surrounding the issue. Most authors tend to view insurgency through the lens of either collective identity or resource mobilization. Collective Identity is the idea that groups come together to fight because of a shared set of values or culture (Francesca Polleta, James M. Jasper). Resource mobilization takes a more rational stance over an emotional one, saying that people band together because the necessity to achieve resources (e.g. John D. McCarthy, Mayer N. Zald, Cheryl Hercus). Connected to this argument, authors argue over how much resources play a role in the success or failure of movements. In this review, varying movements are discussed. These movements stem from the Civil Rights Movement, the Feminist movements, LGBTQ and AIDS movements, as well as Health Care reform movements. Most of these occurred beginning in the 1960s. In this way, these theories surrounding group insurgency are fairly modern.

## Definition, Purpose, and Motivations for Social Movements

In the studies on social movement theory, there is dissent about what drives people to start and carry out social movements. Vincent Roscigno (1994) discusses that the existing work focuses on movements

happening because of ideological basis versus a material basis, which argues that movements start either from an idea or a need for material resources. The ideological argument states that people begin to revolt when their daily lives and routines suffer, stemming from a control of social norms which control and limit behaviors. The material argument centers around the lack of material resources and the fight to achieve these resources. Polleta and Jasper (2001) argue, however, that social movements happen when actors protest to achieve recognition for new identities and lifestyles. These authors further argue that social movements largely happen because many people in a certain group feel obligated to organize because of loyalty to said group and therefore should participate. In contrast, McCarthy and Zald (1977) state that they “view Social Movements as nothing more than preference structures directed toward social change, very similar to what political sociologists would term issue cleavages” (1218). That is, movements are just structures like political parties. These two authors take the stance that social movements are a direct way to try and change some element of the current social structure and reward distribution methods of a certain society. Further, they state that “Social movements whose related populations are highly organized internally (either communally or associationally) are more likely than are others to spawn organized forms” (1218). Therefore, their definition of social movements is based around the idea of internal organization, which is similar to the idea of Polleta and Jasper that movements occur because of group mentality. But, their arguments are different because McCarthy and Zald focus on structure, while Polleta and Jasper focus strictly on mentality.

Looking at specific social movements gives insight into the organization and creation of movements. William G. Roy (2010), in his analysis of music in the Civil Rights Movements, defines social movements by separating them into three elements. They are: “1. Campaigns of collective claims towards targets, usually powerful organizations like governments or corporations. 2. These campaigns draw on a widely-shared repertoire of organizational forms, public meetings and demon-

strations, marches, and so forth; and 3. The campaigns make public representations of their worthiness, unity, numbers, and commitment” (4). Roy centers his argument on the idea that a social movement’s goal is mobilization around culture. People in social movements work to embody the world that they are trying to create. Movements gather and meet around a certain culture, which in turn reflects the movement and its goals. Similarly viewing the role culture played in the Civil Rights Movement, Roy Eyerman (2002) views social movements through competition between one group trying to win resources over another group. Through this argument, Eyerman says that social movements are people making competing claims in an institutional framework. Winners of these movements are the ones who make the most of their resources. Culture, as he argues, are almost weapons that change structures or frames of understanding. This is a more competitive and cynical viewpoint than that of William Roy. Mary Bernstein’s (2003) work connects back to William Roy’s argument that culture is a large motivator for people to act. Bernstein argues that culture, not politics, is what really should be focused on when looking to the purpose of movements. She asserts that the purpose is to change cultural attitudes more than structural and political policies. A movement cannot happen without the desire to change the mindsets of people, and to show the masses a different culture. Both Roy and Bernstein reflect on culture and its roots in motivating groups to act. Kenneth B. Clark (1966) goes even deeper to argue that social movements, for example the Civil Rights Movement, are not just about individuals, governments, or agencies, but rather stem from much larger ideological and political forces and events. Many movements, Clark continues, have underlying causes that are very often overlooked by just focusing on the individual and group motivations for a movement.

The first, second, and third/post-feminist movements attract and reflect various opinions about why people join movements. Claire Reinelt (1994) makes the distinction between feminist action groups and other movements, stating that feminist movements are different because they are organized based on the need for equity, therefore significantly lack a hierarchal system. Further, they also lack the same support that other movements do, due to structural sexism. The authors discussed all distinguish their views on the start of definition of social movements. For instance, Gloria

Cowen, Monja Mestlin, and Julie Masek (1992) state that the true purpose of a social movement cannot be known because very often the purpose of a movement varies across the people of the movement. These may be between men and women, lesbian, gay, or transgendered people, as well as many other intersections that occur within the same group. Despite these differences, most of these authors find that identity labels matter and that that’s what often sparks social movements. These authors mainly discuss why and how women label themselves as feminists. This can help explain why women and men choose to create social movements. For instance, they find that women or men who label themselves as feminists are more likely to participate in feminist social movements. Looking at the feminist movements, Cheryl Hercus (1999) argues from a collective action framework, stating that emotions like anger are the main reason for the birth of social movements. Differing from other arguments claiming that movements happen to acquire resources, Hercus argues it starts directly from a collective emotional deviance. She connects this to the feminist movement, stating that anger from not being able to live as gender equals sparked most feminist collective action. As Reinelt’s view on the feminist movements distinctiveness shared, movements can stem from need for equality, working together rather than in a structured power system. Slightly differing from the previous authors, Kimber Pearce (1999) analyzes feminist movements of the 1960s to conclude that movements can stem from dissatisfaction of previous or ongoing movements. For example, feminist movements often break off into other movements because of issues with the way that original movement was being run, or issues with their ideals and goals. Pearce’s argument differs from the more positive approach of Reinelt’s. Reinelt looks at the organization and development of the feminist movement as a more inclusive and cohesive group, while Pearce sees it as the product of break offs and splits of original movements.

