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Dances With Wolf Policy: Defenders of Wildlife v. U.S. Fish & Wildlife Services

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The uneasy back-and-forth in regulations impacting the success of the gray wolves is discussed in detail. The intention of the institution of the Endangered Species Act and the means by which it has been reinterpreted and, in some cases, disregarded due to the impact of the gray wolves on other regional species as well as farming is debated. Lastly, possible solutions to a very troubling problem are put forth.

Key Words: gray wolves, Endangered Species Act, habitat, biological species concept

Most of us have heard Frank Churchill's lyrics of the song "Who's Afraid of the Big Bad Wolf" from the "Three Little Pigs" cartoon made in 1933. Wolves were so scary that one pig skipped play and made his home out of bricks to keep the wolf out. Western cultures have often demonized the wolf in both song and literature. Even in biblical days, Jesus was often compared to a shepherd protecting the flock from evil, as represented by a wolf. Many human cultures have a deep-seated fear of wolves. Wolves, as apex/top carnivores, hunt and kill prey. Apart from humans, gray wolves have no predators within their natural environment. When wolves and humans interact, humans become concerned. Within the U.S., this interaction has traditionally resulted in eliminating wolves from that area. Humans do not like wolves for several reasons, including their negative impact on the abundance of prized game species, their potentially harmful impact on livestock, and safety concerns for children and adults alike.

Contemporary Context for the Current Problems

However, gray wolves may play an essential role since they are apex carnivores within their natural environment. Re-introduced gray wolves can impact prey species abundance and distribution, resulting in a cascade effect on other species and the entire ecosystem as a whole (Allen et al., 2017; Gable et al., 2020; Hebblewhite et al., 2005; Kohl et al., 2018; Laundre et al., 2001; Ripple & Beschta, 2004; Ripple &Beschta, 2012). For example, Hebblewhiteet al. (2005) observed that areas with high populations of wolves following the recolonization of gray wolves at Bow Valley of Banff National Park resulted in fewer elk. Elk tend to be disruptive to aspen and willow growth, so the populations of these tree species flourished, along with beaver lodges made from them. Poplar tree regeneration also occurred when the elk were reduced. These poplars and willows resulted in greater songbird abundance and diversity (Hebblewhite et al., 2005). Laundre et al. (2001) and Ripple et al. (2004) suggested that fear of wolves by various hoofed species impacts the duration, location, and intensity of these species remaining in a given area.

In contrast, a recent study in Voyageur National Park determined that wolves in that area negatively impact the dispersion of beavers to new ponds (Gable et al., 2020). They found that 0% of new and recolonized ponds were active after wolves killed beavers at those locations. Beavers engineer their environment by creating dams and lodges. Beavers cause increased wetland areas, resulting in greater water storage, nutrient cycling, and even forest growth at the ecosystem level (Gamble et al., 2020). So, depending on what prey species wolves went after, they could encourage or discourage beaver activity and, therefore, encourage or discourage wetland creation.

In 2020, the U.S. Fish and Wildlife Service officially removed federal protection for the gray wolf under the Endangered Species Act (E.S.A.). The agency justified the decision because "neither Minnesota nor the 44-state entity qualifies as a species, subspecies, or distinct population segment" (U.S. Fish & Wildlife Service, 2020). The agency concluded that, although the overall population of gray wolves was only a fraction of what once existed, there were enough gray wolves to have a viable population in the lower 48 states. This ruling should have been a moment of great importance in wildlife conservation. The gray wolf population appeared viable, and states could directly regulate wolves as they saw fit. The impact of this deregulation was immediate. Certain states began debating and passing legislation to harvest or reduce wolf populations. Scientists and conservation activists quickly challenged the ruling in courts to get back federal protection status for gray wolves. In 2022, gray wolves were returned to the Endangered Species List (E.S.L.). Why werewolves taken off and then put back on the E.S.L. again? What role did science have in these decisions? Should gray wolves be protected at all? This article will explore the court cases and historical management of gray wolves in the lower 48 states of the U.S. and identify how science has been used to justify and retract wolf protection.

Gray Wolf History

Rapid evolutionary expansion of the genus Canis, which includes wolves and coyote species, likely occurred sometime during the Pleistocene Epoch between 2.5 and 1.8 million years ago (Azzaroli, 1983; Wang et al., 2008). The oldest available fossil data suggests that the Canis lupus (gray wolf) subspecies originated in Siberia or Alaska (known as the Beringia area) and rapidly expanded to Europe approximately 800,000 years ago and the mid-latitudes of North America 100,000 years ago (Wang et

al., 2008). By the late Quaternary Period (2.6 million years ago to the present), gray wolves had a range that covered most of the northern hemisphere (Nowak, 2003). According to current studies, Homo sapiens, having evolved from Africa, rapidly expanded through Europe and Asia and arrived in North America as early as 37,000 years ago (Handwerk, 2021). During this expansion, humans encountered Canis lupus subspecies, as well as other wolf species. Gray wolves are generally fearful of humans and actively avoid interactions. While the long-standing view has been that dogs evolved from gray wolves, whole genome analysis comparing modern dogs and modern gray wolves suggests that they both arose from a common ancestor (Skoglund et al., 2015). While there is no definitive answer for the origins of dogs, it is clear that more domesticated wolves and dogs could have received benefits from human camps. Positive interactions with humans could have led to more safety, reliable food, and the ability to breed with other dogs and wolves. Significant hybridization has occurred between dogs and wolves as they share 99%-plus % of the same genes and mitochondrial D.N.A. (Wayne & Ostrander, 2007). These positive or respectful interactions led to cultural beliefs revolving around the wolf in some cultures worldwide. For example, some Native Americans portrayed the wolf as a ferocious warrior in some legends and as a thieving spirit in others (Tilseth, 2015).

While some human cultures embraced and respected wolves, other cultures developed a fear of wolves (Tilseth, 2015). The development of rearing livestock for food is often pointed to as a source of negative interactions between wolves and humans. Raising livestock, such as cattle, requires clearing a large land area, along with predators and other species that feed on the same vegetation. As a result of livestock rearing, wolves were confined to ever-smaller patches to hunt, with fewer prey

species—such as bison, elk, and moose—available to hunt. To survive, wolves will opportunistically attack livestock. As a result, humans, fearful of more numerous wolf interactions with themselves and their livestock, resorted to killing wolves in mass numbers. Unlike between Native American tribes and wolves, there was not enough space to stay out of each other's way (Nature, 2008). However, as the human population in the U.S. increased—particularly after the arrival of European colonies—forested land diminished, wolves became restricted to smaller and smaller sections of habitat, and conflict increased. Many thought wolves should be eradicated to protect lives and livestock. This loathing of wolves was passed down through generations. In 1906, the U.S. Forest Service and the Biological Survey worked together to clear cattle ranges of gray wolves. Even Theodore Roosevelt, known for his love of the outdoors and nature, called the wolf "the beast of waste and desolation" (Roosevelt & Hagedorn, 1927). Gray wolves were shot, trapped, and poisoned (Schullery, 1996). By the 1960s, only a few hundred gray wolves remained in the lower 48 states, mainly in the dense forests of northern Minnesota and Michigan (Nie, 2003; Nature, 2008).

Endangered Species Act of 1973

Calls to protect wildlife began in the early 1900s because of the very noticeable decline of several species, especially bison, passenger pigeons, and the whooping crane. Congress passed the Lacey Act of 1900 to address these concerns (Federal Register, 2021). It regulated commercial animal markets and prohibited the sale of illegally killed animals between states. Other legislation followed to protect migratory birds, eagles, and whales. These laws were not successful, and species continued to decline. The U.S. Fish and Wildlife Service tried to protect these species, but they needed authority and funding from Congress. The Endangered Species Preservation

Act of 1966 was the first federal legislation to protect species (Fish & Wildlife Service, 2011). The Secretary of the Interior was authorized to create a list of endangered native fish and wildlife needing protection. The Secretary could acquire habitat and include it in a newly established National Wildlife Refuge System (Fish & Wildlife Service, 2011). The National Wildlife Refuge System is the network of public lands and waters that the F.W.S. manages. The Act was amended by the Endangered Species Conservation Act of 1969. The Act added species to the 1966 Act and created a worldwide list of endangered species. It used the term "based on the best scientific and commercial data" as the standard to determine if a species was in danger of extinction (Endangered Species Conservation Act, 1969). It served as a template for the Endangered Species Act of 1973 (E.S.A.).

The E.S.A. is the most effective law passed by Congress to protect species from extinction. Of the species listed in the Act, 99% have avoided extinction (World Wildlife Federation, 2022). Harrison A. Williams introduced the Act in the Senate on June 12, 1973. It was signed into law by President Richard Nixon on December 28, 1973. The Act proposes a program to conserve threatened and endangered plants and animals. People petition to have a plant or animal listed as endangered or threatened. Then, scientific and public review on whether a species should be protected. If a species is placed on a list, its habitat is protected, and plans are created for recovery. Coordination occurs among federal, state, tribal, and local officials, and the species is monitored to determine whether it is recovering. When a species is considered recovered, it is removed from the list. A species is delisted if the threats to the species are eliminated or controlled, the population is maintained, and there is a stable habitat. The E.S.A. also supports the conservation of listed species outside the U.S. The Act prohibits importing,

exporting, possessing, selling, and transporting endangered and threatened species (Hodges, 2010). The U.S. Fish and Wildlife Service (F.W.S.) and the National Marine Fisheries Service (NMFS), an agency inside the National Oceanic and Atmospheric Administration, have been delegated authority to implement the Act.

By the 1960s, attitudes toward top predators and the protection of species that significantly impact the environment began to change. Between 1966 and 1976, regional subspecies of the gray wolf were declared endangered. In 1973, Congress gave the subspecies of gray wolf protection under the E.S.A. In 1976, the gray wolf was reclassified into a single species and given protection throughout the lower 48 states and Mexico. Minnesota's wolves were considered threatened, and the rest of the state's wolves were considered endangered (Hodges, 2010). Since their delisting, gray wolf populations have rebounded, and their status on the endangered species list has been challenged. Implementation of the Act has often been challenged, especially by private landowners, energy companies, loggers, and ranchers.

Numerous cases have had to be resolved in court. The coordination and cooperation among federal, state, tribal, and local officials is often strained. Presidents have repeatedly tried to respond to these concerns, but they have only been able to find their attempts undone by a later president. For example, President Obama attempted to remove the wolves from the endangered species list twice; however, there was pushback from the courts and environmentalists (Einhorn, 2020). During Trump's presidency, he removed the protection from the gray wolves. Biden stayed with Trump's decision despite the pushback from environmentalists (Associated Press, 2021).

Congress does not seem to have the political will to make tough choices and policies to protect endangered species. Presidents are often tempted to make policies

through the agencies they control. This does not place the policies on as legally firm of footing as if Congress had passed laws. When new presidents are inaugurated, executive decisions of prior presidents are easily undone (Meadows, 1993). In the 1990s, numerous court cases occurred where agencies or groups advocated for delisting and relisting gray wolves on the endangered or threatened species list (Center of Biological Diversity, n.d.). Part of the litigation deals with how large the population of gray wolves is and what the subspecies that are supposed to be protected are.

The Species and Subspecies Concept Problem

The ultimate goal of biologists is to study and understand all living things and how they interact with their environment. Some branches of biology focus on trying to understand the amount of biodiversity on the planet (National Geographic, n.d.). Understanding how much biodiversity exists on the planet requires a standard or definition of a species. The definition of a species has plagued philosophers, intellectuals, and scientists dating back to Aristotle (Richards, 2010). As a result, different species definitions have been used throughout time and by different specialists within biology. Wilkins (2009) states that as many as 26 species definitions can be found in modern literature. The authors of this article will not provide details of all definitions of species. However, to understand the conflict between definitions of species and how this has contributed to the delisting issues of gray wolves, this article will cover some of the more commonly used definitions.

The Biological Species Concept

The first definition is the biological species concept. It is perhaps the most taught and used definition of a species today. It was conceived in 1942 by Ernst Mayr (Mayr et al., 2005). He defined a species as "groups of actually or potentially interbreeding

natural populations which are reproductively isolated from other such groups." This definition focuses on reproductive isolation between populations. Reproductive isolation means that groups of individuals (species) can be separated from other groups due to their inability to breed and produce offspring that can pass on genetic material. Such reproductive separations can be due to factors such as occupying different food or shelter preferences, different attraction behaviors, incompatible reproductive anatomy or biochemistry, different breeding seasons, etc.

The idea of populations was also included in the biological species concept (Mayr et al., 2005). The word population means the number of individuals of a species within a given area at a given time. Of course, this definition can also have problems because the territory included in an area can change or subdivide with time, resulting in smaller and separate species populations. This happened to gray wolves as farmland, communities, and infrastructural developments broke wolf territories into smaller, separate pieces that might prevent or limit breeding between them. This is even more complicated if the separated populations adopt different ecological niches, choosing other foods, mate attraction behaviors, etc. The concept of populations also creates problems in how scientists think about species because populations from far distances apart may be able to interbreed. Artificial settings, like zoos, have brought together many organisms, from mammals to bacteria, demonstrating the ability to interbreed. So, Biologists cannot always know breeding compatibility based on which population an organism came from.

Other Alternative Species Definitions

This has led to other alternative definitions, such as (a) the ecological species concept, (b) the morphological concept, (c) the genetic species concept, and (d) the

evolutionary species concept. The ecological species concept defines species as "a lineage or a closely related set of lineages, occupying an adaptive zone minimally different from any other lineage in its range and evolving separately from all lineages outside its range" (Van Valen, 1976). Here, scientists would look at how a group uses resources. Do they all eat the same food, desire the same temperature range, or use the same amount of water? In the morphological species concept, a group of organisms with enough physical trait differences from another group might be declared a separate species (Regan, 1926). Morphology considers similar characteristics within the group, such as height and color, when deciding if something is part of a group. The genetic species concept focuses on genetics to determine group identity. One would look at a group of genetically compatible natural populations to see if they are genetically identical and isolated from other such groups. Do they have the same D.N.A.? Finally, the evolutionary species concept looks for a single lineage of ancestor-descendant populations of organisms which maintains its identity from other such lineages [in space and time] and which has its evolutionary tendencies and "historical fate" (Wiley, 1981).

Defining a species using different definitions can have real-world implications for biodiversity conservation (Zimmer, 2008). For example, a large group of individuals could interbreed but may be somewhat geographically isolated. Some definitions might lead to characterizing multiple species and/or subspecies with smaller populations. These definitions would lead to greater species diversity and a need to protect a more significant number of species to prevent them from becoming threatened, endangered, or extinct. Other definitions of species might result in fewer different species and, therefore, larger population sizes that may not need conservation. While no single definition perfectly defines how all scientists define a species, the authors of this paper

will refer to the biological species concept definition as current laws and strategies to delist gray wolves have centered around the idea of populations of gray wolves and other species.

Further complicating matters, the E.S.A. is also designed to protect populations at the subspecies level. In scientific organizations, the term subspecies is found below the species level. The term "subspecies" is not well defined within the E.S.A. However, a subspecies can be described as "a collection of populations occupying a distinct breeding range and a diagnosable and distinct characterization from other such populations" (Patten, 2009). Adding a subspecies can further complicate management and generally results in treating populations with unique phenotypes with the same level of conservation as species.

Further, courts and agencies sometimes use the term population segments (*Defenders of Wildlife v. U.S. Fish and Wildlife Service*, 2022). Are they talking about subspecies when the term is used, or have they created a new breakdown? With animals, biology uses the breakdowns of species and subspecies. Distinct population segments, as used by agencies and some courts, often carve up a group of wolves in terms of geography to form some subgroup not necessarily recognized by the biologists to manipulate the goals of the E.S.A.

Inconsistencies in Science Allow Chaos and Manipulation

In 2003, the gray wolf was divided into three distinct population segments: Eastern, Western, and Southwestern (Environment and Natural Resources Division, 2018). But what were these groups based on? They do not fit the scientific discussion of a species or subspecies. This appears to be a population segment based only on geography. What is the reason for the three segments? The wolves in the Eastern and

Western areas were redesignated as threatened rather than endangered. Two district courts invalidated this division (the 2003 Rule). A federal district court in 2005 in Oregon found that the gray wolf was delisted in the state by focusing only on the viability of a small population segment rather than considering the wolves in their full range (*Defenders of Wildlife v. Secretary*, 2005). A federal district court, in the same year in Vermont, invalidated an attempt to delist the Eastern segment of gray wolves because they were lumped together with gray wolves in the Northeast region of the U.S. It was not determined if a gray wolf population even existed in the Northeast (*National Wildlife Federation v. Norton*, 2005). This action seems more like an attempt to delist and unprotect some groups of wolves because other wolves in another population segment were doing well. The motive for segments appears to be a vehicle to divide and conquer (simply get bunches of wolves out of protection). The courts seemed to notice.

In 2007, the F.W.S. issued a new rule that created a Western Great Lakes segment of gray wolves and delisted that segment, which provided no further federal protections. Once delisted, the jurisdiction for management falls back to the individual states. A district court invalidated the 2007 Rule because of crucial statutory ambiguities in creating population segments (*Humane Society of U.S. v. Kempthorne*, 2008). Sometimes, the courts look for procedural errors and overturn delisting without focusing on the definitions of species and subspecies.

In 2009, F.W.S. published a new final rule that again identified the Western Great Lakes gray wolves as distinct population segments without a notice and comment period, as required by the Administrative Procedures Act (A.P.A.) that governs agency activities (A.P.A., 1946). The 2009 Rule was challenged and brought to court. Before the trial, the F.W.S. admitted to their procedural error, and the wolves were returned to the

Western Great Lakes segment and relisted (Wilhere & Quinn, 2018). 2009, the population of gray wolves in the Northern Rocky Mountains was also delisted. A district court in Montana *validated* the delisting (*Defenders of Wildlife v. Salazar*, 2009), and the hunting of wolves continued. On August 5, 2010, a U.S. District Court, not a state court like before, relisted the wolves and protected them. (*Defenders of Wildlife v. Salazar*, 2010). Congress responded in 2011 by reinstating the delisting (Delisting Gray Wolves to Restore State Management Act). After more challenges, the wolves in Wyoming were also delisted. The D.C. Circuit Court of Appeals did not follow the Montana district court and upheld the delisting (*Defenders of Wildlife v. Salazar*, 2011).

In 2011, the F.W.S. issued another rule to divide and delist. The gray wolves in Minnesota were put into a new Western Great Lakes segment that included Minnesota, Wisconsin, and Michigan, as well as portions of North and South Dakota, Iowa, Illinois, Indiana, and Ohio. The wolves in the new segment were then delisted as the wolves in Minnesota were recovering. A federal district court annulled the 2011 Rule, and the D.C. Circuit Court of Appeals affirmed the decision. The F.W.S. also did not adequately consider the impacts of delisting, another procedural requirement.

On August 12, 2019, President Donald Trump's administration tasked F.W.S. and NMFS to change how the Act worked by allowing federal agencies to conduct economic analyses when deciding whether to protect a species (Lambert, 2019). Other changes were not to treat threatened species the same as endangered species. A case-by-case approach to protection was considered instead. Also, threats in the foreseeable future, like climate change, would now be assessed in a more immediate timeframe. This lessened the effect climate change could have on assessments. The Trump administration said these changes would ease the burden of regulation and increase

transparency in decisions on which species should be protected. Environmental advocacy groups said the changes would tip the scales in favor of industry and undermine 40 years of progress (Lampert, 2019). In 2019, the F.W.S. proposed eliminating protections for all gray wolves. They provided 120 days of public comment and issued their Final Rule to delist on November 3, 2020. The agency concluded the wolves no longer qualified for protection as a species or subspecies. President Joe Biden was inaugurated on January 20, 2021. The Biden Administration chose to *defend* the delisting decision. The delisting of gray wolves had been in the works for years before being finalized under President Donald Trump (Lambert, 2019). Three related cases were reviewed together in *Defenders of Wildlife v. U.S. Fish & Wildlife Service* (*Defenders of Wildlife v. U.S. Fish and Wildlife Service*, 2022).