Jennifer Brier (2009) discusses the AIDS crisis and subsequent movements by describing the life or death situation in which many individuals found themselves in. These movements sprang out of crippling fear for their and their loved one’s lives. Movements can evolve and develop quickly because of dire situations like this one. Organization and development rapidly occur when people are put in life or death situations. Movements like these often have a greater impact be-

cause of the dire emotional push towards action. Nancy Stoller (1998) has a similar view on movements responding to the AIDS crisis of the 1980s. Stoller delves deeper into health as a catalyst for movements. Skewed government spending, as well as discontent with governmental policies that directly affects people's health, is what largely drives movements like these ones. Gilbert Elbaz's (1995) work "Beyond Anger" goes beyond the arguments of both Brier and Stoller by looking past the initial emotions of movements into the larger political and governmental influences. Elbaz states that:

Movements emerge within various structures of domination sustained by legitimating discursive formations. It is within the limits of these structural parameters that social movements make ideological and strategic choices. The way social actors enter the dialectic between structural and volitional parameters defines them as social movements (45).

Therefore, Elbaz contends that movements are structured and organized based on how far movements can go until they are hindered by structural forces. Therefore, movements are not just about emotion, but rather are drawn from a limbo between oppression and liberation. Beatrix Hoffman (2003) has a similar opinion towards movements, stating that many movements (feminist, civil rights, AIDS movements) all work towards the ideal of health care reform. Therefore, in some way, shape, or form, these movements may have started as something else, but slowly moved to the understanding that what they need is universal access to health care and health care reform. This connects to the previous scholarship because these groups work together in dire situations to achieve basic rights like health care. Their emotion carries them into the realization that what they need is governmental aid, resources, and social equity.

### **The Role, or Lack Thereof of Resources and Resource Mobilization in Social Movement Success**

The Literature presented focuses on the idea of resource mobilization, and how movements gain access to important resources that either help or hinder their progression. McCarthy and Zald (1977) defines resource mobilization as: "examin[ing] the variety of resources that must be mobilized, the linkages of social movements to other groups, the dependence of movements upon external support for success, and the tac-

tics used by authorities to control or incorporate movements" (1213). Additionally, the authors argue that social movements are strictly based on the resources that populations and supporters of social movements provide. This differs with other authors, who argue that resources hinder movements. Further, they argue that the only way grassroots movements can be successful is if they have access resources and power from an elite group. McCarthy and Zald offer insight about resource mobilization theory in 1973 as well. In this piece, the authors define their approach to resource mobilization as emphasizing: "the resources, beyond membership consciousness and manpower, that may become available to potential movements. These resources support the growth and vitality of movements and movement organizations. This view does not necessarily deny the existence of grievances. It stresses the structural conditions that facilitate the expression of grievances" (1). The authors continue this by stating that the issue of resources has often been used by right-wing analysis to deny the validity of social movements by stressing the idea and importance of 'outside resources.' This analysis is broader than the later 1977 analysis that was discussed before, as they discuss the conditions that affect a social movement's success, without providing a full definition of resource mobilization. Further, their 1973 scholarship takes a more data heavy approach than their later work.

Elbaz also gives a definition for resource mobilization as: "a paradigm met with some success in the United States because it shifted the explanation for the emergence and success of social movements from an emotional to a rational stance" (44). A large part of the success and organization of social movements relies on the access to or lack of access to material resources. Gilbert Elbaz, in his exploration of ACT UP and the AIDS crisis, defines resources as: "understood broadly to encompass not only occupations, wages, and intellectual capital as recorded in a 1989 survey, but also networks and activist experience in other social movements" (43). Elbaz argues that ACT UP was successful because many of the members and leaders inside of the movement had previous experience with activism, organizational, and analytical skills. This was a resource that both Brier and Stoller, who both studied the AIDS crisis, did not deeply touch upon. Beatrix Hoffman, in her piece on Health Care Reform, brings up many issues that relate to the AIDS crisis. Hoffman argues that

it is more difficult for Health Care Reform movements to happen because the system is run by such a powerful, wealthy, and elite group. Therefore, resources are a necessity, and sometimes extremely difficult to come by. In this way, when a movement is going against a much more powerful opposition, resources are needed in much greater quantity. Susan Chambré reflects on the importance of volunteers, and states that having volunteers is a privilege, because they do not get paid and put in immense hours. The AIDS crisis and subsequent movement was privileged (like Stoller points out) because it had the ability to attract so many volunteers. These volunteers are helpful because they provide counsel and guidance when more powerful organizations do not respond. In a similar way, Vincent Roscigno (1994) speaks of the civil rights movement, and their access to resources such as black churches and universities which enabled these groups to have a set meeting place to organize. Further, the lack of resources like capital and the lack of access to monetary funds, as well as structural inequalities, has hurt working class movements and can hinder the initial goals of the movement. This is similar to the introduction of men's leadership to many women's movements, which has encouraged and structured movements into becoming what they are fighting against: male led hierarchies. Roscigno argues this through the examples of counter group mobilization, or movements breaking apart and stemming in different directions, after resources like these have come into play. Francesca Polleta and James Jasper (2001) have a similar view, arguing that resource mobilization theory fails because there were grievances in the movement when resources were secured. The disagreement of what to do with these resources hindered the basic ideals and goals of the movement. Therefore, movements should be looked at from a collective identity approach, rather than a resource model one.

William G. Roy (2010) looks at the importance of music in movements such as the Civil Rights Movement. By looking at movements through the lens of music, Roy argues that music is a resource that reflects culture, which helps enable a movement recruit and enable other members to join. Music is a resource that brings people in and allows greater participation. As Roy says, music is a "weapon of propaganda, a vehicle to carry an ideological message" (5). Eyerman has a similar standpoint as Roy regarding music as a prominent resource in Civil Rights Movement. Eyerman, much

like Roy, argues that the arts as a resource, like music, function as political mediators without much work needed from the people running the social movement. This is connected to culture, which is further connected to collective identity, which will be discussed later in this review. Olzak and Ryo (2007) connect resources to the growth of a movement. They state that as resource increase, there is a greater effort to garner more support for the movement. Therefore, resources also widen the goals and diversify tactics of social movements. Citing specific resources, Aldon Morris and Carol Mueller (1992) state that time is the greatest resource for social movements. Further, they state that when money and material resources are received, they are mostly used to buy time. In this way, usually white middle-class activists have been more successful in accessing resources because they have more access to ways to make money, therefore they can buy more time to organize. Further, for groups that already have a set way to make money (like these middle-class activists), it may be harder to find activist volunteers because money is readily available. From this viewpoint of time being an important resource, it seems that white middle-class movements have a greater chance of success.