Court Analysis in Defenders of Wildlife v. U.S. Fish & Wildlife Service

Implementation of the Act has often been challenged, especially by private landowners, energy companies, loggers, and ranchers. Numerous cases have had to be resolved in court. The coordination and cooperation among federal, state, tribal, and local officials is often strained. Presidents have repeatedly tried to respond to these concerns through executive orders only to find their attempts undone by a later president. Congress does not seem to have the political will to make tough choices and policies to protect endangered species. Presidents are often tempted to make policies through the agencies they control. This does not place the policies as firm a footing as if Congress made them. When another president is inaugurated, executive decisions of prior presidents are easily undone (Lambert, 2019). The cases above continued a long pattern of flipping from focusing on species to balancing the protection of species with

citizen and business concerns from Presidents George W. Bush to Barack Obama and Donald Trump to Joe Biden.

Two Core Wolf Populations Were Used to Delist Wolves Nationally

The A.P.A. Courts govern agency actions to set aside agency actions only if they are found to be "arbitrary, capricious, an abuse of discretion, or otherwise not by the law" (U.S. Code Title 5, 1994). The agency must consider all relevant factors, and there cannot be a clear error of judgment. The reviewing court cannot substitute its judgment for that of the agency. In 1978, the gray wolf was split into two segments, which the agency defined by geography. They were treated as distinct species under the statutory definition of the term in effect *at that time*. This is odd as no one changed the definitions in the original law. This response would take more explanation. Without a more detailed argument based on scientific terms by the agency, it appears that the agency defined a regional subspecies based on its desired protection policy, which made the court's job difficult.

F.W.S. argued that the Minnesota segment and the rest of the states do not meet the *current* species definition and thus cannot be protected under E.S.A. Again, the agency has the burden of explaining terms. "Species" and "subspecies" could be used in two different ways, such as how people use words like "harass." There is a legal definition of "harassment" that is different from the casual use that everyone basically understands, even though it does not hold up in court. This clash may be the E.P.A. using a scientific term differently than scientists because they need a legally recognized term that does not care if it is being misused. They want a specific outcome. If they need different definitions, the agency needs to propose other terms to be used. They should hold hearings, invite biologists to assist with definitions and see if a more

scientific approach can be discovered, and then argue for legislation to go through Congress to modify relevant laws. The agency did none of this, and the court did not agree with the agency's changing definitions to argue for the policy they wanted. The wolves were listed in the original E.S.A. Nothing in the 1978 amendments to the original Act suggest that Congress intended to remove protections from already-listed species. The court considered this a "backdoor route" toward delisting. As the definition of species may continue to change, a new definition cannot be used to delist species. This is not by the law.

Does this matter? Today, there is still some scientific debate about how many wolf species and subspecies of gray wolves exist. There appear to be about five recognized subspecies: arctic (*Canis lupus arctos)*, eastern timber wolf (*Canis lupus lycaon*), Mexican wolf (*Canis lupus baileyi*), Great Plains wolf (*Canis lupus nubilus*), and the Northwestern wolf (*Canis lupus occidentalis*), and hybrids between one gray and red wolves (Vonholdt et al., 2016). Red wolves have proven difficult to determine whether they deserve to be considered a separate species. Some research indicates that red wolves should be considered a separate species and that hybrids in the wild could be used to preserve red wolves as a separate species (Murphy et al., 2018). However, other genomic studies suggest that red wolves, like eastern gray wolves, may be gray wolves that have hybridized regularly with coyotes (Vonholdt et al., 2016). Determining the number of wolf species and subspecies leads to conflict over how much protection to provide for subpopulations. Considering that there is still an ongoing scientific debate, biologists may be able to do their studies, reexamine their definitions of species and subspecies, and offer their judgments on protections. Their research and advice do not

have to be followed, but they should be allowed to form scientifically based decisions, not outcome-driven ones.

The court also said the F.W.S. continued using a tactic that other courts had struck down in prior cases. The agency carved a whole area of wolves up to create segmented areas of wolves. Then, the agency tried to delist one core area with a recovering wolf population. The agency relies on the recovered wolves in one core area to justify delisting all wolves in other segments nearby but distinct from the core area. The agency does this without considering the threats to the wolves in these different segments. Recovery may not be uniform. The F.W.S. tells the court that the wolves outside the core area are not necessary for the recovery of the species. The agency does so without assessing the impact of delisting on the wolves outside the core area. When changing a policy position, the court said an agency must provide a reasoned explanation for disregarding the facts and circumstances that underlay the prior policy. Without stated reasons, the agency's action appears arbitrary and capricious.

The F.W.S. Failed to Interpret a "Significant Portion of its Range Reasonably"

The court did not support the F.W.S. in interpreting the phrase "significant portion of its range" (*Defenders of Wildlife v. U.S. Fish and Wildlife Service*, 2022). In fact, their constant attempts to subdivide and then delist probably could cause the average justice to compare the agency's actions to the gerrymandering tactics of old to lessen the effect of some group's votes in elections. A species must be listed under the E.S.A. if endangered or threatened throughout "all or a significant portion of its range" (*Defenders of Wildlife v. U.S. Fish and Wildlife Service*, 2022). However, the E.S.A. does not define this phrase. The F.W.S. said it interpreted the phrase in its Proposed Rule, and the interpretation was subject to public notice and comment. Under the

Chevron doctrine (*Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 1984), when a court reviews an agency's construction of a statute that is silent or ambiguous on a specific issue, the court assumes Congress left a void for the agency to fill. The court will make a deference to the agency's interpretation of a statute unless it is unreasonable. Proper procedures were used to notify the country of the agency's proposed interpretation of the phrase, and the public was given a comment period; however, the interpretation of the statute was unreasonable. The agency did not explain sufficiently how to assess a significant portion of something. On the one hand, the F.W.S. says wolves outside the core could add to the resiliency of gray wolves, but other times, the agency says these wolves are not significant because there are too few of them. The definition used by the agency does not lead to consistent outcomes.

Ultimately, the court decided the agency's current rule (*Defenders of Wildlife v. U.S. Fish and Wildlife Service*, 2022) should be overturned and vacated. The gray wolves are again listed under the E.S.A. Undoubtedly, the F.W.S. will be "dancing with wolf policies" as goals keep changing, Congress fails to make wolf policies, and the competing purposes of preservation keep clashing with people and businesses and going through many changes in policy as Congress keeps swinging between polarized positions and fails to give the agency guidance.

Possible Solutions

Lon Fuller, an American legal philosopher, in *The Forms and Limits of Adjudication,* explained a "polycentric" problem as one that comprises a large web of interdependent relationships so that a change in one factor produces an incalculable series of changes in other factors (Fuller, 1978). The conservation of gray wolves fits this type of problem. Scientists, F.W.S., conservation groups, ranchers, and other

people threatened by wolves, Congress, presidents, and the courts have all been dancing with wolf policy to find one solution acceptable to all that will last through time.

Science, values, and law are all a part of environmental policy. An important policy issue in wolf conservation is determining how much is enough. What is the smallest habitat or minimum population size that will be adequate for the survival of the wolf population? Once biologists can come to a consensus on terms and empirical results, then courts and agencies can form scientifically based policies. As it stands now, courts and agencies are basing decisions on different interest group's desired outcomes, which are not grounded in biological findings. Current controversies in wolf management address how much of the species' historical geographic range must be occupied by wolves to achieve a full recovery under the E.S.A. This answer affects the management of millions of acres of private, public, and tribal land. The answer to this question is extremely controversial and elusive. Every interest group has something to gain and lose in the answer to the question, and each interest group often fails to appreciate the proper role of science and societal values in finding the solution. Former Secretary of the Interior in the Obama Administration Sally Jewell stated, "It's about science, and you do what the science says…." (Visser, 2016). The E.S.A. does not define species, and the biological community has no agreed-upon definition (*See Table 1*). The E.S.A. says, "The term species includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature" (E.S.A.,1973). Endangered species are "any species in danger of extinction throughout all or a significant portion of its range…" A Threatened species is "any species which is likely to become endangered within the foreseeable future throughout all or a significant portion of its range."

Table 1

E.S.A Term Definitions

Term	Definition
Species	Any subspecies of fish or wildlife or plants and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature
Endangered species	Any species in danger of extinction throughout all or a significant portion of its range
Threatened species	Any species which is likely to become endangered within the foreseeable future throughout all or a significant portion of its range

The E.S.A. does not define "a significant portion of its range" or "the foreseeable future."

This case arose because of a lack of clear and precise definitions. This case also occurred because of a lack of clear, accurate guidelines and policies. Exactly how is a species delisted under the E.S.A.? The Act is more precise for listing species for protection but vague regarding delisting. The F.W.S. has been trying to delist at least some groups of wolves for some time (Earth Justice, 2022). There is much court litigation, but there is very little understanding that species cannot stay listed forever, and there is little articulation of the steps used to delist a species.

The focus is entirely on preservation with little regard for limited government resources and understanding that the Earth will not stay the same forever. The climate will change, the population of humans will grow, and noble desires to preserve all species in their habitats may be too expensive and could even come at the expense of people. What exactly is the goal under the Act, and what factors that are not present should be considered for goal modification? Policies need to change as peoples' values change. Good environmental policy must be based on integrating science and social values. Science alone cannot determine how much is enough. The amount of habitat humans can or ought to provide for other species is ultimately an ethical question. Since

science does not dictate policy, a further question becomes who should make the policy. Science can provide *factual information* regarding the impacts or outcomes of the proposed policy. *Values* can come out of discussions between stakeholders' priorities and preferences.

Finally, there must be a dynamic process for using science and values to explore trade-offs among policy options. This process must be ongoing as science, priorities, and preferences will change over time. An agency, like the F.W.S., could have ongoing reviews of the environmental policies that it administers toward gray wolves. Congress could also have hearings and modify parts of the E.S.A. as needed. Congress is supposed to make the policy; agencies are supposed to fill in the gaps and carry out Congress' policy. These reviews could keep policy fresh and answer questions as they arise, rather than always running to the courts for assistance (Wilhere & Quinn, 2018). These authors expect the dance with wolf policy and its effects to last a very long time. The courts are ill-suited to resolve wolf policy or any other polycentric problem. They need regulations or statutes with precise meanings to apply to concrete problems. Congress is supposed to make policy. In this case, they delegated this to the F.W.S. Congress, which does not have the time or scientific knowledge to make the policy and keep reviewing it as circumstances change. It is logical for an agency to make a policy for the future of wolves. Agencies can hold fact-finding hearings, and they can bring affected parties together. They could then bring their findings to Congress if laws need to be changed beyond the scope of their delegation of authority to carry out any needed policy changes. The agency will have difficult dances until the scientists agree on their definitions. Conservationists and affected populations like ranchers will also have intricate dances until they can find compromises. Presidents may need to wait for the

dancers to agree on one dance or policy. Presidents must carry out or endorse the laws Congress makes rather than trying to change policies solely through agency actions. This way, Congress can have hearings heard from interest groups and biologists to ensure they form the right policy and goals. Courts will have to join the dance when interest groups challenge the purpose or implementation of agency regulations. For courts to make decisions, biologists must provide the courts with clear definitions and empirical findings.

At this time, a solution seems elusive. Instead of everybody in the dance trying to manipulate species definitions solely to make their outcome-driven arguments, maybe the F.W.S. should consider smaller recovery zone projects inside of the larger zone. This may better respond to the different interest groups that make up the larger zone. It is unlikely the F.W.S. could, for example, tackle restoring a whole prairie lake biome to its former glory even if it was their goal and focus of effort. However, they can do much to restore individual lakes and wild animals in targeted areas. Wolves, of course, need more territory than a local wetland. But, it should not be impossible to define proper, non-gerrymandered population centers and desired outcomes. The lack of defining reasonable, desired outcomes will always be the problem. But, despite the complexity of this problem, the dance with wolf policy must begin.

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No Safe Spaces:
An Exploration of Sexual Assault among College Women in Mexico

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Abstract: Violence against college women, particularly sexual assault, remains a global problem affecting all nations and cultures and can lead to depression, alcohol and drug use, post-traumatic stress, and even suicide. While research in this area has increased, the vast majority is from high-income nations (e.g., the United States), and little exists in poorer countries such as Mexico, and little of that is empirical in nature. Noting these limitations, this paper looks at the research that does exist and generates the initial conclusion that college women in Mexico are at risk of sexual assault while traveling to university (e.g., via public transit) from their fellow students and even university faculty. In short, there are no "safe spaces" for college women in Mexico.

Introduction

Women worldwide are often subject to mistreatment and sexual violence. In fact, according to the World Health Organization, almost 1 in 3 women will experience physical and/or sexual violence in their lifetime (World Health Organization). Violence against women is an issue that affects every country in the world, but for some, this experience is far more common. For example, South Africa reported that 40% of their women will be raped in their lifetime; Brazil has reported that 36.9% of their women will experience sexual violence, and Mexico ranks third highest for the rate of women who will experience non-partner sexual violence (Most Dangerous Countries for Women 2023) and college women are not exempt from this violence. A study from the United States Bureau of Justice of Statistics (BJS) reports that women aged 18-24 are the most susceptible to sexual victimization. This age range coincides with the typical time

most students begin university. Of those who had been victimized in the BJS study, over 51% of the female student rapes or assaults that occurred happened while the female student was pursuing "leisurely activities away from home." In contrast, the remaining non-students were victimized near or at home (Sinozich & Langton, 2014, p. 1). Of those who had been victims of sexual assault, the student victims were less likely to "receive assistance from victim services agency (Sinozich & Langton, 2014, p.1)." This fact suggests that females may be more at risk of victimization when they are also pursuing higher education.

Sexual violence awareness and prevention has been a growing practice on college campuses in the United States (Muehlenhard et al., 2017, p. 449). Countries such as the United States have more accurate record-keeping of sexual violence. However, sexual violence is still an extremely underreported crime due to the nature and extent of the crime. In fact, a study of nine United States universities showed that less than 3% of rapes that occurred on campus and appear in the university's Campus Climate Survey Validation Study were on record as reported to the university (Krebs et al., 2022, p. 1918). The lack of reporting incidents to the university coincides with the evidence that student victims receive fewer services through victim advocacy agencies. Because sexual assault has been found to cause depression, substance use disorders, and other psychological barriers for the victims and because women are disproportionately affected by sexual assault, it is important to understand the risks to better aid in education and prevention (Baldwin-White & Bazemore, 2020, p. 257). Substantive empirical evidence shows that sexual violence is a growing issue in countries such as the United States. However, countries such as Mexico lack the infrastructure and resources to report this problem empirically.

Mexico ranks as the fourth most dangerous country in the world for women. While sexual violence against women is frequently discussed in news articles and other media regarding Mexico, little empirical data assesses violence against women in Mexico (Most Dangerous Countries for Women, 2023). De la Rosa et al. (2021) found that violence against women aged 15 and over is, unfortunately, a constant and widespread phenomenon in Mexico. Indeed, given that 66 out of every 100 women aged 15 and over living in Mexico have suffered at least one act of violence, such violence is a problem that is considered a widespread social practice throughout the nation. In addition, according to their survey, women who are exposed to violence from their partner or any other aggressor are young women between the ages of 20 and 39.

On the other hand, 70 out of every 100 women of these ages have experienced at least one event of violence or abuse. It can be deduced from the above that women are a vulnerable population to a variety of aggressions carried out by a wide range of subjects, from partners, family members, and bosses to strangers or people outside their space and close relationships. While this research is revealing, little to no empirical data assess *college women* in Mexico and their experiences with sexual violence. Students in Mexico typically start university between the ages of 18-22, which overlaps with the age at which women are most susceptible to becoming victims of sexual assault, 18-24 (Scholarly Database, n.d.). In the academic year 2021-2022, 1,980,888 female students pursued higher education in Mexico; female college students in Mexico even outnumbered male students (Romero, 2023). Based on a generally accepted measure of 25-40% of college women being victims of sexual assault, we could estimate that somewhere near 500,000 to 800,000 college women in Mexico may be victimized. A large population of female students are at risk of being sexually victimized,

and consequently, they would benefit from more research and attention being paid to this issue.

Mexico's history of political corruption has also played a heavy role in the gender-based violence against women and the lack of policy creation to protect women in Mexico (Morris, 2013). One transnational study of sexual violence committed against Mexican college women in Mexico versus Mexican American students in the United States suggests that Mexico's official crime reports for sexual violence are "implausibly low" and that corrections and research into the data collection process are necessary (Rogers et al., 2017, p. 204). These data, in fact, showed that college women in Mexico might be more at risk of becoming victims of sexual violence (Rogers et al., 2017). As Mexican women and other campus community members become more vocal about their experiences of sexual assault on college campuses, more commonalities may be identified that may lead to a better understanding of sexual assault on Mexican college campuses. While rates and statistics of sexual assault and harassment may be reported, much of the data discussed in this paper come from news stories, social media, and the observation of social movements, making this primarily a qualitative evaluation with the addition of quantitative statistics where they are available. By reviewing media and news stories discussing sexual assault of women, three areas of concern where women are most at risk of facing sexual assault have been identified: (1) sexual assault on public transportation going to and from campus, (2) sexual assault by peers on and around campus, and (3) sexual assault by professors. Preliminary research shows that from the moment a college woman leaves her home to attend university classes, she is at risk of being victimized on her way to school, at school, and

during extracurricular activities after school. Therefore, there are *no safe spaces* for college women in Mexico.

Public Transportation

Sexual violence against women on public transportation is a very prominent issue in Mexico that has even changed how women use public transportation. Policymakers and feminist groups have formally named public transportation as a dangerous place for women to be (Dunckel-Graglia, 2013, p. 267). Some areas of Mexico have even started "pink transportation" programs, public transits that only allow female riders to combat the sexual violence women face and bring attention to the issue. Only by allowing female riders some protection and peace of mind are given to the passengers, allowing them to get to and from their destinations more safely. Despite some programs and movements to aid this issue, sexual violence against women on public transportation remains an issue that affects nine in ten women (Dunckel-Graglia, 2013). Many female riders have noted that male passengers will use bumpy roads and potholes as an excuse to grope women, and men will expose themselves on the bus and verbally harass other riders as well (Infante-Vargas & Boyer, 2021).

The fear that women have restricts their mobility through urban areas and limits their opportunities (Gekoski et al., 2017), and these limitations and fears may also lead to other psychological hardships like depression and other mental illnesses (Horii & Burgess, 2012). When mobility is restricted, job opportunities and opportunities to further education are also restricted, which keeps a patriarchal society such as Mexico stable.