Many scholars disagree with Resource Mobilization. Cheryl Hercus (1999), who looks at Feminist collective action, states that Resource Mobilization ignores emotion when looking at the success and organizations of movements. She states that therefore movements, especially ones like the feminist movements, are based on collective emotion, and focusing on resources rejects and discards this. Claire Reinelt (1994) discusses movements that start with little to no government funding. This lack of resources creates a greater sense of understanding and purpose of their goals in the movement. As the 1980s Battered Women's Movements began to seek funding, many people in the movement began to reject this, because they said it compromised the values and integrity of the movement. Therefore, resources may completely change the direction and attitudes of a movement. Reinelt says: "federal funding sets in motion grassroots constituency building... A battered women's movement that included local shelters and a statewide advocacy organization, existed prior to seeking and receiving government funding. Movement advocates mobilized to seek state funding on terms they primarily defined. Once funding was appropriated they remained intimately involved in the process of implementation

thereby having a great deal of influence over the expansion of the organization field” (3). Once these women acquired the resources they desired, they could branch out and organize other movements.

In a similar critique, Jennifer Brier looks at ACT UP (Aids Coalition To Unleash Power) and their access to resources like funding. She states that once the movement accessed resources like monetary funds and larger meeting places, that the grassroots feeling began to disappear and the original individuals begin to disband. In a way, the lack of resources and support that ACT UP started with kept them together in solidarity in a way that an abundance of resources did not. Nancy Stoller looks at ACT UP through their increased access to resources because it was predominantly made up of white individuals. Because of this, they could access resources more quickly and become somewhat successful. Further, they had access to a prime meeting space (the Gay and Lesbian Community Center in Greenwich Village) where members felt safe. This resource also helped in the organization and success of the movement. While they both critique Resource Mobilization, these two articles differ because of the way they view resources. Brier looks at funding and government intervention, while Stoller looks at the socio-economic status of the community and their privilege. Finally, Mary Bernstein raises a resource that has little mention in other Literature. Bernstein raises the issues of the law and law enforcement on a movements side. With this vital resource on a movements side, awareness can be spread for other important issues.

### **Is Collective Identity Important for Social Movements and Their Success?**

Collective identity is the idea that movements organize and are successful because groups of people with similar values, mindsets, desires, problems, social status, and socioeconomic status, to name a few, come together. This theory says that movements happen because of this shared identity, as well as shared grievances regarding this identity. People band together through acknowledgment of these shared identities and choose to act. The Literature on this idea discusses the importance of collective identity in the success and organization of social movements. Polleta and Jasper (2001) argue that collective identity fills the gaps in the resource mobilization argument by stating that the idea

that collective groups are the basis for insurgency upsets the idea that individuals are the basis for movements. In this way, a group identity becomes a good source for a personal identity. Further, the authors argue that collective identity is a revealing picture into why movements emerge and how the movements will function. Connecting resources and identity, Eyerman (2002) argues that collective identity models are tools in changing material structures and access to resources, therefore you need collective identity to obtain resources. Further, Eyerman considers the age of social movement activists, saying that youth can be a source collective identity. Young people reveal the path to adulthood and the idea of collective idealism. Cheryl Hercus argues that collective emotion is the main driving force for social movements. Collective feelings like depression, sadness, shame, or fear are turned to anger which leads to social change and movement. Therefore, Hercus argues that anger in the form of collective identity is what really drives social movements. Morris and Mueller share the viewpoint with other scholars about the idea of culture driving identity for social movements. When movements arise from a shared set of cultures and subcultures, they organize from a set of shared knowledges which stem action and motivation.

William Roy (2010) argues for a collective identity through the idea of culture, in that culture is a driving force for collective movements. Roy asserts that culture through art and music is important to social movements because it helps retain and engender commitment from members. In other words, culture is so personal and important to members of social movements that a movement that is deeply rooted in culture is significantly more successful than other movements. Kenneth Clark connects identity through the forms of religion and philosophy. Collective identity through religion and philosophy brings together different varieties of people, like people of color and white people. Therefore, these create an identity that is strong enough to carry a social movement to success, because people of all backgrounds can band together to fight a certain injustice through the basis of religion and values.

Cowen, Mestlin, and Masek's (1992) piece focuses the idea of collective identity though the concept of feminist labeling. They question whether you can be part of a movement, in this case the feminist movement, without labeling yourself as a feminist. In this way, collective

identity is questioned by claiming that every individual needs to identify with the movement for it to be considered a true movement. Further, the authors question if the idea of self-labeling in a movement hinders it because it alienates all other people who do not identify with this label. Olzak and Ryo (2007) further their argument by claiming that as organizations, movements, and organized groups gain more members, the goals of a movement begin to be unclear and the organization declines. But, as movements gain attention of the elite, they succeed because of access to resources. Claire Reinelt (1994) also speaks of emotion as a driving force for social movements. This emotion is a form of collective identity. She describes the anger of the 1960s and 1970s feminist movement as empowerment, and as a driving force for the movement to develop. Education about people's rights and empowerment sparks collective anger, which is the driving force that makes people act. Kimber Pearce (1999) furthers this ideal, by saying that feminist movements happen through a collective anger towards being marginalized within other movements. For instance, women being marginalized within the civil rights movements. Women collectively band together because of their exclusion from other movements, which drives up emotion, in turn allowing for greater productivity.

Most movements regarding the AIDS crisis and ACT UP have a basis in collective identity. AIDS research efforts revolve around collective emotion like fear, anger, and desperation in relation to the government. Brier, Stoller, and Elbaz all have similar arguments towards collective action because of their research on ACT UP and the AIDS crisis. All three authors agree that collective identity in the form of emotion and connection because of a life and death situation can help movements become successful. In addition, all three authors state that collective identity can be detrimental if the group has varying ideas on how to run and organize the group. Institutional racism and sexism play a role in movements. All three authors argue that a singular identity hindered the ACT UP and AIDS movements because of the intersectional nature of the movement. Susan Chambré (1991) looks at identity through the emotion of life or death situations as well. She says that this type of identity makes movements successful because of the sensitive and emotional nature of it. These movements were a sort of therapy and a coping mechanism that connected people to them. This collective

devotion drove these movements to success.