College-aged women also frequently use public transportation to get to and from their universities and homes and other extracurricular activities. They are not immune to

the risk of sexual violence. In fact, when compared to seventeen other sample cities internationally, Mexico City had the highest rate of sexual victimization on the bus and the second highest rate of sexual victimization on the metro for female students (Loukaitou-Sideris & Ceccato, 2020). In a study of six different Latin countries, including Colombia and Mexico, 92% of college women interviewed who use *public transportation* to travel between home and school reported being sexually victimized in some way (Ceccato & Loukaitou-Sideris, 2020). In Mexico City, the average student travels on public transportation for 15 minutes to about an hour, and the risk of sexual violence increases the longer an individual is on a bus or train, with the peak of sexual violence occurring between the 30-minute and 60-minute mark (Romero-Torres & Ceccato, 2020). Students who live further away from the university are at an increased risk of violence. There is also a substantial risk of violence at the bus stop locations while waiting for public transit, where some students have been sexually victimized at bus stops or robbed (Romero-Torres & Ceccato, 2020).

Where a student lives in comparison to what public transit routes they take, the university is a large contributing factor to the risk of sexual violence. Women who live in lower socioeconomic areas, who are more likely to use public transportation, are at an even higher risk than those in more affluent areas (Infante-Vargas & Boyer, 2021). The students in lower socioeconomic areas also have less access to other forms of more costly transportation, such as taxis. Many female students expressed they are no longer comfortable using their student bus passes, which they have already purchased for their university time and have had to switch to more expensive but safer ride options like taxis. One female student noted that her weekly transportation expenses increased over five times when she had to stop using her student bus pass and switch to taxis because

of the sexual violence occurring (Infante-Vargas and Boyer, 2021). Sexual violence not only has emotional and traumatic consequences for the victims but can also be very damaging monetarily, increasing the cost of attending university. The risk of sexual assault does not disappear once a student arrives on campus grounds from home. The risk of being victimized by campus community members will be discussed in the following section.

Peers as Perpetrators

Many female victims of sexual assault have identified their assaulter as another male student belonging to the campus community. Peer-on-peer gender-related violence reaches a rate of 49.3% for university students in Mexico, and of those who have experienced some form of gender-related violence, 64.61% of those students experienced a form of sexual violence (María de los Ángeles et al., 2022). In a study of nursing students at a Mexican university, a male peer student or colleague was commonly identified as a perpetrator. The violence has occurred in the classroom and clinical offices. In the clinical office, female students are often pressured to expose their skin for demonstrative purposes. If students refuse to take part in these demonstrations or even speak up about their discomfort, they are often met with nonchalance, poor grades, or dismissal. Female students may also experience gender-based emotional trauma by being excluded from certain clinics (María de los Ángeles et al., 2022). While this form of sexual violence may not be in the same context as rape or groping, it is still a form of sexual harassment.

Clubs, bars, and other nightlife areas surrounding universities are other common areas where female students are preyed on by peers. For example, one female Mexican student detailed her experience with another student at a bar near campus

where two other students drugged and attempted to rape her (Odessa, 2018). In this instance, the assaulters were friends of the victim, exemplifying how the peer social group is not a safe space for women from sexual assault. Ditza Aramburo Gutierrez, a graduate student in Mexico, even designed a pair of shoes that can hold pepper spray in the heels to have extra protection when going out to aid this social issue (Guasco, 2023). She expressed how having some form of protection, like the pepper spray heels, can give women peace of mind but also help provide some self-defense if confronted by an attacker. In addition to the physical harm caused by sexual violence, there are also mental and social repercussions. Women already face difficulty with work and school place gender equality and must also consider what aftereffects may come from reporting a peer for sexual assault.

Dating violence is another epidemic that occurs within Mexican college communities as well. In fact, according to Lazarevich et al. (2016), Mexico has the second highest rate, 42%, of students who have experienced dating violence. Victims often overlook dating violence because of the preconceived notion that sexual abuse happens by strangers and not by one's romantic partner. Some study outcomes suggest that dating sexual violence is tolerated when in a relationship. In a study of Mexican students aged 15-24, 16.5% of women have experienced sexual dating violence, and 46% of those women said they had overlooked a partner's sexual abuse towards them because it was "normal in a dating relationship" (Cortés et al., 2014, p. 40). Since dating violence is commonly tolerated or overlooked, many victims may not even recognize the signs of the violence and may not even consider themselves to be victims, which is why it is necessary to bring more attention to the subject so more people recognize the signs, report to the proper authorities, and receive the proper assistance and resources

to combat the negative effects. In a different study at a university housing 229,268 students,13,985 self-reported that they had been victims of sexual dating violence in the previous twelve months (Diaz et al., 2023). The longer that a woman is in university, the risk of experiencing sexual dating violence increases from 6.1% to 20-25% at the end of a normal four-year program as well (Diaz et al., 2023). This may be related to more partying and alcohol use, which raises the likelihood of victimization. However, predatory behavior has not been limited to students and fellow travelers on public transportation. The following section will discuss professors on campus and how they are the most hidden and protected perpetrators of sexual violence on college campuses in Mexico.

Professors as Predators

Surprisingly, professors have also been identified as common perpetrators of sexual violence for female students in Mexico. One's child going to college and into the "real world" can be stressful for parents. It is common for parents to "worry about our daughters (primarily) becoming victims of assault" while attending their university, given that female college students are at four times the risk when compared to the one in three statistics of potential assault (Calhoun, 2021). While parents may worry about strangers and other students being the perpetrators of these attacks and prepare their daughters for those realities, few likely worry about or consider an assault by a professor an issue. Faculty members are generally trusted adults. The school employs them, and they are professionals in their areas of study, doing research and representing the university. Therefore, they could be the least suspected people on campus to perpetrate sexual violence.

However, a study of faculty sexual violence found that six of every ten cases of violence reported by students listed members of the university as aggressors. Fifty-seven percent of those cases were male professors accused of sexual violence against students (Peralta et al., 2019). These statistics only reflect the registered cases of sexual violence on these campuses. It is also likely that these are repeat offender cases, meaning it is the same professor committing multiple acts against different students.

There is a power dynamic between professors and students that lessens the likelihood of reporting professor sexual misconduct. Fear of retaliation through low grades and poor evaluations are driving reasons for students not to report their professors' inappropriate behaviors (Peralta et al., 2019). Students who do choose to report their professor's sexual violence run the risk of poor grades and evaluations, affecting their collegiate experience if the professor chooses to retaliate. For example, a professor's retaliation led to the suspension of a student from her doctoral program, leaving her with substantive university debt (Peralta et al., 2019). The sexual violence not only impacted her track for education but also caused major financial trouble. Faculty on student sexual violence has become a driving reason for the start of what is the equivalent of the #MeToo movement in Mexico. Trends such as the "#YoNoDenuncioPorque" ("I don't report because") show the "Growing awareness of sexual misconduct in research settings and the harm it causes" in Mexican universities (Rodríguez Mega, 2019, p. 14).

In 2021, Itzel Schnaas, a ballet dancer from Mexico City, released a seven-minute YouTube video documenting the sexual violence and harassment perpetrated against her by Andrés Roemer, a renowned scholar and professor. Thirty-six women

have since come forward, accusing Roemer of multiple counts of violence, including rape and sexual harassment. Six of those women went before a prosecutor formally to press charges. Though Roemer denies accusations, the sheer volume of accusations led to multiple programs such as The United Nations Educational, Scientific and Cultural Organization (UNESCO) and Columbia University cutting professional times with the scholar (Beatley, 2021). Despite the substantial number of accusations, it took formal law enforcement three years post accusations to open a case against Roemer, demonstrating the patriarchal society In Mexico that allows male abusers to walk free while the victims fight for justice and to be heard.

Another example of this is seen at the University of Guadalajara, where a professor and head of the anthropology department, Horacio Hernández Casillas, was promoted multiple times by the administration despite multiple accusations by students of sexual harassment and assault. Students noted that Casillas used his power as a professor to intimidate female students and female professors who tried to stand in solidarity with the students (Ávila et al., 2018). Students at the University of Guadalajara have demonstrated, though, in some instances, that speaking up and assembling can, at times, bring better outcomes. A student-led strike against faculty member Roberto Ochoa Macías, who also had multiple accusations of sexual harassment, led to Macías resigning within hours of the strike beginning (Ávila et al., 2018).

By coming forward and standing in solidarity with other victims, students in Mexico have made some successful attempts to reclaim their universities as safe spaces, but for now, from doorstep to classroom, the university has no truly safe space for female students to be fully protected from sexual violence.

Discussion and Conclusion

The goal of this paper was to explore college sexual harassment and assault in Mexico. Our initial finding is that from the moment a female student leaves her home to attend university classes; there is an increased risk of being sexually victimized in Mexico. When a female student leaves her home, there is a risk at the bus stop, a risk on the bus, and it does not stop when entering the campus grounds. On and around campus, there is an elevated risk of peer-on-peer sexual victimization. Peer-on-peer sexual violence is also far too common in the nightlife scene, where students expect to go out and enjoy time with their friends. This risk may present itself in the classroom, as demonstrated in the example of female nursing students being pressured to reveal themselves in classrooms for demonstrations. The classroom might be one of the least suspected places for sexual violence to occur. Even the faculty of the university, who are supposed to safeguard these students, may be one of the largest perpetrators of sexual violence. Mexican universities, like the Mexican government, are patriarchal, and the administration often does not hold these faculty members accountable for their actions.

As noted, there is little empirical data about sexual assaults on college campuses in Mexico, though the media have recently brought more attention to the issue. Social movements in Mexico, such as the *#YoNoDenuncioPorque,* have brought attention to the issue of sexual violence on college campuses. Many universities have begun to create policies to encourage students to report these issues and set procedures on how to investigate and punish offenders. However, they remain unenforced for the most part. Cases that are reported to universities are often mishandled, and victims are denied justice.

Exploration into the causes of sexual violence case mishandling reveals that victims cannot resonate with the administration overseeing the cases. The administration tasked with evaluating these cases are males who often hold misogynistic ideologies (Almeida, 2019). An unsupportive administration has been established as a hindrance to safety so long as a disconnect between policy and enforcement continues to exist. The disconnect is detrimental to women and their college experience because it encourages an environment where students are being sexually violated and then emotionally violated by reliving their experiences with an administration that cannot offer them justice or peace.

Mexico might benefit from revamped first-year orientations that—at least in the United States—typically include information and resources about peer sexual violence. The orientations teach the importance of being safe when going out to parties and being aware of your surroundings, but most only name students and strangers as the main perpetrators of these attacks. Students learn how other students and strangers may pose a threat through dating violence, drugging, and/or manipulating drinks when out in nightlife activities. Female victims typically expect their aggressors to be someone who fits into one of the previously mentioned categories. In addition, faculty should also be required to attend a similar orientation to address sexual harassment and abuse of co-eds.

Due to the political dynamic surrounding many universities' administrations, the predominantly male case supervisors for these sexual violence reports still have the *university's* best interest as a priority. Bringing attention to sexual violence on campus by proactively working on prevention and education on sexual violence could negatively affect the university, labeling it "unsafe" and harming the institution overall (Linhares et

al., 2021, p.12). This leaves victims with no legitimate campus resources or services to address the psychological and emotional trauma or the financial hardships that often come as a result of being a victim of sexual violence.

We believe that a great deal more research must be done to fully assess the state of sexual assault of college women in Mexico, as well as the effectiveness of government and university responses. We believe this research, along with broader social and institutional movements, will continue to bring more attention to sexual violence against female Mexican students, and more progress can be made toward making a *safe space* for all campus community members.

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From Family Upheaven and Stigma to Support and Understanding

by

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Introduction

When families are confronted with a mentally ill family member, they are often overwhelmed. Lacking appropriate training and assistance, they are often ill-equipped to provide care for a seriously ill loved one. Today, there is a significant amount of family caregiving literature (Janse, Huijsman, & Fabbricotti, 2014; Salvador et al., 2015). Until recently, however, most of this literature focused on caregiving for the elderly (Schulz et al., 2003; Mittelman, Roth, Haley, & Zarit, 2004). There is much less literature focusing on the families of the mentally ill. Caregiving is an extension of family obligations, and these obligations rest more heavily on women than men. The author seeks to add to this literature by examining how the presence of a mentally ill child in the family impacts the everyday lives of mothers of the mentally ill and offers needed insight into their lives.

To gain access to families of the mentally ill, I began attending National Alliance on Mentally Illness (NAMI) support group meetings for approximately three years. NAMI provides support for people who have friends or relatives with a variety of mental illnesses. Mothers were the primary family members who attended the NAMI meetings that I attended; therefore, this research focuses specifically on the meaningful experiences of mothers of the mentally ill.

Method

In this study, I used a phenomenological approach to qualitative research. Phenomenology is part of the constructivist-interpretive paradigm (Ponterotto, 2005). Phenomenology allows the researcher to gain meaningful insight into the lives of participants by viewing them as valuable sources of knowledge and as co-researchers (Reid, Flowers, & Larkin, 2005). Phenomenologists attempt to describe human experience without premature analysis and without assigning presupposed meaning to data. Instead, phenomenological research seeks to gain an understanding of participants' subjective experiences (Aspers, 2010; Papadimitriou, 2012; Reid et al., 2005). Englander (2012) suggests that a phenomenological focus on the question "What is it like?" (p. 18). In this study, I examined what it is like to be the mother of an adult mentally ill child. In phenomenological research, the selection of participants is based on whether individuals have experience with the phenomenon under investigation (Englander, 2012; Reid et al., 2005).

Reid et al. (2005) found that a sample size of 10 is on the high end for most interpretive phenomenological studies. Furthermore, they noted that interpretive phenomenology challenges the "traditional linear relationship between 'number of participants' and value of research" (Reid et al., 2005, p. 22). The phenomenological approach is well-suited for this research, as the goal of this study was to explore the experiences and everyday lives of mothers of the mentally ill.

I used qualitative interviews and participant observation as my primary sources of data collection. Denzin (1978) describes participant observation as a "commitment to adopt the perspective of those studied by sharing in their day-to-day experiences" (p. 185). Participant observation is well-suited for phenomenological investigations as it allows the researcher to access participants' lived experiences (Orleans, 2000).

I collected observational data in two separate geographic locations in the upper Midwest over an extended period. Creswell and Miller (2000) discuss “prolonged engagement in the field” (p. 127) as a validity procedure commonly employed in qualitative research. I attended monthly NAMI meetings for approximately three years. These meetings were relaxed gatherings where mothers openly discussed their mentally ill children and any difficulties they may have experienced in caring for them. Mothers shared their experiences and offered each other advice and support.

While attendance fluctuated, the typical meeting was attended by a core group of five to eight mothers who participated regularly. The observations of this core group of mothers account for the bulk of my field notes. My observations are not limited only to this core group of mothers. I also took field notes after conversations and interactions with numerous mothers who were not members of this core group. I also took field notes at NAMI conferences and attended public lectures and workshops.

In addition to observational data, I conducted seven in-depth, semi-structured interviews with mothers of mentally ill children. Many have highlighted the advantage of triangulation (using multiple methods) as a valid procedure in research (Creswell & Miller, 2000). I purposefully recruited these seven mothers (Suri, 2012) through the NAMI support group meetings, during which I conducted many of my observations. As phenomenological research views participants as co-researchers, I made every effort to interact with my participants with this understanding. I informed them that I wanted to explore the life experiences of families of the mentally ill. The interviews I conducted ranged in time from 2 to 6.5 hours. Five of the interviews were completed in person and two over the phone.

Four of the five face-to-face interviews were conducted in the participants' homes as this was generally the most comfortable and convenient for the participants. One face-to-face interview was conducted in my home. All interviews except one were recorded and later transcribed. In the case of the non-recorded interview, the participant was not comfortable being recorded, and thus, handwritten notes were taken.

Five participants were recruited by approaching them after a meeting or during a social function and asking them if they would be willing to be interviewed. All of these mothers had previously expressed an interest in being interviewed. The remaining three participants saw an announcement I sent to a neighboring NAMI affiliate, explaining my research and soliciting participants. They called offering to be interviewed. Before conducting any of these interviews, I fully informed participants of the nature of this research. I guaranteed them that all information obtained in the interview would be kept confidential and that their names would not be connected to any written document containing any portion of my findings. Pseudonyms were used in place of all real names. Signed copies of all consent forms are stored in my office and are separate from transcripts or notes taken during interviews. Participants were allowed to ask questions before, during, and after the interview. In the case of phone interview participants, I read the informed consent form over the phone and asked for verbal consent, which was then recorded on audiotape.

An informal conversation style was used in these interviews (Douglas, 1985; Fontana & Frey, 1994). While I had asked mothers specific questions in these interviews, I allowed them to discuss whatever they wished at all points in the research process. Also, research participants were allowed to review raw data and the findings to ensure accuracy. Lincoln and Guba (1985) describe this procedure as *member*

checking. Creswell and Miller (2000) suggest that with member checking, “participants add credibility to the qualitative study by having the chance to react to both the data and the final narrative” (p.127). I also had my findings examined by several individuals external to this study to ensure the credibility and trustworthiness of these findings (Creswell & Miller, 2000; Lincoln & Guba, 1986; Morrow, 2005).

Results

The principal participants in this study were mothers of adult children with severe mental illness. The mothers in this study had either a son or daughter who had been diagnosed with a serious mental illness for five or more years. The diagnoses for people with severe mental illness include but are not limited to, schizophrenia, major endogenous depression, bipolar disorder, and obsessive-compulsive disorders.

The mothers who participated in this study are considered caregivers for their mentally ill adult children because they provided “extraordinary care” beyond normal parental expectations (BIEGEL et al., 1991). Five of the mothers had a mentally ill child living with them in their homes. Two mothers, however, had mentally ill children who were not living in their homes. One had a son in prison, and the other’s son was hospitalized.

The women interviewed ranged in age from 42 to 72. Likewise, my informal conversations and observations were with women in this age range, most of whom were in their fifties or sixties. The mothers in this case study were white and privileged in terms of social class, as most mothers could be classified as middle to upper-middle class. This appraisal of social class standing was based on my observations of their homes and neighborhoods, their clothing, the cars they drove, and participants and their

spouses' occupations. These mothers were also well-educated, and many had completed graduate work. Of the women interviewed, only one did not have a bachelor's degree, though she was close to finishing her degree at the time of the interview.

Four major themes emerged in this study: the desire to share experiences, disturbance of life, stigma and stigma management, and the mother's experience of support and understanding.

Desire to Share

The mothers I interviewed and interacted with through the NAMI groups were willing to help me with my research. When told about my research at support group meetings or informal conversations, they often expressed their interest and excitement about the research topic. It was clear that they wanted their stories to be told. Some mothers repeatedly noted that others "just do not understand what it is like." Reflecting on this, Felicia, typical of the mothers who expressed this sentiment, explained why she called offering to be interviewed:

Okay, I got a letter from our local NAMI…and then they mentioned that you were doing research…you know what it's like to live with ah, ah, someone who is mentally ill, and my nineteen-year nineteen-year-old son is right now being treated for ah, mental, being mentally ill, and so I thought well, you know, this would be a good time for me maybe to not to vent, but just to kind of, you know, give people an idea of what it's really like.

Felicia, not typically given the opportunity to talk about what it is like to be the mother of a mentally ill child, volunteered to participate in this study because she

wanted to share her experiences. Likewise, the majority of mothers were eager to tell their stories. It is important to point out that all of the mothers that I spoke with through my support group involvement and during interviews were involved with NAMI. As NAMI is an organization that actively seeks to reduce the general stigma lodged against the mentally ill, mothers involved with NAMI may be more likely to share their stories than mothers without such involvement.