Critiquing collective identity, McCarthy and Zald (1973) argue that the traditional picture of social movements usually discussed in scholarships of members banding together over a similar grievance (collective identity) to fight for their rights is "seriously inadequate" (2). They take the stance of resource mobilization because they say that collective identity does not sufficiently express and define the purpose of social movements, because there is more to movements than just mutual aversion. In a similar critique, Vincent Roscigno argues that collective identity can harm movements when it takes the shape of a structured organization. Loose organization, Roscigno argues, is a necessary component to the life of a movement because of the constant need for flexibility to innovate and mobilize participants.

The Literature surrounding social movement theory and social movement success discuss these movements in relation to purpose, identity, and the access to resources. In this review, the Literature was broken up into the authors arguments about the purpose of social movements, and their arguments for and against both Collective Identity Theory and Resource Mobilization Theory. Looking strictly at theory, Vincent Roscigno (1994) and John D. McCarthy and Mayer Zald (1973, 1977) (the founders of the theory) argue in defense of the Resource Mobilization Theory. Also looking at movements through theory, Polleta and Jasper (2001) claim that Collective Identity is the driving force for social insurgency. Morris and Mueller (1992) also discuss theories of social movements. Some authors viewed specific movements in order to better understand what makes them successful. Looking at the Civil Rights Movement, Roy (2010) and Eyerman (2002) argue that culture is a driving force for movements, looking at a collective identity approach. Clark (1966) and Olzak and Ryo (2007) also consider the Civil Rights Movement in their approach to understanding the basis of insurgency. Reinelt (1994), Pearce (1999), Cowan, Mestlin, and Masek (1992), and Hercus (1999) all view social movements through examining the feminist movement. While Bernstein (2003), Brier (2009), Chambré (1991), Elbaz (1995), Hoffman (2003), and Stoller (1998) all look at LGBT issues and the AIDS crisis regarding healthcare reform to analyze the success of social movements. All the Literature presented

examines what exactly it means to create and organize a social movement, and if it is a collective identity or the access to resources that really make a movement successful. Overall, authors that argued for collective identity claimed that it is emotions, values, and loyalty to a cause that truly drives movements, while authors for resource mobilization argue that a movement cannot be successful without the need to acquire resources, or an access to resources that enable organization and mobilization.

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# Schools, Gun Control and Mental Health Policy

*Sophie Kazickas*

## Introduction

Movie theater, churches, airports, classrooms. Places that were once thought of as safe havens, are safe havens no more. It has been 50 years since the first modern day mass shooting at the University of Texas Austin, and since then countless more have occurred. From Columbine High School to Virginia Tech to Aurora, Colorado to Sandy Hook, Connecticut, mass shootings have become a modern day reality. With the increase in mass shootings comes the debate of mental health and gun control policy and what can be done to prevent these tragedies from occurring in the future. This research will look at the contemporary issue of gun control and mental health policy, as well as policies implemented in schools to keep schools safer. This paper will examine data regarding mental health, gun control and school safety policies, the strategies that have been employed, and what are the most beneficial ways to address these social issues going forward. Analyzing gun control, mental health, and school safety policies, is important in the efforts to prevent and limit mass shootings in the future. As well as better assisting society in creating more satisfactory, evidence-based policy going forward.

When a mass shooting occurs in the U.S., society often assumed that the shooter must have suffered from a mental illness. Assuming that a shooter has a mental illness is the only way that people and the media can begin to try and justify why a shooting has occurred. After this has been established, gun control laws become the next topic brought into focus. The United States is overloaded with weapons, with an estimated 300 million guns owned, many of which are assault style weapons that should only belong on the battlefield. Although background checks are conducted, they do not occur in all circumstances, therefore, it is very common for weapons to fall into the wrong hands. Universal background checks, limits on ammunition, mental health screenings and access to mental health treatments, are examples of ways to address mental health problems, while working to prevent mass shootings from occurring in the future.

This research paper will also look at school safety and anti-violence policies. School shootings are becoming

more common in society and schools are struggling with how to limit these tragedies from occurring. Although there are policies that can help prevent violence in schools, there are also some that unfortunately result in creating an increased sense of fear and anxiety amongst people in the school community, as well as giving schools a prison-like feel.

This paper is divided into four sections. Section I focuses on research methods used. Section II is an overview of literature written on gun violence and mental health policy, highlighting the fact that despite public thought, a majority of people who do suffer from a mental illnesses are not violent. Therefore, policy that effects gun violence and mental health has to be based off of evidence, rather than the beliefs of the public and media. Section III has a primary focus on mass shootings in schools and security and policy measures that have been put in place to help prevent shootings from occurring. Section IV is an analysis and discussion of the research presented. Lastly, section V concludes by summarizing the research presented.

## Research Methods

This research paper addresses current issues relating to gun violence, metal health and school safety. The research methods conducted examine qualitative secondary data, that has been collected by previous researchers and/or organizations. This research is helpful in analyzing various strategies that have been employed to reduce gun and school violence and assist in find better ways to address these issues going forward.

## Literature Review

### *Gun Violence & Mental Health*

The United States is subject to more gun violence than other advanced industrial countries, yet Americas gun laws are weaker than its counterparts. When it comes to attitudes and policy surrounding gun control laws, there is a partisan gap, which in turn makes gun control laws hard to pass. Research by Goss (2015)

discusses the barriers to gun regulation, the history of mental health and firearms policy, and state legislation between 2004-2014. In the U.S. many people believe that individuals should have the right to transfer, own, and carry guns. This belief aligns with the vision of the second amendment written in the U.S. Constitution, which allows for people the right to bear Arms. In addition to the strong belief in the second amendment, millions of gun owners belong to the National Rifle Association, a politically charged and engaged group who advocate for more relaxed gun laws. Therefore, it comes as no surprise why stronger gun control laws are hard to pass.