Disturbance of Life

With the realization that their son or daughter had a mental illness, chaos engulfed these mothers' lives. Each mother had a unique account of how she came to realize her son or daughter was mentally ill. These mothers explained that problems began to occur long before a medical professional formally diagnosed their loved one. For example, Catherine, a 52-year-old mother whose son was diagnosed with bipolar disorder, explained that her son first showed signs of mental illness after his college graduation while completing an internship with a volunteer organization in another state. Catherine explained that she and her husband telephoned their son regularly on Sundays and that, after a while, it became apparent that his roommates had trouble getting him out of bed to answer their calls even when they called very late in the day. Eventually, his parents discovered that he was not going to work at his internship and that his supervisor had referred him to a psychiatrist who put him on anti-depression medications. Catherine explained:

And we would call him, too. Um, like, on Sunday, we usually called him regularly, and it was like, you could tell that the people who answered the phones would have to

be searching to get him up from the bed, even in the middle of the afternoon. So evidently, when he wasn't going to work, he was spending his time in bed.

Like so many mothers I interacted with, Catherine explained that while she and her husband worried about these early events, they did not understand that this was the beginning of a series of troubling events that would eventually result in her son's diagnosis and the drastic changes that would surface in their lives. Finally, Catherine, like the other mothers I spoke with, accepted the fact that her child was mentally ill.

Many of these mothers told sad tales (Scott & Lyman, 1968), each story uniquely detailing the havoc resulting from their son's or daughter's mental illness. Mothers spoke of marital problems, loss of friends, financial difficulties, lack of time to devote to themselves or other family members, violence inflicted by their mentally ill children, frustration in dealing with medical professionals, and the day-to-day difficulties of living with a person who has a mental illness.

As alluded to in the literature, the lives of these mothers can best be described as chaotic.

The presence of a child with mental illness has caused these mothers much upheaval in their previously routine lives. A clear example of the destruction mental illness causes can be seen in the various reports of mothers not being able to give enough time or attention to other family members, as so much of their time and energy is devoted to the ill son or daughter. This issue was reported more frequently when other children were in the home. Gina, a 56-year-old mother, discussed her concerns and guilt over her 22-year-old son with schizophrenia getting all the attention. She explained:

> Everything is about Mark and how Mark is doing…is he eating? Sleeping? Taking his medication? Were there any outbursts? Sarah [another child in the household] seldom gets what she deserves, and she is such a good girl and does not demand my time…. I feel bad; I worry about how this all affects her.

Gina further explained that she had missed several of her daughter's school activities and sporting events. Gina's words illustrate how mothers often focus much of their attention on their mentally ill children, often at the expense of their relationships with other family members. Likewise, during informal conversations, mothers explained that they also did not get to spend quality time with their spouses and were often unable to attend events with extended family as they had in the past. Furthermore, some mothers also reported being unable to take time for themselves or experienced guilt when they did. For example, Grace explained:

> I am selfish sometimes, and I don't think about my Christine. I just work in the garden or visit a friend—but then I feel bad. I am laughing and having a good time while she is too depressed to get out of bed.

Here, Grace explained that even when she attempts to do some of the things she previously did before her daughter's mental illness, she feels guilty. Another mother, Audrey, also explained that she felt guilty spending time with friends. This guilt was exacerbated by her concern for the well-being of her child when she was not with him. She said:

> Um, I do, I do have, uh, friends I do hang out with very occasionally. But, um, I sometimes feel, feel guilty because I don't know if I come home what, what has, what's happened while I was gone.

Many of the mothers I spoke with informally also expressed similar sentiments. Informal conversations also revealed that mothers who had dealt with a mentally ill child for a longer period of time were less likely to feel guilty when they took the time for themselves and were, in fact, more likely to point out the importance of taking such time and would encourage other group members to do the same.

A latent effect of being the mother of a mentally ill child is a general sense of "sadness." The mothers I spoke with in both interviews and informal conversations consistently reported an overwhelming sadness. At one of the early support group meetings, I listened to a tearful mother talk about the son that she had "lost." At the time, I thought her son had died and speculated that maybe he committed suicide. Only later did I realize that her son was still alive and living with her. Although this woman's son was still alive, he was not the same person that she knew before his illness. Virtually all of the mothers made similar statements. Catherine referenced her son before his illness and stated:

> He was really good before…he had, ah, graduated from college and was doing very well. He was an honors graduate…he had been captain of the swim team and been active in drama; he had a very good experience with college.

Mothers presented these kinds of statements in a tone of immense sadness and were often accompanied by expressions of grief, including crying and pausing to hold back tears. Mothers missed the person their son or daughter was before becoming ill. One mother said, "I miss him—or who he was." Another mother whose daughter became ill when she was 19 expressed a similar sentiment, noting, "She was a different girl, so smart, so beautiful, happy—but not now."

The “loss” of their children to mental illness was the primary sorrow expressed by these mothers. Another common yet distinct kind of sorrow related to sadness expressed by these mothers can best be described as a feeling of helplessness, an inability to assist their children, or an inability to rid them of the pain they were experiencing. The mothers often expressed that they had difficulty providing real comfort to their children. During my observations of the NAMI support group meetings, mothers made many statements which clearly reflect this helplessness, including: “I tried, but nothing worked”; “I just want to hold him—he was so scared, and I could not comfort him”; and “your child is in pain, and you can’t do anything.”

Mothers often worry about the welfare of their mentally ill adult children. Comments such as “I worry she sleeps too much” or “I am often worried he will forget his medication” were commonly expressed. Other concerns included worries or fears that their son or daughter would hurt themselves or others.

Some mothers expressed concerns over aggressive or violent behavior. One reported being shoved; another received a black eye during a confrontation with her daughter, and one had a son who was convicted of murder. A much greater concern, however, was that the children might kill themselves. Many mothers spoke of sons or daughters who had made suicide threats or attempts.

The most typical of concerns expressed were worries over a child’s future. Many mothers said that if they died, they did not know what would happen to their children; only one mother thought that other family members would step in and help her son in her absence. One mother, Brittany, spoke about her concerns on this issue:

> I am not sure who would look after [her]…her brother lives too far away, and he is not good with her; I would like [for] there to be a place she can go; maybe she could get to the point where she could and work and take care of herself…I don't know if this will ever happen.

Stigma and Stigma Management

Mothers were very concerned with how others perceived them. A consistent concern was the belief that others held them responsible, at least in part, for their son or daughter's mental illness.

The idea of "mother blaming" first became apparent to me early in my fieldwork when a mother, an active NAMI member, asked me if I was aware of the early research that argued that mothers cause their children's mental illness. After replying that I was not familiar with that research, she went on to explain that "these kinds of studies" influenced the way mental health professionals interacted with parents of the mentally ill and how unfortunate it was to view families in this light. This mother stressed that she had often felt blamed and looked down upon by her daughter's doctors and even her own family. She went on to say that early on, she even believed that perhaps she had caused her daughter's illness, though she did not know how since "she had always tried to be a good mother." Other mothers expressed similar ideas. Gina, in describing her initial reaction to her son's mental illness, said, "I knew it was somehow my fault. Everyone knows that it is the mother's fault, right?"

> Grace, whose son was incarcerated for killing a woman during a psychotic episode a few years earlier, said that she had felt very responsible and that she knew others somehow blamed her for her son's actions. She noted that when the

police spoke to her before her son's trial, they treated her as if it were her fault. Explaining the experience of being questioned by a police detective, she said:

> He sat here at the table, accusing me of being a rotten mother. It was just a horrible experience. It was like this awful thing that had happened, and it was all my fault…and then things that I said were taken out of context and were used against me in court or used against my son. You know, it was a very horrible experience.

While not all the mothers were directly accused of causing their child's mental illness, many noted during interviews or casual conversations that they felt others—mental health practitioners, family, or acquaintances—held them somehow responsible for their son or daughter's mental illness.

Another indication of the "blame" that mothers felt can be seen in some of the titles for workshops and sessions held at various NAMI meetings and conferences that I attended, such as "Getting Rid of Guilt" or "It's Not Your Fault." These workshops were designed to assist parents in managing the feelings of guilt resulting from the perception that others blamed them for their child's condition. The overriding theme of these conferences was that mental illness is a medical condition, not unlike cancer. NAMI–both the local affiliate I observed and the national organization itself – embraces a biomedical explanation of mental illness. Much of the NAMI literature and many of the mothers I interacted with used the term "brain illness" in place of the term mental illness. This finding is consistent with Goffman's (1963) discussion of "mutual claims networks," whereby members share a common stigma.

The mothers who participated in this study experienced a stigma that is substantially different from that experienced by other family caregivers because of this accusation of blame. These mothers embraced the medical model as the primary explanation for their son or daughter's mental illness. Attributing the cause of mental illness to faulty brain chemistry or genetics removes them from accusations of bad parenting and the guilt that accompanies such accusations. Goffman (1963) discusses this as a covering strategy designed to shield individuals from stigma by attributing the failure to something less stigmatizing.

In addition to expressions of concern over views on their role in their child's mental illness, these mothers are very concerned with the stigma attached to mental illness in general. As may be typical of all parents, the mothers I interviewed do not like their child being viewed negatively. In fact, as a national organization, NAMI has put much time and money into its anti-stigma campaign. The NAMI website (http://www.nami.org) displays the various ways the organization is fighting stigma, and visitors can even sign up to receive stigma alerts from NAMI's "StigmaBusters." The NAMI (n.d.) website defines a StigmaBuster as:

> A network of dedicated advocates across the country and around the world who seek to fight the inaccurate, hurtful representations of mental illness. Whether these images are found in T.V., film, print, or other media, StigmaBusters speaks out and challenges stereotypes to educate society about the reality of mental illness and the courageous struggles faced by consumers and families every day. StigmaBusters' goal is to break down the barriers of ignorance, prejudice, or unfair discrimination by promoting education, understanding, and respect. ("What is NAMI StigmaBusters," para. 1)

A stigma alert is put out to encourage others to take some form of action. In the support group meetings, mothers called attention to politicians or celebrities who used negative or stereotypical references about the mentally ill. Equally important to these mothers was the need to draw attention to mental illness success stories. Likewise, they praised movies or other media sources when positive and "realistic" images were portrayed. Mothers also expressed concerns about the stigma attached to mental illness in discussions about the discrimination their adult children were often confronted with in both work and social settings. Another concern mothers had regarding stigma is how it hindered those with mental illness from actually seeking treatment. Brittany focused on this, noting, "The stigma is getting a little bit less, but it's still there, especially with people, the mentally ill themselves. They are very scared, and it is a hindrance to their recovery."

Mothers' Experiences of Support and Understanding

All the mothers I interviewed and many of the mothers I spoke with through my participation with NAMI discussed the importance of social support. Most mothers noted that friends and family often try to be supportive and helpful. However, these mothers also noted that friends and family could not understand the true nature of mothers' experiences. One mother, Amanda, noted in discussing her friends and acquaintances that "others don't understand." Likewise, Brittany, in discussing her friends, stated: "They try, but they seem uncomfortable and do not know what to say."

A couple of mothers noted that others are supportive when things "are going well" or "from a distance, but they do not want to get too close." For example, Catherine, a 52-year-old mother whose son was diagnosed with bipolar disorder,

explained that her sister was initially supportive, but the support was short-lived. When Catherine and her husband were leaving the country for a previously planned vacation, her sister invited Catherine's son to stay with her in their absence. However, as her son's illness progressed and his behavior worsened, she asked him to leave and eventually did not want him to visit anymore. This strained Catherine's relationship with her sister, who had previously been very close.

Felicia explained that she does not talk to her friends about her concerns or experiences, partly because she is very private but also because she feels they do not want to know what she is going through. She said:

> I'm not one to share…and I don't know if that's if that's just because I—I've learned that when somebody asks you how you are, they don't want to know how you are. You know, you are supposed to say, "[I'm] fine," or "I'm okay." And then you walk away. So, they don't want to know, so I've always thought that they don't want to know. So, I, I say, "You know, things could be better," or "You know we had … we've had a rough time," or" …but I don't expand on it because my friends are aware of his illness…they know the situations. Um, not everything, but um, they're aware of it, and uh, but I choose not to discuss it with them.

Expressing similar thoughts, a mother I met at a NAMI conference explained to me that it was not that her old friends deserted her but rather that they no longer had much in common. During this conversation, she pointed out that she was still close to a couple of her old friends, and "they had always offered to help." This mother explained that these friends called and even came to the hospital after her son's recent suicide

attempt. While she said that she tries to have lunch with them every few weeks and enjoys spending time with them, she gets the impression that they “felt sorry for her” or that they “don’t know what to say.” She continued that she does not really blame them and that they are “great, but they just can’t understand.” This mother explained to me that this is why she is involved with the NAMI support group and that it has “saved her.” She explained that the friends she met through NAMI knew or understood what she was dealing with daily, including emotions such as anxiety, disappointment, and helplessness. Virtually all the mothers I spoke with discussed this idea of a shared understanding.

Grace, the mother whose son was convicted of murder, explained her connection to NAMI:

> I found it difficult to talk to people in general about the situation because they didn’t understand it—and it was just, they just felt he was in a phase, and then because he had killed somebody, it was even more difficult to talk to people about it. And I did some hunting and found the local telephone number and the NAMI here.

She explained further that while no one else she knew through NAMI had a child who had taken a life, she believed that NAMI members could understand her feelings because many of the other mothers and families had experienced violence or fear because of a child’s mental illness. She explained that NAMI was a nonjudgmental environment in which she felt comfortable talking about what had happened to her son.

Mothers reconfigured their social networks. Many felt that their closest friends were those they had met through NAMI and that their friendships were based upon a

shared understanding. These fellow mothers were the people they went to for support and advice. While mothers typically started attending the NAMI meetings because of the environment of shared understanding, they continued to attend for a variety of other reasons. One of the most commonly cited reasons for attending was helping others or working as advocates for the mentally ill. One mother whose son had been in and out of a psychiatric hospital since shortly after his high school graduation explained, “I started coming to this group to receive support. I continue attending because now I can provide support for others—especially families where this is all new. I remember how scary [it was] and [how] alone I felt.”

These findings indicate that the mothers no longer had the same friends that they had before their children became ill or that the nature of their friendships had changed. Mothers reported that they often felt awkward or uncomfortable around old friends. These mothers’ comments demonstrate Goffman’s (1963) discussion of social interactions between “normal” and the stigmatized. He argues that “mixed contacts” (Goffman, 1963, p. 12) often result in discomfort for both parties. Because of the discomfort of interacting with old friends, these mothers look to other mothers with whom they have a shared understanding of friendship and support. Applying Goffman’s (1963) conceptualizations here, new friends met through NAMI can be considered both the “wise” and the “own” because they have an adult mentally ill child, and they share a common stigma because of this association. NAMI thus unites these mothers, thereby providing a support network. The participants in this study benefited from their involvement in the support group.

Discussion

The purpose of this study was to gain an understanding of the lives of mothers who are caregivers for their mentally ill adult children. The study uncovered some of their common experiences using a phenomenological approach to qualitative research. Four themes emerged, offering needed insight into areas where additional research could be focused. They were 1) desire to share experiences, 2) disturbance of life, 3) stigma and stigma management, and 4) mothers' experiences of support and understanding.

This research adds to the existing literature in several other ways. Firstly, these findings support much of the caregiving and burden literature, which suggests that caregiving for the mentally ill is disruptive and burdensome. Within the caregiving and chronic illness literature, the term "family burden" is used to refer to the load or strain experienced by family members because of providing care for the chronically ill. The results of several studies illustrate that family members find caregiving to be burdensome (Cicirelli, 1981; Grad & Sainsbury, 1963; Horowitz & Dobrof, 1982; Moroney, 1980; Montgomery et al., 1985; Robinson & Thurnher, 1979; Salvador et al., 2015; Tolliver, 2001). While the burden literature certainly documents the existence of the burden on families of the mentally ill, it does not move beyond quantitative measures to provide an understanding of the lived experiences of the caretakers of the mentally ill, as this research begins to highlight. These findings also suggest that mental health care professionals should consider expanding and improving services for mothers who experience these disturbances because of their children's illnesses.

Secondly, these findings contribute to the literature suggesting that a stigma reaches beyond the individual who is defined as "deviant," often impacting her or his close associates, such as friends and family members. This research fills a void in the

literature by demonstrating the impact of mother blaming on mothers of the mentally ill. The mothers of adult mentally ill children who participated in this study are stigmatized. The stigma that mothers experience is akin to any other fully stigmatized group. The primary source of their stigma is derived from commonly held beliefs regarding the mother's *causal* role in the creation of her child's mental illness. The mothers in this study feel that others (i.e., family, friends, and society) hold them responsible. The mothers in this study have internalized the perceived accusation of blame and the consequential guilt. These findings provide evidence that Goffman's (1963) conceptualization of courtesy stigma should not be applied to mothers of the mentally ill because it does not take into consideration accusations of blame.

Moreover, findings from this study support much of the literature in the fields of social work and mental health, which often stress the benefits of groups such as the NAMI groups (Mills et al., 2012; Seebohm et al., 2013). This study also contributes to the literature on support groups. The mothers I interviewed attended support group meetings on a regular basis and suggested that their fellow support group members helped to relieve some of their daily anxiety because of their shared understanding.

Finally, the mothers interviewed were generally willing and eager to speak to me as they wanted to tell their stories. It is important to point out their general eagerness in and of itself. Many authors have written about the importance of telling one's story and argue that storytelling has therapeutic benefits (Callero, 2003; Fels & Astell, 2011; Whisenant, 2011). Many of the mothers I interviewed mentioned how cathartic it was to be able to talk about their lives.

Limitations and Future Research

As a qualitative investigation of mothers of the mentally ill, this study utilized a small, purposeful sample and, as such, can make no claims at universal generalizability. Thus, this study should not be considered representative of all mothers of mentally ill children. Furthermore, as all the participants were white, this study did not examine differences in life experience due to race or ethnicity. Although limited, there is some research examining race and ethnic differences in caregiving experiences, which suggests that these differences need to be considered (Aranda & Knight, 1997; White et al., 2000). All of the mothers in this study were middle-aged or older and had adult mentally ill children. Their experiences are undoubtedly quite different than the experiences of younger mothers with younger children.

Similarly, differences based on socioeconomic class and educational levels were not examined in this study. Thus, in addition to examining mothers with diverse backgrounds, an investigation of other family members, including fathers and siblings, might also reveal important insights. Further investigations into this topic could also benefit from applying a feminist framework. Though not a central theme presented in my findings, some mothers did reference gender issues in caregiving.

An additional limitation of this study is seen in the manner in which the findings were presented. Specifically, the findings reported in this research provided a different level of detailed description that can be found in other qualitative research. This lack of detail is deliberate, as participants were guaranteed that I would provide as little background detail as possible in addition to using pseudonyms. I made this commitment to participants because many of these mothers knew each other through their NAMI involvement and other community connections. Tolich (2004) refers to limiting the description of participants to assure confidentiality as “internal confidentiality” (p.101).

He describes internal confidentiality as an ethical obligation to participants who are connected in some manner and might be able to identify each other such that details might reveal their identity (Tolich, 2004).

Another limitation that suggests the need for future research is that their NAMI involvement may have influenced the mothers' accounts. It must be emphasized that all mothers who participated in this study were involved with this support group in some fashion. As such, it is important to acknowledge that NAMI involvement acts as an ideological lens through which these mothers interpret their daily lives. In future studies, it would be useful to speak to mothers with no support group involvement and those with active support group involvement, like those I spoke with in this study. This direction could prove interesting as some literature indicates that support-group membership benefits mothers on numerous levels. For example, Karp (2001) indicated that the families of the mentally ill he studied were influenced by support group involvement, which assisted them in learning to maintain some resemblance to normal life through "distancing," "compartmentalization," and establishing "boundaries." A more thorough look at support group membership is another possible direction for future research.