In 1968, The Gun Control Act was passed which put mental health restrictions into federal firearms law by, “barring transfers to and possession by anyone who has been adjudicated as a mental defective or who has been committed [involuntarily] to any mental institutions (Goss, 2015, 205).” Although the Gun Control Act of 1968, was a good start in bringing mental health into focus, most states did not submit mental health records to the background check system. Forty-three years later, in 2011 the NICS (National Instant Background Check System) Improvement Amendments Act (NIAA), aimed to provide states with incentives so that they would add mental health records into the NICS database, but in 2014, a study found that at least 25 states had been reluctant to pass these reporting laws, primarily citing privacy concerns. For people who suffer from a mental illness, there may be a desire to keep his or her health records private because of the fear of being stigmatized. The fear of being stigmatized can also result in people who do suffer from a mental illness not seeking the necessary treatments needed. “Stigma” is defined by Erving Goffman as “the phenomenon whereby an individual with an attribute which is deeply discredited by his/her society is rejected as a result of the attribute” and that “stigma is a process by which the reaction of others spoils normal identity.” Therefore, even though states do need to do a better job passing reporting laws, individuals have to feel comfortable enough to seek the mental health treatment they need, without being fearful of being stigmatized. The NIAA is an example of a passed gun control law, but gun regulation is still a topic that many lawmakers do not want to get involved with (Goss, 2015).

Politicians struggle to pass gun control laws, and gun

reform organizations tend to focus primarily on blanket approaches to gun violence, such as bans on certain kinds of weapons, rather than considering the relationship between gun violence and mental health. Goss suggest that evidence-based policy interventions can help gun reform and policymakers in creating sensitive and practical policies to prevent gun violence by mentally ill people. Evidence-based policymaking which uses the “best available research and information...to guide decisions at all stages of the policy process (Evidence-based Policy Making, 2014)” is brought to the forefront in the research conducted by Swanson, McGinty, Seena, and Mays (2014). Their research looks at evidence concerning the risk of gun violence and suicide that is linked to psychiatric disorder. The research evaluates the effectiveness of policies and laws designed to prevent firearm injury and death associated with mental illnesses. The researchers claim that it is the media that suggests that mass shootings are carried out by disturbed individuals, which in turn, reinforces the belief that mental illnesses often result in gun violence. With this information, evidence-based policy is recommended and it is important that policy be based off of the facts, rather than off of public opinion.

In order to better understand gun violence and mental health, McGinty and Frattaroli (2014) formed a consortium of gun violence prevention and mental health experts. This consortium looked at recent mass shootings and available evidence and found that mass shootings prompt national dialogue about mental illness and gun policy. A common assumption in society and among policy makers is that mental illness leads to gun violence, though, McGinty and Frattaroli say that the majority of people with mental illness are never violent. Rather, they are more likely to be the victims of violence. That being said, when it comes to gun control policy, mental health plays an important role. The consortium agreed and presented policy recommendations that would limit the chance of firearms falling into the hands someone who is mentally ill. One example of a recommendation is that people who do have a presence of risk factors for violence and can be at risk for future violence, should be prohibited from purchasing firearms. More policy recommendations are further described in their research, which is helpful in looking at how public policy can better address the issues of gun violence and mental health.

Building on the idea that majority of people with mental illnesses are not violent is research conducted by Rubin (2016). She notes that perpetrators in widely publicized mass shootings are often times described as outcasts with mental illnesses, which results in people believing that improving mental health services is the key to reducing gun violence. Although there is a definite need for mental health reform, it is believed by people who study gun violence that it would not make much of a dent in the number of homicides committed with firearms. Even though mass shooters are more likely to be mentally ill, the vast majority of shootings are committed by those who are not mentally disordered. Rubin believes that by blaming gun violence on mental illness, a lack of attention is being paid to the larger contextual factors that surround the violence which occurs.

### *Keeping Schools Safe*

Although mass shootings can and do happen anywhere, shootings tend to occur on school campuses giving rise to higher security concerns. Calls for more school security have resulted in the implementation of metal detectors, cameras, policemen and drug sniffing dogs. Prevention and intervention is imperative in keeping schools safe, but it is also important to create an environment of trust rather than distrust.

School shootings are tragedies that touch the hearts of every American. From 2010 to 2014, there have been an average of 20 school shootings per year, prompting research on how to prevent these shootings. Duplechain and Morris (2014) focus their research on how to create a safer school environment. They believe that there are several risk factors that make potential school shooters easier to identify, such as bullying, brain development and past traumas. An example of this are the degrading or breakdowns of relationships with parents or family members at an early age, child abuse or discrimination. There are also common sense steps that should be taken in schools to prevent these tragedies from taking place, such as limiting points of entry into schools or on the school grounds, the installation of panic alarms, and establishing and enhancing better relationships between school officials and local law-enforcement agencies. Duplechain and Morris also address the issues of student profiling and point out that not all school shooters dress in trench coats, like the Columbine shooters, or wear black. Nor are shooters always socially isolated. The

National Association of Secondary School Principals, believe that the rise in school shootings have resulted in higher student profiling. They defining profiling as “attempts to identify students likely to be violent based on traits, characteristics, and/or behavior” and believes that “student profiling unfairly labels many nonviolent students as potentially dangerous and misidentifies other “safe” students who may actually commit a violent act (NASSP Student Profiling).”

There is not a clear mold that all shooters fit into, which makes the process of securing schools even more difficult. One warning sign the researcher believe to be critical in preventing shooters, is for other people to be attentive and intervene if a student talks about killing. Stating that in more than 80% of the cases, at least one person knew the attacker was planning something. An example of this can be seen in the UT Austin shooter and the Aurora movie theater shooter, who had both previously discussed their thoughts of killing others with a psychologist. Although violence in schools is something that will continue to occur, it is necessary for schools to be proactive in trying to prevent shootings from happening.