Future research should also examine the social identity of mothers of mentally ill children. Heavily influenced by symbolic interactionism and social constructionist theory, the social identity approach emphasizes a particular aspect of the interaction process and intergroup relations in group members' formation of a sense of their social identity (Callero, 2003; Hogg et al., 1995).

It would be interesting to research the stigma experienced by mothers and by their mentally ill sons or daughters further. Is it possible that the mother's experience of stigma is more significant than her child's, either because of the accusations of blame directed towards her or because the nature of her child's mental illness prevents them from feeling the full effects of stigma? Future research might also examine the difference in experiences and stigma of other family members such as fathers, children, or spouses. Also, it would be worth reading about the techniques that mothers use to manage their stigma and the success of these techniques.

Research could also explore how religion and spirituality play a role in mothers' lived experiences. Though not with any regularity, a few mothers commented on the value of religion or their faith in assisting them in dealing with the various stressors that accompany having a mentally ill son or daughter. In addition to examining religion, researchers might also gain insight by examining mothers' thoughts on "justice" or "cosmic fate." Virtually all of the mothers reported a religious preference, and many indicated that their religious beliefs were an important part of their lives. Thus, it might prove useful to ask questions regarding the role religion plays in their lives. For instance, do mothers look to their faith as a source of strength, or does the reality of their burdened lives cause them to question their faith or wonder how God could allow this to happen to them and their children?

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The Status of Feminist Theory in Sociology: Academic Politics and the Intellectual Struggle for Women's Liberation

by

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Abstract:

This paper focuses on the status of feminist theory and academic politics as the foundation for women's struggle for liberation. A distinct contribution of the paper to the current literature is the focus on theory and theoretical perspectives, distinguishing between sociology, patriarchy, and capitalism as the key to women's liberation. After a careful and critical examination of the classical roots of contemporary sociological theory, the varieties and basic domain assumptions of feminist theory, and the impact of patriarchy and capitalism on women, the following conclusions are drawn: 1) Feminist theory must be recognized and accepted for its significant contribution to the birth and development of sociology and its major role in helping to broaden the field of sociology and provide a broader and better understanding of society, the individual in society, and various social phenomena; 2) The negative impact of patriarchy and capitalism on the struggle for women's liberation must be recognized; and 3) Both men and women must eliminate academic politics intellectually and more importantly, practically in order to bring about real and true women's liberation. It is therefore correct, right, and justifiable to have a Feminist Perspective in Sociology based on the following: 1) the clearly identified, different, and unique basic domain assumptions and research methodological approaches of feminist theory; 2) the fact that gender is unique and different from other social stratification categories since it is made up of two broad categories, females and males, with two unique and different intellectual bases; 3) the fact that the Feminist Perspective will facilitate the elimination of academic politics; and 4) the fact that the Feminist Perspective will facilitate the production of different social realities, especially and particularly, women's liberation.

Key Words: Feminist Theory Status, Feminist Theory, Theory, Theoretical Perspective, Academic Politics, Women's Liberation

Introduction:

In order to determine the status of feminist theory in sociology, it is necessary to start by examining the contributions of both male and female classical sociologists to the rise and development of sociology in general and feminist sociology in particular. It is important to note that the subjugation, domination, and oppression of women are long

and painful, involving all forms of discrimination and exclusionary practices used by men. The impact of all these on women's life chances has been well documented (Anderson and Collins 2004; Collins 1990, 1998; Jaggar 1983; Laslett and Thorne 1997; Lotz 2003; Rhode 1990; Wallace 2000; Wood 2003). Despite the crippling effect of the subjugation, domination, and oppression, women have made great strides and continue to struggle to eliminate all the discriminatory and exclusionary practices directed toward them. The main objective of this struggle is to achieve equality for all at the cultural, social, political, economic, and global levels. In this struggle, women have utilized several strategies. Prominent among these strategies are social movements, political activism, and intellectual and scholarly expression. The intellectual and scholarly struggle has been wide-ranging, involving interdisciplinary scholarship that seeks to present social reality and the world from a woman's point of view (Harding 2000; Julia 2000, Kelly 1984; Ritzer 2004; Wood 2003). However, in sociology in particular, some find this scholarship new and unacceptable, primarily because: 1) Feminist theory is not anchored in any one of the three paradigms, social-facts, social definition, and social behavior, that have long patterned sociology's orientation to its subject matter; 2) Feminist scholarship is interdisciplinary in orientation, including not only sociology but anthropology, biology, economics, history, law, literature, philosophy, political science, psychology, and theology; 3) Feminist theory is so radical, created by non-sociologists and women whose scientific credentials are under suspicion since the theory is closely linked to political activism (Ritzer 2004); and 4) historically, men have succeeded in systematically excluding women's contributions from major textbooks (Laslett & Thorne 1997; Ritzer 2000).

The obstacles, barriers, and resistance mounted by males notwithstanding, female scholars are asserting themselves in virtually every academic discipline. In the field of sociology, this effort has resulted in a variety of feminist theories developed from and, in some ways, in direct opposition to some of the existing sociological paradigms. Generally, sociologists, as guided, directed, and dictated by male sociologists, recognize and accept the following five perspectives in sociology: 1) Structural-Functionalist, 2) Conflict, 3) Symbolic Interactionist, 4) Phenomenological, and 5) Rational Choice. However, with the proliferation of feminist theories in sociology that all share similar basic domain assumptions which highlight women's unique experiences and the partial worldview presented by men who dominate society in general and sociology in particular, is asking why there is no feminist perspective in sociology, independent of the five identified above, a legitimate sociological question?

This paper focuses on the status of feminist theory in sociology and feminist scholarship as basic frameworks for women's struggle for women's liberation. A distinct contribution of the paper to the current literature is the focus on the theory-perspective distinction in sociology as one of the major focuses for women's struggle for liberation in general and in sociology in particular, with both men and women eliminating academic politics intellectually and more importantly, practically in order to bring about real, true women's liberation. In an attempt to determine the status of feminist theory in sociology, we start by addressing why there is no feminist perspective in sociology independent of the five identified above and providing a critical examination of the classical roots, varieties, basic domain assumptions, and methodological approaches of feminist theory in sociology.

This critical examination focuses on 1) feminist scholarship in sociology; 2) the raging intellectual debates related to why there is no feminist perspective in sociology; 3) theoretical and methodological arguments advanced in support of or against a feminist perspective in the discipline; and 4) the sociological, as well as, social implications for the field of sociology drawn from these scholarship and debates. Before embarking upon the subject matter of this paper, it is necessary first to provide operational definitions of the following key terms as used in the paper: 1) Status of feminist theory, 2) academic politics, 3) intellectual struggles, and 4) women's liberation.

Operational Definitions

Status of Feminist Theory in Sociology

The status of Feminist Theory in Sociology, as used in this paper, is determined by focusing on Feminism and the Theory and Perspective debate, which addresses whether Feminist Theory is just theory or it is really a Theoretical Perspective. Feminism, which is closely associated with feminist theory, combines the following two definitions: 1) in its narrowest sense, feminism is a complex set of political ideologies used by the women's movement to advance the cause of women's equality and put an end to sexist theory and the practice of social oppression; and 2) in a broader and deeper sense, feminism is defined as a variety of interrelated frameworks used to observe, analyze, and interpret the complex ways in which the social reality of gender inequality is constructed, enforced, and manifested from the largest institutional settings to the details of people's daily lives (Ali, Coate and Goro 2000; Barsky 1992; Bryson 2002; Johnson 2000; Ritzer 2000; Segal 1999; Zalewski 2000). The second definition implies and includes feminist scholarship. The two definitions combined capture the

essence of feminism, the praxis dimension, the essence of feminist scholarship, and the theoretical, academic, and intellectual dimensions of feminism. The status of Feminist theory in sociology is clearly determined by the Theory and Theoretical Perspective distinction or debate.

Closely associated with the status of feminist theory is feminist scholarship, defined as a set of facts and ideas acquired by those whose academic and intellectual orientation and interests are directed toward women's issues and problems in general and, in particular, those originating from oppressive, exclusionary, and discriminatory practices built into societal institutions, especially institutions such as the family, economy, religion, and the political, judicial and educational systems. In other words, feminist scholarship refers to the body of knowledge and learning acquired through studying, investigating, and observing these women's issues and problems specified above by those who are interested and specialize in them. These scholars' objective is not just to produce knowledge about these issues and problems for the sake of knowledge but to ensure that the knowledge is of use to themselves as the investigators, as well as to all those interested in finding solutions to these women's issues and problems. The ultimate goal of feminist scholars interested and specialized in the issues and social problems specified above is to contribute to the improvement of society and the lives of all, irrespective of gender, race, ethnicity, national origin, and other related variables (Barsky, 1992; Collins, 1998; Julia, 2000; Lengermann & Niebrugge, 2002; Pearsall, 1999; Ritzer, 2000; Segal, 1999; Smith, 1987; Zalewski, 2000). As defined here, feminist scholarship implies feminism in that it provides the intellectual and academic frameworks and tools for feminism, as well as the platform and foundation for praxis.

Academic Politics

As used in this paper, Academic politics refers to the distribution of administrative positions, economic benefits, and power guided by or on the basis of patriarchy. It is important to recognize that Weber's value-free science (Ritzer, 2000) does not exist realistically. As Collins (1990) points out, discrimination among women is an intellectual block. It is not only men who discriminate against women. Women discriminate against women as well. Collins (1990) "presses for a re-conceptualization of social theory in which analysis starts from the distinctive visions of outside groups, and in which conventional concepts of race, class, and gender are informed and changed by including the concrete experiences and definitions of subordinate groups." Arlie Hochschild (1989) used the term second shift to describe the unpaid labor performed at home, especially by women, in addition to the paid work performed in the formal sector. This further emphasizes the fact that Max Weber's value-free science is nothing but wishful thinking. Academic Politics certainly impacts the status of feminist theory in Sociology.

Intellectual Struggle

By intellectual struggle here, we mean the struggle to provide a scientific understanding and explanation of various social problems, such as gender discrimination, through the process of engaging in theorizing, research, and publication of findings with the hope that findings will become the basis or grounds for social policies and actions, aimed at eliminating gender discrimination and ultimately

producing women's liberation. The intellectual struggle is associated with and guided by the understanding that all social realities, such as gender discrimination and women's liberation, are the product of human intellect. Therefore, these social realities can be eliminated or changed by the human intellect as well.

Women's Liberation

By women's liberation, we mean the focus on society's recognition of women's intellectual contributions, followed by society's fair rewards of their contributions in terms of monetary rewards, sharing of power positions, political positions, and especially positions within academic institutions. It is imperative to note the unique nature and importance of gender and the difference between gender and other social stratification categories, such as social class, race, ethnicity, power, etc. Gender stratification is unique in the sense that it results in the division of society or human beings simply into two unique groups, females and males, with patriarchy and capitalism magnifying the division between females and males.

Women's liberation would require the intellectual ability, readiness, and objectivity of males and females alike to embrace women's scholarly contributions and feminist scholarship within the academic community in general and in sociology in particular. In order to achieve this goal, the elimination of all forms of prejudice, discrimination, and exclusion must take place through the establishment of what Habermas (1985, Vol. II, p. 139) refers to as communicative action, which "is not only a process of reaching an understanding; ....actors are at the same time taking part in interactions through which they develop, confirm and renew their membership in social groups and their own identities. Communicative actions are not only processes of

interpretation in which cultural knowledge is 'tested against the world'; they are at the same time processes of social integration and of socialization." This definition recognizes, acknowledges, and takes into account the differences in standpoint not only between men and women but also among women as well as men, hence the need for communicative action that ensures meaningful socialization and, subsequently, substantive recognition. Implicit in this definition is the sharing of ideas and knowledge that requires and is dictated by a true intellectual revolution brought about by sound scholarship and intellectual discourse, involving the following three levels, all contingent upon and facilitated by Habermas's communicative action: 1) intellectual revolution among all scholars and intellectuals, both female and male; and 2) intellectual revolution among all females and males, facilitated by female and male scholars and intellectuals.

A basic assumption that drives our discussion in the next section is that in order to determine the status of women's scholarly contributions to sociology and understand the theory-perspective distinction, it is necessary to identify and discuss the social and intellectual forces that gave birth to sociology, feminist scholarship, and feminism. Our discussion in the section below focuses on these forces and how classical sociologists responded to them, with the main objective of highlighting intellectual dishonesty exhibited by males and the discriminatory and exclusionary practices instituted and directed toward female scholars by their male counterparts.

Social and Intellectual Forces and the Birth of Sociology and Feminism

Both sociology and feminism emerged from social and intellectual conditions and changes of the sixteenth and seventeenth centuries (Kandal 1988; Ritzer 2004; Zeitlin 2001). These social and intellectual conditions and changes were precipitated by a host

of forces, among them the following: the scientific revolutions of the sixteenth and seventeenth centuries; the Enlightenment; the conservative reaction to the enlightenment; political revolutions; the Industrial Revolution and the rise of capitalism; feminism; urbanization; socialism; religious change and the growth of science (Ritzer 2004). Collectively, these forces brought about major changes in social structure, economic arrangement, and the relationship between society and the individual. At the individual level, their impact was both positive and negative. The negative effects included loss of economic security, excessive exploitation, poverty for many, devaluation and undermining of the family as both a production unit and a consumption unit, an increase in crime rate, and, in general, human alienation (Gilman 1898/1973; Thomas 1985; Ritzer 2004; Webb 1926; Weber 1905/1919). The positive effects included capital accumulation and self-actualization for a few, freedom of movement, increased political freedom and participation, increased individual rights and liberty, and creation of conditions necessary for the destruction of vestiges of old tradition and customs (Kandal 1988; Thomas 1985; Ritzer 2004; Weber 1905/1919; Zeitlin 2001). An important question that guides our discussion here is: How did these forces contribute to the birth of sociology, sociological theory, and feminism? These forces contributed to the birth of sociology and feminism in a number of ways. However, our focus here is on the one we consider to be the most important, i.e., the conditions and the social problems these forces created, such as the destruction of ancient societies, marginalization, subjugation, and oppression of women, poverty, alienation, increased crime rate, child abuse and neglect, social upheaval, which all attracted the attention and interests of both male and female classical social thinkers. What is of significance to us here are the responses of classical social thinkers, both male and female, to these

social conditions and problems created by these forces. How did these responses contribute to the birth of sociology, Sociological theory, and feminism? The discussion that follows is guided and driven by this question.

For Auguste Comte, the focus was on the destabilizing impact of these forces, especially the French Revolution, and his response focused on finding a scientific solution to the chaos and intellectual anarchy that reigned in France. His approach can be characterized as both liberal and conservative. On the one hand, he supported equality in education for women and men, but on the other, he believed that only males had the intellectual ability to become sociologists and to understand a scientific examination of social reality. He argued that men were intellectually superior to women. This, of course, was not an accurate depiction of women's intellectual capacity, and many female scholars immediately recognized this flaw in Comte's view of women and responded accordingly. For example, Harriet Martineau's work disproves Comte's views of women. In 1853, she published an extensively edited English version of Comte's "Positive Philosophy," a version he so approved that he substituted it, translated back into French, for his original edition. According to Ritzer (2004), it is only in this relationship to Comte that, until the present decade, Martineau's name survived in the record of sociology's history. She can readily be considered the first sociologist, sociology's "founding mother." The failure to recognize her as sociology's "founding mother" and males' blatant acts of discrimination and exclusion contributed to the birth of feminism.

Emile Durkheim was concerned, especially with industrialization, the growth of cities, and the problems they created for society. His response was shaped by his

conservative intellectual slant, which was driven by his obsession with social order and the need for social integration and firm regulation. Durkheim assumed that human beings were "impelled by their passions into a mad search for gratification that always leads to a need for more," and if these passions are unrestrained, they multiply. Human beings become enslaved by them and become a threat to themselves and society (Ritzer, 2004, p.193). Although Durkheim was concerned that the division of labor was characterized by certain liabilities such as competition, class conflict, and the feeling of meaninglessness generated by routine industrial work, he did not believe that there was a basic conflict among the owners, managers, and workers within an industry. He argued that any sign of such conflict indicated a lack of a common morality resulting from a lack of an integrative structure that produces social justice and equality of opportunity. Therefore, he proposed occupational association as the solution to conflict. His conservative response ignored gender and the negative consequences of gender socialization for females. For example, he viewed patriarchy simply as: 1) a form of division of labor by gender which socialized women into expected roles of subordination; 2) a result of conflicts arising from gender differences and gender inequalities; and 3) a form of discrimination, built into almost every institution in society, especially the economy. These later became major areas of focus for feminists and the feminist movement.

For Karl Marx, the concern was, especially with social problems arising from the Industrial Revolution and the rise of capitalism and its dehumanizing, alienating, and exploitative tendencies. For example, one of his focuses was on the impact of capitalism on the family, patriarchy, and the treatment of women. Marx and Engels (1956) considered patriarchy to be a product of capitalism, and women were oppressed

by capitalist society and the "bourgeois family." In The Origin of the Family, Private Property and the State, Engels (1970) argued that with the transition from a subsistence economy to one "with inherited property," the man took control of the home, and the woman was degraded and reduced to servitude. Those women and children who could find jobs worked sixteen hours a day for low, starvation-level wages. Women, in particular, experienced job discrimination, and those who found employment made much less than their male counterparts. Marx's and Engels's ideas about and responses to a variety of social problems produced by these forces provided the basic foundation for contemporary sociology, especially for the conflict perspective and for feminist theory and feminism. Contemporary radical, socialist, and Marxist feminists draw on this foundation.

Georg Simmel focused on the money economy, and his response was shaped enormously by his views of cities and the money economy. In his response, especially to the impact of cities and the money economy, he emphasized the unfair dominance of women, which, in the cultural domain, prevented females from both contributing to common culture and achieving autonomy in their identity (Kandal, 1988). He clearly attributed this to the Industrial Revolution and the rise of the money economy.

The Industrial Revolution and the rise of capitalism greatly influenced Herbert Spencer. Like Auguste Comte, his response was both liberal and conservative. In Social Statics (1851), Herbert Spencer expressed his concern about the unequal treatment of women. According to him, "Equity knows no difference in sex....the law of equal freedom manifestly applies to the whole female as well as male" (Kandal, 1988, p. 24). Later, Spencer changed his views on the subject and argued, prior to 1854, that women

were intellectually and emotionally inferior to men as a result of early socialization. After 1854, Spencer argued that females were emotionally and intellectually inferior to males because of an early arrest of their evolution necessitated by the need to reserve vital power needed for reproduction (Ashely & Orenstein, 2001). According to him, women are destined by nature to take on the domestic role of motherhood. It is unnatural, he argued, for them not to be married, and their education and opportunities should be limited to learning those things necessary for their biologically ordained social role. These absurd claims enraged feminist scholars, and their responses contributed to the rise of feminist theory and feminism.

Thorstein Bunde Veblen was concerned with the impact of capitalism in particular, and he focused on the emergence and distinction between the predatory and industrious classes. He argued that women were the first industrious class from the evolutionary transition from savagery to Barbarianism (Ashely & Orenstein, 2001). But then, argued, men removed them from productive labor and put them in conspicuous wasteful activities such as the binding of women's feet in China, women's supporting roles, typing, and copying. He argued further that men promoted the ideal female beauty as a frail, pale appearance, which symbolizes a person incapable of hard work, with dresses that constrain movement and fabric impractical for work. According to him, men have succeeded in removing women from all publicly visible important labor. All these, he argued, were designed to perpetuate patterns of job discrimination against women.

Max Weber focused on the free market and "free labor" and argued that they were the preconditions of modern industrial capitalism. In his response, he argued that

capitalism provided for individual freedom through "free labor." However, he argued that, on the face of it, workers hire themselves out voluntarily, but actually, it is "....under the compulsion of the whip of hunger...." (Weber, 1961, pp. 208–209). To both Karl Marx and Max Weber, free labor had a double meaning: workers' freedom from slavery and other forms of forced servitude and workers' separation from any and all means of production. Weber found capitalism to be liberating for women, even though it fails to provide women the same opportunity to own the means of production that it does for men. In this sense, therefore, capitalism is viewed as both liberating and enslaving for women.

Female scholars such as Jane Addams, Anna Julia Cooper, Charlotte Perkins Gilman, Harriet Martineau, Beatrice Potter Webb, and Marianne Weber were also alarmed by the social problems created by these forces, especially those created by the Industrial Revolution and the rise of capitalism. Their responses, which were unique and in many ways in reaction to and/or in clarification of the responses of their male counterparts, contributed to the emergence of sociological theory and provided the intellectual roots of modern feminist scholarship.

Jane Adams's response was shaped partially by the fact that from an omnibus in London, she saw poor people desperately bidding for rotten food and eating it raw (Ritzer, 2004). This led to her creation of Hull House, which focused primarily on the poor and their conditions. She fought to establish socialized democracy, aimed at creating a society in which relations are based on what contemporary feminists describe as inclusivity, empowerment, and vantage point. She aimed to present a feminist sociological theory created around the pursuit of a distinctively cultural feminist goal for

society. She envisioned a society of human relationships in social interaction that is filled with the desire for kindness and recognition of others' vantage points.

In her response, Anna Julia Cooper focused on race, gender, and class stratification, which she viewed as ultimately the product of a global capitalist economic system. She demonstrated a clear understanding of the fact that domination, inequality, and race conflict were not only issues in the various nation-states of the West but also a process in the "global order" of capitalism. She never identified herself as a sociologist, not because of her intellectual alienation from sociology but because of the enormous barriers to her participation in the sociological community posed by a combination of sexism and racism (Ritzer, 2004).

In "Voices from the South," she discussed Comte and Spencer and presented her most general principle of social organization as a sociological one: "This.... law holds true in sociology as in the world of matter, that equilibrium, not repression among conflicting forces is the condition of natural harmony, of permanent progress, and of universal freedom." (Cooper 1892/1969, p.160, cited in Ritzer 2004).

Charlotte Perkins Gilman's response focused on what she viewed as the fundamental social institution, the economy, in which gender stratification is the primary tension in all the economies of all known societies, producing, in effect, two sex classes, men as a "master class" and women as a class of subordinate and disempowered social beings (Ritzer, 2004, p. 279). She called this pattern the "sexuo-economic arrangement." Her explanation of the consequences of this sexuo-economic arrangement parallels Marx's exploration of the implication of economic class conflict for history and society. Ritzer (2004) argues "that Marx is more familiar to us reflects not

only his position in world history but a massive politics of knowledge in both society and sociology that has periodically advanced the Marxian thesis and systematically erased Gilman's feminist thesis." Like Marx, Gilman argued that 1) the economy was the basic social institution, an area of physical human work that produces individual and social life and moves society progressively forward; 2) it is through work that individuals potentially realize their species-nature as agentic producers; and 3) our personalities are formed by our actual experiences of work. According to her, meaningful work is the essence of human self-realization, and restricting or denying the individual access to meaningful work reduces the individual to a condition of non-humanity. This is the criterion by which she judges the essential fairness or unfairness of the society in place.

Additionally, she argued the sexuo-economic arrangement is a major barrier to self-actualizing work for both men and women, though for women much more than men, resulting in individual unhappiness and major social pathologies such as class conflict, political corruption, distorted sexuality, greed, poverty, waste and environmental exploitation, inhuman conditions in both wage labor and unpaid household labor, harmful educational practices, child neglect and abuse, ideological excess, war, and above all, a systemic structural condition of human alienation. The solution to all these social problems of the wasteful socio-economic arrangement, according to Gilman, was to break up the arrangement of the sex classes. She argued that the first step to achieving this is the economic emancipation of women, which requires 1) fundamental changes in gender socialization and education, 2) the physical development of women to their full size and strength, 3) a rethinking and renegotiation of the personal, relational, and sexual expectations between women and men; and 4) the rational dismantling and reconstruction of the institution of the household so that women can

have freedom to do the work they choose so that society may be enriched by their labor (Ritzer, 2004).

Harriet Martineau's response focused on investigating "women's education, family, marriage and law, violence against women, the tyranny of fashion, the inhumanity of the Arab harem, the inhumanity of the British treatment of prostitutes, the nature of women's paid work in terms of its brutally heavy physical demands and wretchedly low wages. Her particular focus was on the wage labor of working-class women in factories, agriculture, and domestic service. In these studies, she brought together the double oppressions of class and gender" (Ritzer, 2004). She viewed society as a nation-state or politico-cultural entity produced by interacting individuals as autonomous moral and practical agents with the ultimate goal of providing for human happiness. Overall, she focused on woman-centered sociology and argued that the domination of women paralleled the domination of slaves.

In Beatrice Potter Webb's response, she decided to devote herself to 1) the problems of "poverty amidst riches," focusing on the causes of poverty; 2) the problems of economic inequality; and 3) finding ways to reform the capitalist economy. She admitted that her focus on these problems was not because she was moved by charity but because she was moved by the unease that "affected much of the class of wealthy British capitalists to which her family belonged as they confronted the fact that four-fifths of the population of Britain had not benefitted from the Industrial Revolution and were indeed the worse off for it," (Ritzer, 2004, p. 301). Webb found the solution to these problems in Fabian Socialism which sought to influence the course of reform in Britain

by process of "permeation" which involved supplying information and platform planks to any political party that would champion any aspect of the reform of inequality.

In Marianne Weber's response, she argued that "the interaction of capitalism and patriarchy creates barriers to the attempts of women, especially non-elite women, to seek greater liberty and autonomy" (Ritzer, 2004, p. 300). She contended that in capitalistic work arrangements, women are doomed to wage-sector work that is exhausting, onerous, and grossly underpaid. This situation, she believed, produces meaninglessness and alienation for these women. It is worthwhile noting and recognizing her excellent grasp of the ambivalent and contradictory position of women as she argued further that most working women have not chosen to work outside the home. They have been forced to seek wages by capitalistic and class pressures. These working women, she pointed out, have a double burden of wage-work demands and unaltered expectations for them to be fully responsible for child care and housework. Marianne Weber, however, did not suggest that the home situations of women become an alternative to wage work either because housework is an area of incessant drudgery, and women who stay at home, regardless of their social class, are oppressed by economic dependency and patriarchal male authority. According to Marianne Weber, the improvement of women's situation required a reform of the patriarchal household rather than the capitalistic workplace since patriarchy, more than capitalism, is responsible for the subjugation, oppression, and domination of women by men. This was a counterargument to that of Karl Marx and Engels, who argued that the subjugation, oppression, and domination of women by men was a direct result of capitalism. As a matter of historical fact, according to Marx and Engels, women were not always viewed as inferior to men. Historical records indicate that ancient societies

were matriarchal, and women's ability to procreate was revered as possessing supernatural power (Engels 1972; Perry 1978).

In order to establish the link between the classical responses discussed above and contemporary sociology and feminist theory, we start by examining the theory-perspective distinction in contemporary sociology and its implication for feminist theory.

Theory and Perspective in Sociology

As demonstrated in the section above, both contemporary sociological theory and contemporary feminist theory emerged from the responses of classical social thinkers, both male and female, to the social changes and social problems produced by social and intellectual forces in the sixteenth and seventeenth centuries. However, while the theoretical contributions of male classical theorists have been recognized, accepted, and incorporated into contemporary sociological theory and finally transformed into the five theoretical perspectives identified earlier, the theoretical contributions of their female counterparts, the 'founding mothers", have either been pushed to the periphery of the profession, annexed or discounted and written out of sociology's public record of its history (Lengermann & Niebrugge, 1985). It is only recently, through the research and hard work of concerned and interested feminist scholars, that these theoretical contributions of the "founding mothers" are brought to light, and major varieties of feminist theory have been constructed from them. A relevant question of sociological significance to the issue of the status of feminist theory in sociology: Why have these varieties of feminist theory not been transformed into a feminist perspective in sociology?

To respond to this question, we must start by addressing the following related questions, which are intended to highlight the main focus of this paper: 1) what is the status of the varieties of feminist theory in sociology? 2) where do they fit in with respect to sociology as a social science?; 3) are they simply theories developed from a woman-centered approach?; 4) should they constitute a perspective?; and 5) does it really matter whether they are classified as a perspective or just as theories? To address these questions, we start with a critical distinction between a theory and a perspective.

A scientific theory may be defined as a set of interrelated propositions that allow for the systematization of knowledge, explanation, and prediction of social life and the generation of new research hypotheses (Faia, 1986). It can also be conceptualized simply as "a set of interrelated concepts that seek to explain the causes of an observable phenomenon" (Kornblum, 1997, p. 51). According to Ritzer (1994; 2004), a theory must 1) have a wide range of applications, 2) deal with centrally important social issues, and 3) stand the test of time.

A perspective, on the other hand, is defined simply as an orienting strategy (Wagner & Berger, 1985). According to Johnson (2000), a perspective is a set of assumptions about reality that underlies the questions we ask and the kinds of answers we arrive at as a result. It is also viewed as a "set of interrelated theories that offer explanations for important aspects of social behavior" (Kornblum, 1997, p. 54). These three definitions combined provide a general conceptualization of a perspective as simply a paradigm, one that encompasses a variety of theories that all share the same basic domain assumptions. This means a perspective provides a general model of society based on a clearly defined, unique, and distinct set of basic domain

assumptions about a variety of substantive, as well as conceptual social phenomena such as the nature of social reality, the nature of human nature, the nature of social order, prejudice, discrimination, crime, poverty, stratification, racism, power, social inequality, etc. For example, the structural-functionalist perspective is distinguished from other perspectives by the following basic domain assumptions: 1) society is like a living organism or a system with parts that are generally interrelated or interdependent; 2) there exists a normal state of affairs of equilibrium comparable to the normal or healthy state of an organism; 3) the system has strategies designed for all parts of the system to reorganize in order to re-establish normality or equilibrium in case of any disruptions; and 4) there is value consensus which ensures that equilibrium or stability is created and maintained (Wallace & Wolf, 1995)

Based on these basic domain assumptions of the structural-functionalist perspective, different theorists construct theories, derive hypotheses, test them, and construct new theories. This perspective's research approach is, for the most part, driven by objectivity, determinism, and positivism. A sociological perspective, therefore, is much broader than a sociological theory and serves to group theories together to facilitate, as well as provide a better understanding of the social world (Thio, 1992). Before turning to whether or not feminist theory should be transformed into a perspective, it is necessary and helpful to identify and briefly discuss 1) the varieties of feminist theory, 2) the basic domain assumptions of feminist theory, and 3) the methodological approaches of feminist theory.

Varieties of Feminist Theory in Sociology

Based on the classical foundation laid by female and male scholars discussed earlier, varieties of feminist theory have been constructed by contemporary feminist scholars, designed to describe and explain human social experiences from a woman-centered approach. These varieties represent the themes feminist theory offers for constructing feminist sociological theories (Lengermann & Niebrugge, 1985). Each of the varieties of feminist theory can be classified under the following broad categories: 1) difference, 2) inequality, 3) oppression, and 4) third wave. The distinctions within these four major categories are made on the basis of different responses to the following three questions: What about women? Why, then, is all this as it is? What about the differences among women? (Lengermann & Niebrugge, 1985). Offering a clear distinction between one category of theory and another allows feminist scholars to both pattern the framework of feminist theory and to create modes of classifying the ever-growing body of work on gender. However, it is essential to note that the works of many theorists do not conveniently fit into one category or another, and therefore, they must be discussed in a more general sense, and certain theoretical statements must be emphasized and distinguished as fitting into one particular variety as opposed to another.

The first variety of theories of gender difference focuses mainly on the differences between the sexes. One way of distinguishing between the several theories of gender difference is the response to the concept of essentialism, which means that a thing or person possesses or lacks a particular quality as a fundamental and basic nature of its/her/his being (Lengermann & Niebrugge, 1985).

Cultural Feminism represents a variant of the theory of gender difference. In a historically patriarchal society, the idea of gender difference was a distinction emphasized by men to justify and maintain a pattern of male dominance and female subordination. However, feminist scholars, such as Margaret Fuller, Charlotte Perkins Gilman, and Jane Addams, attempt to extol the positive aspects of the feminine character, emphasizing such virtues as nonviolence, cooperation, pacifism, and sharing (Donovan, 1985). Cultural feminists have continued this tradition up to the present in arguments about such things as a mode of "caring attention" in women's consciousness developed through mothering Ruddick (1980), about a distinct style of female communication (Bate & Taylor, 1988; Tannen, 1990; 1993; 1994), and women's greater capacity for peaceful co-existence (Campbell, 1993; Ruddick, 1994).

Other explanations of gender differences include those with a biological focus. Biological explanations suggest that gender-specific behavior is determined by hormonal development over the life cycle. Another type of explanation of gender differences relies on institutional and socialization explanations. The emphasis here is on the life-long socialization process and the gender-specific roles men and women are encouraged to act out. These types of explanations emphasize the sexual division of labor as a pattern of role-playing in which women's lives are centered more around the home and family (mother roles, wife roles) and the socialization of female children in preparation for similar gender-specific life roles (Best, 1983; Brown & Gilligan, 1992; Sidel, 1990).

The second variety, theories of gender inequality, is characterized by four general themes, all of which focus on unequal relationships of males and females in

society. However, in contrast to gender difference theories, gender inequality theories are more political in terms of the belief that the situation of gender inequality can be changed. Prominent among theorists of gender inequality are liberal feminists who do not emphasize the feminine nurturing character found in theories of gender difference. They believe that inequality is not based on a biological difference between men and women but is grounded in the fabric of social structure and its institutions. For the most part, they see nothing of particular value in the private sphere traditionally set aside for women. They see goals and aspirations for women in the public sphere and insist on destroying and tearing down the walls of sexism to allow women full access to the public sphere, where they are able to self-actualize. Bernard's The Future of Marriage (1982) describes how the meaning and impact of marriage are different for the husband and the wife. In fact, she sees marriage as an arena in which the woman is powerless and performs culturally mandated domestic, emotional, and sexual roles. For liberal feminists, the ideal gender arrangement is one in which each individual chooses the lifestyle most suitable for him or her and has that choice respected (Lengermann & Niebrugge 1985).

Marxian feminists use the oppression theory, which was constructed by Marx and Engels, along with feminist social protest. Like Marx before them, these feminist theorists focus on the inequalities of the capitalistic system from a feminine point of view. They suggest that within any social class, women are less advantaged than men in their access to material goods, power, status, and possibilities of self-actualization (Lengermann & Niebrugge, 1985). Contemporary Marxian feminists feel that any direct mobilization of women against men is counter-revolutionary and that to destroy the

capitalist system that perpetuates gender inequality, working-class women and men must fight together as one.

The third variety, theories of gender oppression, centers around the notion that women are being used, controlled, subjugated, and exploited by men (Lengermann and Niebrugge 1985). Gender oppression theorists are very militant in their stance that the situation of women is a direct consequence of the unequal power between men and women and that this pattern of oppression of women has its roots in patriarchy.

Psychoanalytic feminists use Freud's theories to explain the patriarchal nature of gender oppression. In analyzing the male, these theorists use the male child's ambivalent feelings towards his mother and the adult male's fear of death to explain the male's deep emotional need to control and dominate women. In a sense, women represent a part of himself that he fears or is alienated from. These theorists argue that women as mothers do not have the same fear of death and lack this tendency toward neurosis. However, they are psychically unable to resist this male domination (Lengermann & Niebrugge, 1985).

Radical feminists base their theory on the absolute positive value of women and the idea that the pattern of oppression of women is as pervasive as the system of patriarchy that causes this oppression. Central to radical feminism is the image of patriarchy as violence practiced by men and male-dominated organizations against women. The term violence is used in both overt and covert contexts to refer to such acts as rape, enforced prostitution, and pornography, as well as standards of fashion and beauty and tyrannical ideas of motherhood (Lengermann and Niebrugge 1985). These theorists suggest that the only way that women can overcome this pattern of patriarchy

is through realizing their true self-worth and forming a bond with other positive women (sisterhood, Lengermann & Niebrugge 1985).

The fourth variety, Third-wave feminism, consists of works critical of theories constructed in the 1960s and 1970s, which tended to use a generalized, monolithic concept of "woman" as a generic category in stratification. Instead, it focuses on the factual and theoretical implications of differences among women. The main focus of this variety is on the differences among women resulting from an unequal distribution of socially produced goods and services on the basis of position in the global system, class, race, ethnicity, age, and affectional preference, as these factors interact with gender stratification (Lengermann & Niebrugge, 1985).

This focus on difference has produced, at least, the following three areas of concretized intellectual work in third-wave feminist theory:1) a depiction of the diversity of women's experiences; 2) a critique of many of the most basic categories common to both modern feminist and social analyses; and 3) an attempt to map the world in terms of how the vectors of subordination and privilege-gender, class., race, age, ethnicity, global location, and affectional preference-both interact structurally and intersect dynamically in people's lives to create oppression and inequality (Lengermann & Niebrugge, 1985).

In the area of diversity, the literature is based on the belief that truth about social relations is discovered best from the vantage point of oppressed peoples (both women and men), whose accounts must, therefore, be uncovered. Third-wave feminists in this area probe the intricacies of this system of domination by exploring the position of women who are most subordinated, that is, least privileged. One particularly revealing

source of knowledge of the social relations of domination has proved to be that of North Atlantic women of color, who find themselves intimately linked to those who control and exploit them in situations of domestic employment, poorly paid service work, and sexual, emotional, and reproductive work, both paid and unpaid. Women of color find themselves closely linked to those who oppress them as women, as people of color, and as poor people. They have the experience of being "the stranger within" the circles of domination (Collins, 1990). The literature giving voice to diversity may be seen as being of three main types. First, studies about women from non-privileged backgrounds, those women on the margins. Second, studies that position these women within institutions such as family and work. Third, works that juxtapose or interweave accounts of women's diversity, creating in their totality a theoretically suggestive portrait of diversity (Lengermann & Niebrugge, 1985).

In the area of Critique, the studies that attempt to critique existing concepts in feminist theory are partly in debt to postmodernism. But that debt can be much overstated. Long before the postmodernist debate and the deconstructive method became academic bywords, feminists on the margins-women of color, lesbians, and working-class women questioning (Hewitt, 1992) not only sexual ideology and the unequal status of women but, more broadly, all systems of domination- sexist, racist, classist, heterosexist, and imperialist-and the particular false consciousness that let middle-class white heterosexual women use the term woman as a monolithic category in opposing male domination while ignoring their own acts of domination toward women who do not share their class, race, and affectional preference. This critique has produced questions about what we mean by categories such as "woman," "gender," and "race" (for example, Butler 1990; Kaminsky 1994) and has redefined "whiteness" as a

social construct rather than an absolute from which other "races" depart (Frankenberg 1993; Ware 1992). These questions have forced white women to reevaluate the feminism they produced as feminism and not feminism per se. In this reevaluation, they tried to see the revolution they had made but failed to make it (Breines 1992).