DiRenzo's research on school shootings (2016), finds that the United States is struggling with how to prevent the relatively new phenomenon of mass shootings in schools. DiRenzo's research focuses on the passing of the Claire Davis School Safety Act in Colorado. The Claire Davis Safety Act allows individuals harmed in acts of school violence to sue the school districts where the incident occurred. This law is meant to protect students, but it also creates what are known as threat assessments teams, which are used to identify potential threats in schools in an attempt to stop problems before they occur. While threat assessments seem helpful, they can also be extremely harmful to the students who are considered to be of concern. Threat assessments target certain groups of people who might suffer from mental illnesses or disabilities and exhibit behaviors that may be seen as odd. Threat assessments can also have discriminatory effects on students of color, which may help strengthen the connection between students in school and the juvenile and criminal justice system. DiRenzo believes that this policy may send the message to schools that they cannot be safe without increased security, increased police presence, and creates a heightened fear of school attacks. It is important to illustrate to

students that schools can be safe without extra security measures, and schools should work to create a positive school climate, rather than a culture of fear and distrust. In a positive environment students are more likely to reach out for help, report students of concern, and take preventative measures. DiRenzo also suggests that the state and national government should place more responsibility on the industry that sells and regulates the weapons that are being used in these shootings.

Although school shootings are rare events, they are a reality that unfortunately people have to live with. That being said, it is important to work on reducing the risk of the event happening and being more prepared if they do. In doing so, schools need to think critically about policies being implemented in an attempt to prevent shootings from occurring. The development and deployment of anti-violence policies in schools, is brought to light in the research conducted by Muschert and Peguero (2010). Muschert and Peguero (2010) began their research by examining the development of the Columbine Effect, which is a set of emotions surrounding youth social problems, particularly violence in schools. Rampage shootings, like what happened at Columbine High School, have changed the way people think about school violence and security, and have increased the level of fear surrounding such violent attacks. The researchers find that the fear of youths as potential victims and/or victimizers, allows for mechanisms of social control to expand. One of the results of the Columbine shooting was an increased emphasis on school security, coinciding with zero tolerance policies, which result in strict enforcement against undesirable behaviors or possessions of banned items. The post-Columbine movement is one that consists of increased punitive measures in schools (Cloud, 1999).

Muschert and Peguero (2010) looked at the Safe School Study (1978) report to congress, which is one of the first studies that assessed the level of violence occurring within U.S. schools. The Safe School Study finds that implementing policies in schools can help prevent the occurrence of violence, and found that school characteristics such as size, student- teacher ratios, principal's fairness, are important factors in reducing school violence. Also, school anti-violence policies such as, zero tolerance, anti-bullying programs, emergency management planning, peer meditation and initiatives to influence school climate, are all efforts that can help

prevent, control, or mitigate violence in schools.

School policies and programs that focus on promoting the importance of educational achievement, attainment and success can improve the overall school climate and make it safer. Yet there are unintended consequences that can result from school safety policies. Policies associated with school design and entry points may result in schools having an overall prison- like feel, which in turn becomes a source of violence. Zero-tolerance policies might increase inequalities by affecting certain groups more than others and by being to overly punitive, while anti-bullying policies might ignore or magnify the victimization of vulnerable individuals or groups. These policies may cause mistrust on individual and group levels and can result in the creation of a life of social control and fear. Waquant (2001) argues that schools are transforming into "institutions of confinement" that prepare youth for a life of control, security and restricted access. Examples of security measures that have been implemented and that illustrate this life of control and this need for security, is the presence of metal detectors, video recordings, internet tracking, security and drug dogs on school campuses. This high level of security results in an increase of stress, anxiety and victimization, instilling fear in members of the school community.

The recent tragedies at our schools have brought the school safety debate to the forefront of American politics. School safety is an issue that evokes emotional responses from everyone and can lead to the passage of legislation. Elliott (2015), finds that proposed legislation must encompass more than just gun regulation, or the lack thereof, and that solutions should focus on what is needed in terms of school resource officer programs and individual school safety plans. Schools also need the necessary funding to implement increased school security measures and safety programs, for which legislation should increase access.

## **Analysis and Discussion**

When it comes to gun violence and mental health, the research presented illustrates how mass shootings immediately bring attention to mental health issues and gun laws. It is assumed by society and the media that mass shootings are a result of mental illness. Since messages are conflicting, policymakers struggle to implement policies that would prevent people with erratic and

potentially dangerous behavior from attaining a firearm. One policy recommendation, is that firearm restrictions should be based on certain dangerous behaviors evident in a person, rather than on the basis of a mental illness diagnosis (McGinty and Frattaroli (2014)). That does not mean that mental illness diagnoses should not be considered, but that gun violence prevention efforts should focus primarily on preventing firearm access for those who have exhibited dangerous behaviors, such as those with a record of mental hospitalization, a history of domestic violence or other violent crimes, and are at a risk for future violence. Another policy that could be implemented to prevent future mass shootings is developing new ways to remove firearms from individuals who pose risk of harm to self or others. It is also important to note the need to keep firearms away from children, this can result in accidental deaths.

Though looking at mental illness laws in conjunction with gun laws is important, there are preventative measures that could be taken if changes were made to our current gun laws. For example, while firearm sales are subject to federal restrictions, ammunition sales are not. In the case of the Aurora, Colorado shooting, the shooter had 3,000 rounds each of handgun and rifle ammunition and 350 shotgun shells, as well as a 100-round magazine. It is unnecessary for civilians to have this much ammunition, and there need to be federal restrictions and regulations put in place on the sale of ammunition.

In addition, federal laws do not limit the number of guns an individual can buy at any given time period, even though nearly 70% of Americans are in support of policies that would do so. Although, federal firearm licensees are required to report the sale of multiple handguns by one person to law enforcement agencies, there are no federal requirements in place to ensure that law enforcement officials will monitor or investigate the buyer, and it is important to note that gun sales at gun shows are exempt from background checks. Putting restrictions on the number of firearms a buyer could purchase at one time and limiting the amount of ammunition that someone could own, would result in two preventative measures that could lower the number of mass shootings in the future.

Unfortunately, schools now have to learn how to deal with this new reality of school shootings. The research illustrates how anti-violence and school safety policies

that have been implemented in schools, can result in a feeling of mistrust amongst individuals and groups. Schools have to be a place where students feel physically safe, but not controlled. It is this feeling of control and need for security that can create a prison-like feel, which in turn can cause violence (Muschert and Peguero 2010), and result in higher levels of stress, anxiety and victimization amongst students and other members of the school community (Waquant 2001). It is also necessary to understand how policies, such as threat assessments can unjustly target people, such as those with mental illnesses or students of different races and ethnicities (DiRenzo 2016). The research shows how in modern day society, where school shootings are becoming more common, it is critical to create a positive school culture where schools can feel and be safe, without instilling fear and distrust into students.

## Conclusion

Although there are many different gun control measures that can be implemented to help prevent mass shootings, it is also necessary that mental health be brought into the discussion. In terms of guns, putting policy in place that would limit the number of guns and the amount of ammunition an individual can buy at any given time period, could help lower the risk of a mass shooting. Though most people with mental illnesses are not violent, it is vital for mental health records to be updated and put into the background check system, so that guns do not fall into the wrong hands.

Schools have always been thought of as a safe place, so it is unfortunate that they have become a place of target for shooters. While officials want to make schools feel safer, there are instances where the efforts that have been made result in a lack of trust. For example, as a result of heightened security measures, messages are sent that in order for schools to be safe they need more security. Schools should feel safe as they are, and an increase in police presence and security, along with the recommendation to arm teachers, does not result in a feeling of safety but instead in feelings of fear.

This research highlighted the need for schools to work harder on implementing policies that result in a more positive school culture. It is not just necessary for students to learn about possible signs of shooters, but they also need to feel comfortable enough to reach out for help and take preventative measures when needed.

Attention should also be put on educating students about various forms of stereotypes, so that unfair profiling does not occur, and students of all races, genders, ethnicities and disabilities feel comfortable and accepted. Schools need to think critically about how the heightened security measures affect students and their ability to feel at ease while at school. Lastly, schools should also focus their efforts on better educating students about mental illnesses to prevent stigmas and encourage those who need mental health help to seek it.

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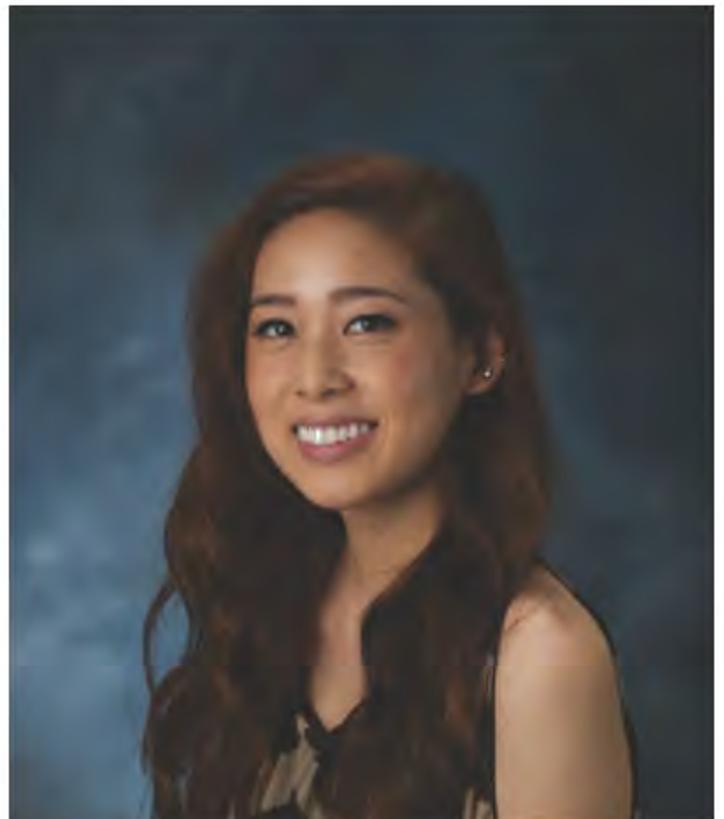
# Claudia Gonzalez



Claudia Gonzalez received her Bachelor's of Arts in Sociology at Loyola Marymount University in May of 2017. She was born and raised in Santa Monica, California. During her time at LMU, Claudia worked as a caregiver at the LMU Children's Center and enjoyed interacting with children of all ages. Currently, Claudia's passion for caring for others led her to working with the elderly suffering from dementia and Alzheimer's disease. Throughout her time as a student at LMU, Claudia realized how passionate she is about education and a variety of social justice issues, specifically race and immigration. She hopes to continue her studies in sociology and wishes to educate others about these important social issues. Claudia would like to thank her parents for their unconditional support, the Sociology department for this opportunity and Dr. Burns for her guidance and encouragement.

Bliss Paik is a senior Psychology major with a Philosophy minor. She was born in Torrance, California and has stayed in the Orange County area her whole life. Besides the beautiful weather, Bliss knew that the reason she wanted to stay and spend her college years in California is to be close to her family. Throughout her life, they have inspired her to have a strong voice when discussing and writing about prevalent social and health issues. She has been able to incorporate her knowledge of social psychology with concepts of sociology in order to provide a bigger picture for certain issues. She enjoys writing about case studies, specifically criminal case studies involving expert witnesses. When not writing research papers, she enjoys doing outdoor activities with her dogs and friends. She would like to thank Dr. Stacy Burns for being such a wonderful professor, and also for encouraging her to submit her academic research to this journal.