In the area of Vectors of Oppression and Privilege, the underlying premise is that no amount of academic questioning of what is meant by "women," "gender," and "difference" will remove from the heart of third-wave feminism the deep conviction that "not all suffering is equal, that there is a calculus of pain" (Arguelles, 1993). That calculus is determined by the intersection in one's individual life of global location, class, race, ethnicity, age, affectional preference, and other dimensions of stratification. Many feminist studies are now devoted to describing and explaining the intersection of these vectors of oppression and privilege as a macro phenomenon and as an individual lived experience.

Ultimately, these studies show an intricately interwoven system of class, race, gender, and global oppression and privilege. They show that this oppressive system produces pathological attitudes, actions, and personalities within the ranks of both the oppressor and the oppressed. They show that resistance to both oppression and pathology is: 1) located in the unquenchable need of human beings for full, individuated self-actualization and 2) located in one's dialectical position in one's particular community of oppressed people as a member of it, whose culture, nurturance, and survival strategies are essential to the well-being of its members. Theories of the vectors of oppression and privilege feed directly into feminist sociological theory.

Based on the varieties of feminist theory discussed above, a number of basic domain assumptions of feminist sociological theory can be identified. We now turn to these assumptions in the next section.

Basic Domain Assumptions of Feminist Sociological Theory

Feminist theory, first and foremost, assumes a "woman-centered" approach to the examination and analysis of the social world. By "woman-centered," feminist scholars mean analyses conducted by women, for women, and about women (Ritzer 1994, 2000). In a more specific way, it is "woman-centered in three respects: 1) its starting point is the situation and experiences of women in society; 2) women are the central subjects in the investigative process; and 3) it is critical and activist on behalf of women, seeking to produce a better world for women in particular and humanity in general (Ritzer 1994, 2000).

A second basic domain assumption of feminist theory is that women are biologically different from men. These biological differences have, historically, been used by male-dominated societies as the basis for gender-role socialization, which emphasizes female expressive qualities and male instrumental qualities (Wallace and Wolf 1999). Feminist scholars argue that this gender-role socialization, driven by biological differences, has resulted in institutionalized discrimination against women and promoted the subjugation, subordination, and oppression of women.

A third basic domain assumption of feminist theory is that society is male-dominated and oppressive to women. Marxist feminist scholars argue that the main source of this oppression is the capitalist system. This system, they argue, has

facilitated the establishment of the patriarchal family, which has helped legitimize the oppression of women (Ritzer, 1994; 2000). It is argued that the systematic exclusion of women's contributions to the field of sociology and male domination of the field are clear examples of this oppression of women. Feminist scholars suggest that knowledge of the world produced by deriving hypotheses from theories constructed by males is partial and insufficient because the full essence of social life has not been captured. Hence, a complete understanding of the social world is not possible without a woman's point of view.

A fourth domain assumption of feminist theory is that the basic social inequalities that exist between men and women in every society result primarily from women's subordinate position in society and their marginal participation in societal institutions. As a result of these social inequalities, women's experiences of life and conception of society are different from those of men. Therefore, their theoretical formulations, research approaches, and orientation are likely to broaden our knowledge base and provide a better understanding of social phenomena in every social setting.

A fifth domain assumption of feminist theory is that women's experiences are unique, and these experiences are shaped primarily by biological and gender differences between women and men. Feminist scholars argue that because, in every situation, women are treated differently, and their experiences are shaped by social forces different from those that shape men's experiences, the feminist theory provides us with a conceptualization of social reality, society, and social life that completes our understanding of these social phenomena.

A sixth domain assumption is that feminist theory has a methodological approach that is distinct and different from those of male-dominated theories. This assumption is derived from the various methodological approaches discussed below. Whether or not those methodological approaches are really different is debatable. Most of them are the same ones that are used by male-dominated theories in sociology.

A seventh domain assumption is that there can be no disinterested observers. This means that knowledge and science are social products. As such, the social location or position of the scholar or scientist does affect the knowledge or scientific facts produced about the social world. This fact, of course, has already been pointed out by theorists such as Marx and Durkheim.

Feminist scholars argue that 1) the methodological approaches they utilize are bound to be dictated by these basic domain assumptions; 2) these basic domain assumptions are consistent with these methodological approaches; and 3) these methodological approaches are unique and different from those used in mainstream perspectives in sociology. Before we turn our attention to whether feminist theory should be transformed into a feminist perspective in sociology, it is worthwhile to identify and critically discuss the methodological approaches of feminist theory.

Feminist Methodologies

According to Ritzer (2000), feminist scholars focus on the following theoretical concerns: 1) those which call for a description of the social world from women's standpoint, asking questions such as: what about the women? Where are the women in the situation being investigated? How do they experience the situation? What exactly

are they doing? What does it mean to them? and 2) those who call for an explanation of the social world by asking questions such as: why have women's roles been different from, less privileged than, and subordinate to those of men?

Feminist theorists typically employ "oral histories" as the basis of their methodology. These oral histories are categorized into three distinct types: topical (open-ended interviews), biographical (using individuals other than the interviewee as the focus), and autobiographical (the interviewee's own life experiences as the focus). Oral histories are generally not considered true research methods by the mainstream academic community because of their subjective nature. Feminist theorists such as Michal Mccall and Judith Wittner claim that they can use oral histories to "study social life from the vantage point of women" (Reinharz, 1992).

Feminist content analysis is characterized by the use of cultural artifacts as texts for research in much the same way any researcher would use content analysis as a research method. However, a feminist content analysis would categorize this text by gender. Therefore, feminist theorists would use artifacts made by women, about women, and for women. Typically, studying cultural products through the lens of feminist theory exposes a patriarchal culture (Reinharz, 1992). Historically, ignored women have been made visible when relevant cultural artifacts are made visible and studied. Content analysis comes in two varieties: quantitative analysis and interpretive analysis.

Although case studies are used in all types of social research, feminist case studies are differentiated by feminist theorists as having three main purposes in addition to generating and testing theory. Those purposes include the analysis of a phenomenon

over time, the analysis of the significance of a phenomenon for future events, and the analysis of the relation between parts of a phenomenon (Reinharz, 1992). The interest of feminist scholars in case studies stems partly from the trend in social science to seek generalizations instead of specifics. These scholars feel that this tendency toward generalization is negative in terms of examining the lives of women.

Feminist interview research is frequently used by feminist researchers who generally favor open-ended interviews in their search to explore people's views of reality (Reinharz, 1992). Reinharz further states that the "use of semi-structured interviews has become the principal means by which feminists have sought to achieve active involvement of their respondents in the construction of data about their lives" (1992, p. 6).

Feminist researchers deny the existence of a social reality independent of the observer. They advocate feminist ethnography as a method of feminist fieldwork of interpretive understanding between the researcher and the subject. Feminist ethnography attempts to interpret women's behavior as shaped by the social context.

Original female research methods focus on forms of "conscious-raising" since conscious-raising embodies the principle of enabling women to discuss and understand their experiences in a feminine context. Group diaries and drama are other methods devised to study life from a feminine point of view.

Based on the discussion of the varieties and methodological approaches of the feminist theory above, it is obvious that the existing perspectives are not capable of providing a complete demographic view of social phenomena because they tend to

marginalize, as well as ignore, women's standpoint and contributions. The relevance of feminist theory to the study and understanding of the social world is obvious. However, despite its relevance, the question that remains unanswered is whether there are sound sociological grounds on the basis of which feminist theory should be transformed into a feminist perspective in sociology.

The Status of Feminist Theory in Sociology: Feminist Theory or Feminist Perspective?

The oppression, subordination, domination, and discrimination directed toward women in human societies throughout history are undeniable. In recent times, women have fought these social ills in several arenas. In the political arena, they have recorded a number of hard-fought victories through lots of struggles. Since most of these social ills are still prevalent in most societies and institutions today, the struggles continue. The fiercest of the battles today are in academic settings where the scholarly contributions of women are ignored, trivialized, or outright excluded from major textbooks. In the field of sociology, many of the so-called gatekeepers have not fully embraced feminist theory as a valid scientific theory, even though, based on the definition of a scientific theory provided earlier in the Theory and Perspective in Sociology section, feminist theory is a valid, sound, and solid scientific theory. If feminist theory meets and fulfills the requirements and criteria for scientific theory, why then does it continue to be marginalized and ignored in the field of sociology? Does the fact that feminist theory has not been transformed into a perspective have anything to do with this marginalization?

According to Ritzer (1994; 2000), those opposed to feminist theory do advance the following arguments: 1) feminist theory is interdisciplinary, involving anthropology,

biology, economics, history, law, literature, philosophy, political science, psychology, and theology and therefore there is nothing distinctively sociological about it; 2) that feminist scholars seek to extend their field only in part while mainly focusing on a critical understanding of society with the view to changing the social world in directions deemed more just and humane; 3) that feminist theory is new, radical, (with many of its creators not sociologists) and closely associated more with activism than with scholarship; and 4) that most of the feminist theory is not anchored in any of the major three paradigms (social facts, social definition, and social behavior) that have long patterned sociology's orientation to its subject matter.

The ultimate sociological criteria used by sociologists to transform theories into perspectives is the set of distinct, unique basic domain assumptions common to all those theories. Does feminist theory have such a set of basic domain assumptions, and are those assumptions unique to feminist theory or distinctively different from those of the existing perspectives in sociology? This question calls for a careful and critical examination of the basic domain assumptions of feminist theory identified earlier.

The assumptions of oppression of women and social inequalities between men and women are not unique to feminist theory. These are also basic to the conflict perspective in sociology. As a matter of fact, conflict theories provide some of the basic intellectual roots for the work of many feminist scholars.

The assumptions of a woman-centered approach, biological differences between men and women, and unique experiences of women do not provide a sound sociological basis for the transformation of feminist theory into a separate, distinct perspective in sociology because men can also argue for their own perspective which

focuses on a man-centered approach, biological differences, and unique experiences. The assumption made by many feminist scholars that sociology is man-centered is in some sense accurate, but it is also very inaccurate and a gross misrepresentation of reality. It is accurate in the sense that contemporary sociology recognizes and credits its founding fathers but not its founding mothers. It is inaccurate and a gross misrepresentation of reality because, as many third-wave feminist scholars have correctly argued, even among women, there are differences and different standpoints. The same is true of men, and therefore, a transformation of any group-based theory into a perspective in sociology would undermine what seems to be sound sociological criteria on which the existing perspectives are based. In fact, if feminist theory is transformed into a feminist perspective in sociology on the basis of this assumption, then perspectives would have to be established for any minority group in society, for that matter, on the same grounds.

It is important to note that the first and fifth assumptions seem to suggest that one has to be a "woman" in order to undertake a legitimate sociological analysis of women's views of social reality, society, and social life. This seems to be misleading because one does not have to be a woman, man, black, white, elderly, or any stratification grouping to be sociological. However, it should be noted that gender is unique and different from all other social stratification categories, such as race, ethnicity, class, age, etc., because it consists of the division of society into two unique, broad categories, female and male, each one having its own social reality produced by its own intellect which is different from that of the other's intellect.

The assumption of feminist distinctive methodological approaches is inaccurate and misleading because they are not entirely unique to feminist scholarship since most of the methodological approaches (oral histories, content analysis, case studies, etc.) are also used in the established perspectives in sociology.

The assumption that there are no disinterested observers is also not unique to feminist theory. Sociologists such as Marx and Durkheim also addressed this in their work. Even if this assumption were unique to feminist theory, there would still be a problem because of the differences among women. This would mean that all truth is relative, and therefore, marginalized women among women as a group would have to use this as a basis for their own perspective in sociology.

Discussion and Conclusion

Based on the review and discussion of the Theory and Theoretical Perspective debate, it can be argued that there is a legitimate Feminist Theory in Sociology. A theoretical perspective is about society in general, not groups or different stratification categories in society. It suggests that concerns or issues related to gender, women specifically, can be addressed very effectively within the Conflict Perspective and the Phenomenological/Ethnomethodological Perspective in Sociology. However, it is very important to note the unique nature and importance of gender and the difference between gender and other social stratification categories, such as social class, race, ethnicity, power, etc. Gender stratification is unique in the sense that it results from the division of society or human beings simply into two distinctive groups, females and males, with patriarchy and capitalism magnifying this division and difference between females and males.

The problem is really magnified by patriarchy, which produces male dominance and control of all institutions within society in general and specifically within the intellectual arena. The issue here is the systematic exclusion of women and failure to engage in Habermas's communicative action (1985, Vol. II, p. 139). Females' sound, valued intellectual contributions are either quickly dismissed or taken away by males and made use of without giving the females credit or recognition. This is why Marianne Weber argued that "to improve women's situation, one should start by reforming the patriarchal household rather than the capitalistic workplace" (Ritzer, 2000, p. 318). It is important to note, as J. Thomas, 1985, points out, Marianne Weber also recognized the fact that capitalism may also offer some emancipation for women in its acceleration of individualism and its erosion of ancient relational patterns, such as patriarchy. One important question that draws attention to Marianne Weber's point that any attempt to improve women's situation should start with the reform of the patriarchal household rather than the capitalistic workplace is "Why is it that when women get married, they automatically and unquestionably take on their husband's last names and their children also automatically and unquestionably take on their fathers' last names?

Academic institutions are run or governed and dominated by men. In the political arena in the United States, women got the right to vote in 1920 (The Nineteenth Amendment to the US Constitution). Women's liberation certainly requires society's recognition of their intellectual contributions, especially because all social realities are the product of human intellect. As one of the two unique groups that make up society, females have a unique and different intellectual perspective, which certainly produces a different social reality.

It is also important to consider the role or impact of capitalism on the family and education, which results in the glass ceiling, where females make 62 cents of every dollar a male makes. This translates into male power and males' control of educational establishments and the workplace. This illustrates Karl Marx's components of alienation, especially self-actualization for males and not for females. Females' struggles for self-actualization within the educational system and the workplace are obstructed by patriarchy, which results in the intellectual struggles for women's liberation in sociology in particular and in society in general. As a matter of historical fact, according to Marx and Engels, women were not always viewed as inferior to men. Historical records indicate that ancient societies were matriarchal, and women's ability to procreate was revered as possessing supernatural power (Engels 1972; Perry 1978). It is important to note that since all social realities, such as sexism, patriarchy, and capitalism, are all the product of human intellect, they can all be changed or eliminated by the same human intellect.

In conclusion, it is therefore correct to have a Feminist Perspective in Sociology based on the following: 1) the clearly identified, different, and unique basic domain assumptions and research methodological approaches of the feminist theory discussed above; 2) the fact that gender is unique and different from other social stratification categories since it is made up of two broad categories, females and males, with two unique and different intellectual bases; 3) the fact that the Feminist Perspective will facilitate the elimination of academic politics; and 4) the fact that the Feminist Perspective will facilitate the production of different social realities, especially and particularly, women's liberation.

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Trending:
Contentious Supreme Court Confirmations

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Abstract:

Many justices have been confirmed by voice votes or by comfortable margins in roll-call votes. There have been exceptions, however, with some nominees being rejected or confirmed by close votes. This paper describes and discusses some recent contentious confirmations.

Introduction

Article II of the Constitution states that the president shall have the power to "nominate, and by and with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court." The Constitution does not specify how quickly the Senate is required to hold confirmation hearings, but it does oblige the Senate to provide its advice and consent. The Constitution does not specify any exceptions for nominations made during the last year of a president's term. In the past, the Senate has not treated election-year nominations differently. But consider what happened following Justice Antonin Scalia's death on February 13, 2016.

Senate Majority Leader Mitch McConnell (R-KY) rejected President Barack Obama's authority to name Scalia's replacement almost a year before Obama's presidency ended (Bradner 2020; Friedman 2022). McConnell asserted that the American people should have a voice in the selection and that the vacancy should not be filled "until we have a new president." McConnell and fellow Republicans cited the so-called "Biden rule." In a 1992 floor speech, then-Senator Joe Biden said that "once

the political season is underway . . . action on a Supreme Court nomination must be put off until after the election campaign is over" (Bradner 2020). President Obama nominated Merrick Garland for the seat, but McConnell refused to hold hearings on Garland's nomination (Friedman 2022). On January 31, 2017, shortly after taking office, President Donald Trump nominated Neil Gorsuch to fill Scalia's seat (Brader 2020). The Senate confirmed Gorsuch by a vote of 54 to 45.

Some Republican officials and conservative commentators argued that it is "unprecedented" to nominate a candidate during an election year. Senator Charles Grassley (R-IA), for example, said that "[i]t's been standard practice over the last 80 years to not confirm Supreme Court nominees during a presidential election year." But a staffer at the liberal Center for American Progress, Igor Volsky, replied that 14 justices have been confirmed during election years (Lee 2016). His list included the following justices: Oliver Ellsworth (1796), Samuel Chase (1796), William Johnson (1804), Philip Barbour (1836), Roger Taney (1836), Melville Fuller (1888), Lucius Lamar (1888), George Shiras (1892), Mahlon Pitney (1912), John Clarke (1916), Louis Brandeis (1916), Benjamin Cardozo (1932), Frank Murphy (1940), and Anthony Kennedy (1988) (Lee 2016). In fairness, 12 of these 14 confirmations did occur more than 80 years before the Garland nomination. And Kennedy was technically nominated in 1987 following the rejection of Robert Bork's nomination. But election-year confirmations are not "unprecedented."

In 2018, President Trump nominated Brett Michael Kavanaugh to succeed Justice Anthony Kennedy. The nomination was controversial, and following combative confirmation hearings, Kavanaugh was narrowly confirmed by a vote of 50- to 48. President Trump's third appointment opportunity occurred when Justice Ruth Bader

Ginsburg died on September 18, 2020, less than two months before Election Day. Senator McConnell reversed his previous position, which prevented a vote on Garland's nomination, and promised that President Trump's nominee would be taken up by the Senate (Morrison 2020). On October 26, 2020, shortly before Election Day, Amy Coney Barrett was confirmed by a vote of 52 to 48.

Has Supreme Court confirmation become increasingly partisan and contentious? The answer appears to be "yes," but it is a qualified yes. This paper focuses primarily on recent nominations and confirmations, but it provides some historical context as well.

Appointment Processes: Nominations and Confirmations

Various scholars, including Henry Abraham (Abraham 1998), David O'Brien (O'Brien 2020), and others, have described Senate confirmation processes and factors taken into account when presidents are selecting nominees. Several steps are involved.

The process begins when a president selects a nominee. Presidents usually claim that their selections are primarily based on merit, but merit is difficult to define, and other political considerations play important roles. The party is a relevant factor. Presidents seem to recognize "merit" more readily in members of their own party. A personal relationship or friendship can play a role, with presidents preferring to nominate people they know (Abraham 1992). Race and religion can be taken into account as well (O'Brien 2020). President Lyndon Johnson appointed the first Black justice, Thurgood Marshall. He was succeeded by President George H.W. Bush's appointee, the second Black justice, Clarence Thomas. President Joe Biden appointed the first Black female justice, Ketanji Brown Jackson. There have been deliberate attempts by presidents to fill "Jewish seats" and "Catholic seats" on the Supreme Court

(Abraham 1992). There have also been demands for representative appointments meeting the so-called “EGG Test”: ethnicity, gender, and geography. President Barack Obama’s appointee, Sonia Sotomayor, was the first Hispanic member of the Court. President Ronald Reagan’s appointee, Sandra Day O’Connor, was the first female justice. Four female justices have followed: Justices Ruth Bader Ginsburg, Sonia Sotomayor, Elena Kagan, and Amy Coney Barrett. Consider also the Republicans’ “Southern Strategy” and President Richard Nixon’s unsuccessful nominations of Clement Haynsworth, Jr. of South Carolina in 1969 and G. Harrold Carswell of Florida in 1970 (Hogue 2010). Most important are political and ideological compatibility or what Abraham calls “real politics.” Presidents can reinforce their legacies when they fill vacancies on the Court. They seek justices who read the law and the Constitution as they do, who would decide cases as presidents would like to see them decided (Abraham 1992). Predicting how a justice will decide future cases is an inexact science. Presidents try to “pack” the Court with politically compatible justices (O’Brien 2022). It is fair to say that Chief Justice Rehnquist met President Nixon’s law-and-order expectations and that Justice Antonin Scalia met those of President Reagan. But presidents are sometimes disappointed by their appointees. A few examples of presidents “guessing wrong” follow.

President Theodore Roosevelt promoted anti-trust legislation to rein in big railroad interests and large corporations. He named Oliver Wendell Holmes to the Supreme Court. But in a big railroad trust-busting case, *United States v. Northern Securities* (1904), Holmes voted against Roosevelt’s position. Roosevelt proclaimed, “I could carve out of a banana a judge with more backbone than that” (Purdum 2005). President Harry S Truman appointed Justice Tom C. Clark. Clark voted against

Truman's order to seize steel mills in *Youngstown Sheet and Tube v. Sawyer* (1952). Commenting on Justice Clark, Truman later stated, "[i]t isn't so much that he's a bad man. It's just that he's such a dumb son of a bitch" (Purdum 2005). President Dwight Eisenhower appointed Earl Warren to the position of Chief Justice. Warren was a former three-term governor of California and 1948 vice-presidential running mate of Republican presidential candidate Thomas Dewey. Eisenhower offered Warren a seat on the Supreme Court in exchange for Warren's political support in 1952. The Warren-led Court handed down liberal decisions in areas involving the rights of the accused, the right to privacy, school desegregation, voting rights, school prayer, and more. Eisenhower later said that Warren's appointment was "the biggest damn fool mistake I ever made" (Purdum, 2005; Fassuliotis, 2018).

Next, the nominee's name is sent to the Senate Judiciary Committee. The Committee was established as a standing committee in 1816, and the Senate started automatically referring nominations to the Committee in 1868 (Collins and Ringhand 2016). The Judiciary Committee investigates the nominee's background. Next, the Judiciary Committee holds public hearings where nominees are questioned about their judicial philosophies, their preferred methods of constitutional interpretation, their reliance on precedent, their views on the role of courts in a democratic system, and their thoughts on established "super precedents" that the nominee acknowledges were correctly decided. Nominees usually try to avoid taking stands on specific issues or refuse to say how they would decide hypothetical cases on controversial issues. The Committee concludes by voting on its recommendation to the full Senate. Options include favorable, not favorable, or no recommendation. (Collins and Ringhand 2016; Morrison 2020).

Finally, the full Senate debates and votes on the nomination. Closing debate no longer requires a supermajority of 60 votes, so opposing senators cannot rely on the Senate filibuster to block a nomination. It takes a majority of senators to present and vote to confirm a nominee. If the nominee is confirmed, the secretary of the Senate notifies the president, who then signs a commission appointing the new justice (Morrison 2020).

History

Since 1789, presidents have submitted 165 nominations for the United States Supreme Court, including those for chief justice. Of these nominations, 128 were confirmed. Seven were confirmed but declined to serve. Four nominees were confirmed twice, once as an associate justice and another time as chief justice. For more details, see “United States Senate, Supreme Court Nominations, 1789-Present.” The site provides a list of all nominees, their nominating president, the name of the justice they replaced, the date of their nominations, confirmation votes, results, and the date of the vote.

Historically, Supreme Court confirmations were usually rather routine. A Pew Research Center report chronicles the length of time it took to confirm 119 Supreme Court justices (Desilver 2022). Eight justices were confirmed on the same day they were nominated (6.7%). For 19 justices (16%), one to two days passed between their nomination and their confirmation. On the other end of the scale, it took more than 100 days to confirm two justices.

Table 1: Number of Days from Nomination to Senate Confirmation		
Days	**Number of Justices**	**Percentage of Justices**
0 (same day)	8	6.7%

1-2	19	16.0%
3-10	36	30.3%
11-20	17	14.3%
21-30	8	6.7%
31-50	11	9.2%
51-75	8	6.7%
76-100	10	8.4%
>100	2	1.7%

Source: Drew Desilver, "Up Until the Postwar Era, U.S. Supreme Court Confirmations Usually Were Routine Business," Pew Research Center, February 7, 2022.

Sixty-three justices were confirmed within 10 days of their nomination. From 1789 through 1967, 67 justices were confirmed by voice votes, and no individual votes of senators were recorded. In other words, more than half were confirmed quickly and with minimal controversy. Twenty-seven justices during this time period were confirmed by comfortable margins. However, the most recent justice to be confirmed in fewer than 10 days was Byron R. White on April 11, 1962 (Desilver 2022). White was appointed by President John F. Kennedy, and he joined the Court more than 60 years ago. The last justice to be confirmed by voice vote was Abe Fortas on August 11, 1965 (Hamm 2016). Fortas was appointed to serve as an associate justice by President Lyndon Jonson. When Johnson later nominated Fortas to serve as chief justice, the nomination encountered much controversy and opposition, and it was withdrawn (Hogue 2010).

Desilver notes that for much of the Court's history, confirmations were uncontroversial. President Woodrow Wilson's 1916 appointment of Louis D. Brandeis marked an exception. This was the first time that the Senate Judiciary Committee held public hearings for a nominee. Witnesses argued for and against his appointment. Brandeis was the first Jewish justice. He had advocated for workers' rights and against the interests of big businesses. He was eventually confirmed by a vote of 47 to 22 after 125 days. Brandeis' confirmation still holds the record for the longest time, from

nomination to confirmation. From 1789 through the early 1950s, the average length of time between nomination and confirmation was 13.2 days. However, from Earl Warren in 1954 through Amy Coney Barrett in 2020, the time increased to an average of 54.4 days (Desilver 2022). The most recent justice, Ketanji Brown Jackson, was nominated by President Biden on February 28, 2022, and she was confirmed 38 days later, on April 7, 2022, by a vote of 53-47.

Since 1968, there have been 29 Supreme Court nominations. Seven out of 29 failed to win confirmation (24.1%). Three nominees were considered and rejected by the Senate: Clement Haynsworth, Jr. (1969), G. Harrold Carswell (1970), and Robert Bork (1987). Three nominations were withdrawn in the face of Senate opposition: Abe Fortas (1968 nomination for chief justice), Homer Thornberry (1968), and Harriet Miers (2005). Technically, the nomination of John G. Roberts, Jr. for associate justice was withdrawn when Chief Justice Rehnquist died, and President George W. Bush decided to nominate Roberts to serve as chief justice (Hogue 2010). In addition, President Ronald Reagan planned to nominate Douglas Ginsburg in 1987 but withdrew his name before formally nominating him when Ginsburg's earlier use of marijuana created controversy (Jenkinson 2022). As noted previously, the Senate declined to act on Merrick Garland's nomination (Desilver 2022).

All told, 37 nominees have been denied confirmation. Twenty-five withdrew their nominations. Twelve were formally rejected by the Senate, with Robert Bork being the most recent nominee to meet this fate in 1987 (Jenkinson 2022). Henry J. Abraham summarized reasons for unsuccessful nominations including the following: 1) opposition to the nominating president; 2) opposition to the nominee's jurisprudential or political

views; 3) opposition to the record of the incumbent Court; 4) senatorial courtesy as some senators defer to home-state senators who oppose a particular nominee; 5) a nominee's unreliability from the perspective of the party in power; 6) lack of qualifications on the part of a nominee; 7) interest-group opposition; and 8) concern that the nominee would significantly change the Court's direction (Abraham 1992; Hogue 2010). From this list, three stand out: 1) opposition to the appointing president, 2) questionable qualifications of the nominee, and 3) opposition to the nominee's political views (Jenkinson 2022).

Critics claimed that Mitch McConnell stole Merrick Garland's seat when he refused to hold hearings on his nomination (Bradner 2020; Friedman 2022). But, it has been said that the first stolen seat occurred near the end of John Quincy Adams' presidency. He nominated John Crittenden, a lawyer from Kentucky. Andrew Jackson had been elected to succeed Adams, and Jackson's supporters passed a resolution saying that it would be "inexpedient" to consider Crittenden's nomination at that time. No confirmation vote was taken, and the seat remained vacant until Jackson became president (Ayers, Freeman, and Hobson, 2018).

An example of a nomination failing because of opposition to the president occurred when John Tyler was president. Tyler became president following William Henry Harrison's death just 31 days after the inauguration. Tyler was a states' rights Southerner who was viewed by many as an accidental president. He was the first president to be threatened with impeachment. Five of his Supreme Court nominees failed to win confirmation. One was rejected, and four had their nominations withdrawn

(Jenkinson 2022). Other 19th-century presidents encountered opposition but considered some relatively more contemporary confirmation battles.

As mentioned, President Lyndon Johnson nominated Abe Fortas for associate justice in 1965. A voice vote confirmed Fortas. In 1968, Johnson nominated Fortas to succeed Earl Warren as chief justice. The Senate Judiciary Committee reported the nomination favorably. Still, several members expressed strong reservations about his judicial philosophy and activist posture in support of some of the Warren Court's liberal decisions. Concerns were also expressed about a stipend he received for delivering university lectures. The money was donated by several businessmen who might have matters of interest come before the Supreme Court. He was also a close advisor to President Johnson, and Fortas was an active member of the court. At Fortas' request, Johnson withdrew Fortas' nomination. When Johnson nominated Fortas for chief justice, he also nominated Homer Thornberry to fill Fortas' spot as an associate justice. When Fortas withdrew from consideration for chief justice, he maintained his seat as associate justice and Thornberry's name was withdrawn. Fortas stepped down from the Court in 1969 (Hogue 2010).

President Richard Nixon was committed to the Republican Party's Southern Strategy. To that end, he nominated Clement Haynsworth, Jr. of South Carolina, to fill Abe Fortas' seat in 1969. Concerns were raised about Haynsworth's civil rights record and some perceptions of ethical lapses. The Senate rejected his nomination by a vote of 45 to 55. Haynsworth was the first nominee to be rejected by the Senate since President Herbert Hoover's nominee, John Parker, was rejected in 1930. President Nixon then nominated G. Harrold Carswell of Florida to fill the seat (Hogue 2010;

Jenkinson 2022). When he ran for Congress in 1948, Carswell said, “I am a southerner by ancestry, birth, training, inclination, belief, and practice. I believe that segregation of the races is proper … and the only correct way of life in our states. I have always so believed, and I shall always so act.” He called civil rights programs “civil wrongs programs.” The Senate rejected his nomination by a 45-to-51 vote (Jenkinson 2022).

President Ronald Reagan nominated Robert Bork in 1987. Bork was an academic who had written numerous papers in which he expressed conservative opinions on constitutional issues and the role of courts. He was a proponent of “originalism,” a view that the Constitution means what the Framers intended it to mean when they wrote it (Graber 2012). He expressed concerns about the Civil Rights Act and said that *Roe v. Wade* was “unjustifiable” (Waxman 2018). Adding to his long paper trail was the role he played during Watergate’s “Saturday Night Massacre.” Unlike Attorney General Eliot Richardson and Deputy Attorney General William Ruckelshaus, then-Solicitor General Bork carried out President Nixon’s order to fire the special prosecutor, Archibald Cox, and his staff of investigators. The Senate rejected Bork’s nomination by a vote of 42 to 58. Presidents now prefer to nominate people who have not written extensively and who have not expressed controversial opinions for fear that the nominee might be “borked” (Jenkinson 2022).

In 2005, President George W. Bush nominated Harriet Miers, who had served as Bush’s personal attorney and as White House counsel, to succeed Sandra Day O’Connor. Her qualifications were questioned because she had no prior experience as a judge, and she lacked a background in constitutional law (Biskupic 2018). Senators

were also unsure about where she stood on key issues, including abortion rights (Hogue 2010). Her nomination was withdrawn (Jenkinson 2022).

Recent Nominations and Confirmations

Confirmation hearings were first televised when President Reagan nominated the first female justice, Sandra Day O'Connor, and she appeared before the Judiciary Committee in 1981. She was confirmed by a vote of 99-0. Senator Max Baucus (D-MT), a strong supporter of O'Connor's nomination, missed the vote because he was attending an economic conference back home in Montana. He sent O'Connor an apology note and a copy of the book *A River Runs Through It* (Lowe 2011). Of course, some recent nominations have generated considerably more controversy. Not all controversial nominations end in Senate rejection. Some nominees have been confirmed following contentious hearings and razor-thin votes to approve their appointments.

On July 8, 1991, President George H.W. Bush nominated Clarence Thomas to succeed the first Black justice, Thurgood Marshall, who was retiring. Thomas went through two sets of hearings. The first focused on his substantive record. Some objections were raised to his conservative views, but he appeared to be on his way to confirmation. The Judiciary Committee, chaired by then-Senator Joe Biden, decided to hold a second set of hearings after law professor Anita Hill accused Thomas of sexual harassment. Hill had worked for Thomas at the Department of Education and the Equal Employment Opportunity Commission. Thomas denied the allegations, claiming, "This is a circus. It's a national disgrace. And from my standpoint as a Black American . . . it's a high-tech lynching for uppity Blacks who in any way deign to think for themselves."

Thomas was confirmed by a vote of 52-48. At that point, it was the closest confirmation vote in 100 years (Biskupic 2018, 2022).

Justice Antonin Scalia died suddenly on February 13, 2016. As mentioned previously, President Barack Obama had 11 months remaining in his term. He nominated Merrick Garland to fill Scalia's position. Senate Republican leader Mitch McConnell refused to hold hearings. In spite of strenuous objections from Democrats, Garland's nomination never received a Senate vote (Bradner 2020). Shortly after his inauguration, incoming President Donald Trump nominated Neil Gorsuch. Hearings were held, and Gorsuch was confirmed by a vote of 54 to 45 (Biskupic 2018).

On July 10, 2018, President Trump nominated Brett Kavanaugh to succeed retiring Justice Anthony Kennedy. Like Clarence Thomas before him, Kavanaugh had two sets of hearings, the second following sexual assault claims by a psychology professor, Christine Blasey Ford. She alleged that the assault occurred when they were teenagers living in the Washington, D.C., area. Kavanaugh denied the claims, stating that "This whole two-week effort has been a calculated and orchestrated political hit, fueled with apparent anger about President Trump and the 2016 election." Echoing Thomas, he said, "This is a circus." He predicted that his "grotesque and coordinated character assassination will dissuade competent and good people of all political persuasions from serving our country." The Senate confirmed his appointment by a vote of 50 to 48 (Biskupic 2022).

Recent Nominations and Confirmations: Some Numbers

Thus far, this paper has provided narrative descriptions of some confirmation trends and controversies. A quick look at the "scoreboard" serves to reinforce some of these observations.

Table 2 displays confirmation votes for the nine current members of the Supreme Court.

Table 2: Confirmation Votes, Nine Current Members of the Supreme Court of the United States			
Justice	**Succeeded**	**Confirmation Vote**	**Nominated by**
Clarence Thomas	T. Marshall	52-48	George H.W. Bush
John Roberts (Chief Justice)	Rehnquist	78-22	George W. Bush
Samuel Alito	O'Connor	58-42	George W. Bush
Sonia Sotomayor	Souter	68-31	Barack Obama
Elena Kagan	Stevens	63-37	Barack Obama
Neil Gorsuch	Scalia	54-45	Donald Trump
Brett Kavanaugh	Kennedy	50-48	Donald Trump
Amy Coney Barrett	Ginsburg	52-48	Donald Trump
Ketanji Brown Jackson	Breyer	53-47	Joe Biden
TOTALS: **YES = 528; Mean = 58.7; Median = 54** **NO = 368; Mean = 40.1; Median = 45** **Percentage of Votes to Confirm = 58.9%**			

Source: United States Senate, "Supreme Court Nominations (1789 – Present)"

Only John Roberts and Sonia Sotomayor were confirmed with more than two-thirds of the Senate votes. The remaining justices were confirmed by narrower margins, with Clarence Thomas, Neil Gorsuch, Brett Kavanaugh, Amy Coney Barrett, and Ketanji Brown Jackson being confirmed by fewer than 10 votes. That is, a majority of the current Court was confirmed by slim margins.

Table 3 displays confirmation votes for the justices who preceded the nine current members. Nominees who were not confirmed – Clement Haynsworth, Jr., G. Harrold Carswell, and Robert Bork – are not included in these tabulations.

Table 3: Confirmation Votes, Seated Justices Who Preceded Nine Current Members of the Supreme Court of the United States			
Justice	**Succeeded**	**Confirmation Vote**	**Nominated by**
David Souter	W. Brennan	90-9	George H.W. Bush
Anthony Kennedy	L. Powell	97-0	R. Reagan
Antonin Scalia	W. Rehnquist	98-0	R. Reagan
William H. Rehnquist (Chief Justice)	W. Burger	65-33	R. Reagan
S. Day O'Connor	P. Stewart	99-0	R. Reagan
John Paul Stevens	W. Douglas	98-0	G. Ford
Lewis Powell	H. Black	89-1	R. Nixon
H. Blackmun	A. Fortas	94-0	R. Nixon
W. Burger (Chief Justice)	E. Warren	74-3	R. Nixon
TOTALS: **YES = 804; Mean = 89.3; Median = 94** **NO = 46; Mean = 5.1; Median = 0** **Percentage of Votes to Confirm = 94.6%**			

Source: United States Senate, "Supreme Court Nominations (1789 – Present)"

When the three nominees who failed to win confirmation were excluded, eight out of nine justices were confirmed by wide margins. Only William Rehnquist fell short of two-thirds of the Senate vote when he was nominated by President Reagan to serve as chief justice. Relatively speaking, he was also an outlier for this cohort of justices when President Nixon nominated him as associate justice in 1971. He was confirmed at that time by a vote of 68 to 26. Otherwise, the justices who preceded the nine who currently serve on the Court won easier confirmations (Desilver 2022). Even if the three nominees who were rejected are included in the calculations -- Bork by a vote of 42 to 58, Carswell by a vote of 45 to 51, and Haynsworth by a vote of 45 to 55 --, the mean

number of votes for these individuals was 78 to confirm and 18 to reject, for an overall confirmation percentage of 81.7%.

Conclusions

Presidents going back to George Washington have seen the Senate reject some of their nominees for the Supreme Court. Some nominations were withdrawn, and others were eventually approved following pitched battles between proponents and opponents. Various factors have influenced the prospects of confirming nominees. However, many of these nominations have been handled in a relatively routine fashion, with nominees confirmed by wide vote margins or even by voice votes. In modern times, however, confirmations appear to have become increasingly contentious.

Justice Byron White in 1962 was the last nominee to be confirmed in less than 10 days (Desilver 2022). The last associate justice to be confirmed by a voice vote was Abe Fortas in 1965 (Hamm 2016). The last justice to be confirmed unanimously was Anthony Kennedy in 1987 (Jenkinson 2022). Since 1968, seven out of 29 failed to win confirmation, a failure rate of 24.1%. In the current Supreme Court, only John Roberts and Sonia Sotomayor have won more than two-thirds of the Senate's votes. Five current justices were seated with less than 10-vote confirmation margins.

Returning to the original question, have partisanship and polarization affected Supreme Court confirmation deliberations? Have nominations become increasingly contentious? The answer, at least for now, is "yes."

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