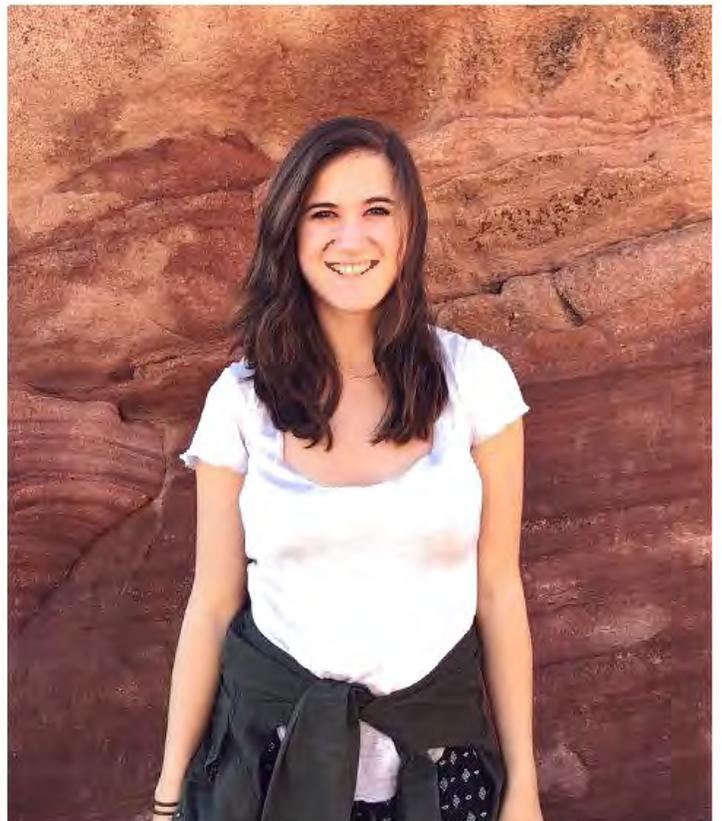
# Bliss Paik



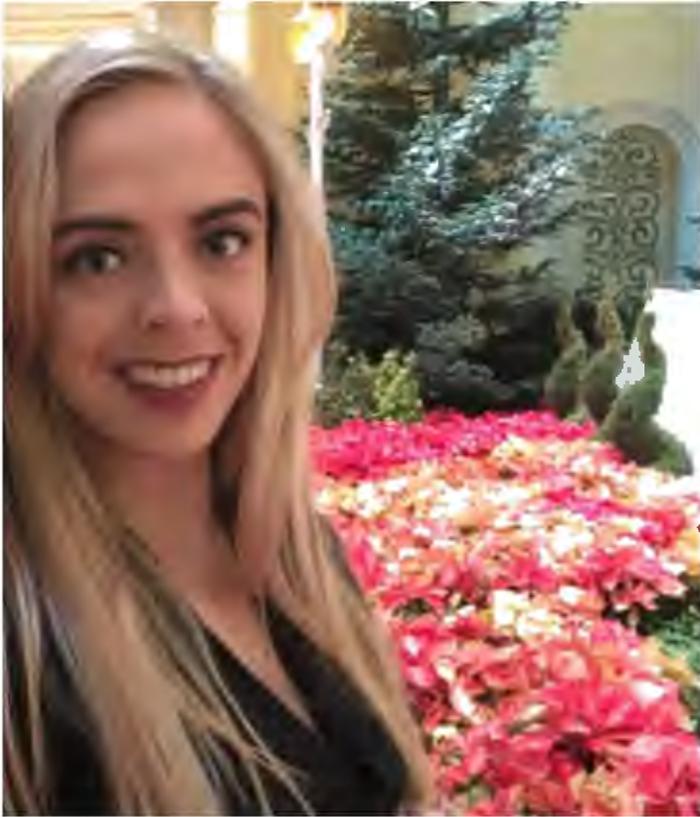
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Erica Tietz is a 2017 graduate of Loyola Marymount University with majors in Sociology and Women's & Gender Studies, as well as a Jewish Studies minor. She is originally from Fremont, California, so LMU was the perfect choice – a new city that wasn't too far from home, a strong emphasis on social justice and philanthropy, and of course, plenty of sunshine. While at LMU, Erica was a member of Pi Beta Phi, serving on the Executive Board of both the sorority itself and LMU's Greek Council, and a member of Hillel. Since graduating last summer, Erica has moved to Denver, Colorado to teach high school Special Education as a member of Teach For America's 2017 Corps. She would like to thank all of her professors at LMU, especially Nadia Kim for encouraging this research.



# Katherine Krol



Katherine Krol is in her third year at LMU, and has thoroughly enjoyed her time majoring in Sociology and minoring in Business Administration. She is born and raised in Westlake Village, California. She is a proud member of the sorority Delta Zeta and holds a position as the Guard. In addition, she recently joined the pre-law society Phi Delta Phi in hopes of seeking justice and defending the truth. Katherine is dedicating both her time and education towards a future in a legal career in either Elder Law or Health Law.

Zahra Khan is an Economics major from Los Gatos, California. She is a proud member of Belles Service Organization, and has a profound passion for increasing access to education for minorities. Besides volunteering with children and the homeless, she previously worked with the Pancreatic Cancer Action Network on a consulting project for raising awareness on college campuses. She is an avid fan of watching documentaries about the food industry, healthcare, the criminal justice system, and the lives of women around the world. Zahra took her very first sociology class in her junior year under the instruction of Dr. Burns. She credits taking this class for inspiring her to pursue a career in either psychotherapy or law.

# Zahra Khan



# Veronica Nederend



Veronica Nederend is a junior at Loyola Marymount University, and is from a small farm town in California called Tipton. She is majoring in Sociology, while getting a minor in secondary education. Veronica plays beach volleyball for the Division I team at LMU, and loves being a part of the athlete community. She is a student leader for the programs of Athletes in Action, as well as Delight Ministries. Veronica loves working with people, and is hoping to work in the marketing field for a health and wellness company after graduation.

Amira Gregory recently graduated from LMU in 2017, and received her degrees in Sociology and Women's & Gender Studies. She was born and raised in Harbor City, California. She is a proud member of the sociology honor society, Alpha Kappa Delta, and is passionate about fighting for social justice. She is currently a graduate student at the University of Southern California, where she will be working toward her Master of Social Work degree. In the future, she plans on attaining her Clinical Social Work license, and work as a therapist that serves marginalized communities. Her hope is that she will be able to help destigmatize mental illness within communities of color, and help people of color prioritize their mental and physical health.

# Amira Gregory



# Erin Griley



Erin Griley graduated from Loyola Marymount University in May of 2017. Erin was born and raised in diverse Los Angeles, which inspired her appreciation and curiosity for studying Sociology. After graduating with a Sociology degree with a minor in Film and Television Studies, Erin is working towards finding a career that both fits and expands her passions and interests. In her free time Erin is always searching for new music, educating herself on current affairs, making pottery, and watching too much TV. She is currently working in Event Production and is excited to see what life throws at her next!

# Sophie Kazickas

