

Omnino

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Introduction

by Dr. Anne Greenfield

OMNINO FACULTY ADVISOR

The student editors of *Omnino* and I are pleased to introduce the latest installment of VSU's undergraduate research journal, volume 7. We wish, as always, to congratulate the students whose research and writing is featured in these pages as well as the faculty mentors at VSU who oversaw that work. Getting published in *Omnino* is no small achievement, and our double-blind review process (in which submissions are made anonymous and then refereed by two VSU faculty members who have expertise in the paper's subject) ensures the rigor and quality of our published articles. Our goal is to feature the very best research generated by our undergraduate students.

We wish to thank all of the faculty members who generously gave of their time in order to review submissions for us this year. Their expertise and willingness to vet submissions is key to our ability to publish a truly interdisciplinary academic journal.

Lastly, we hope to encourage undergraduate students and faculty members from all and every discipline in the university to continue to submit their research papers to *Omnino*. We want to represent, in *Omnino*, not only the impressive quality of research generated by our students, but also the impressive breadth of research generated at VSU. We hope, in the coming year, to offer an even wider array of articles, from as many academic disciplines as possible, in *Omnino*.

So, whether your major is Chemistry, English, Computer Science, or Nursing—and everywhere in between—we hope that you'll consider submitting a research paper for possible publication in *Omnino*. We invite undergraduate students to refer to our submission guidelines at <https://www.valdosta.edu/colleges/arts-sciences/english/student-resources/student-publications/omnino/submit.php>.

The East China Sea Dispute: A Case Study

By Sean P. Jankowski

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Abstract: Set roughly 125 miles northeast of Taiwan and 185 miles southeast of Okinawa, Japan, a set of small islands find themselves at the center of an intensifying dispute. The Diaoyu/Senkaku Islands have historically been uninhabited, amounting to nothing but a navigational guide for centuries with no government making extensive claims of ownership. However, rich fishing grounds and abundant hydrocarbons lying within the ocean surrounding the islands have placed asymmetrical importance on these islands. The People's Republic of China and Japan have been in dispute over ownership of these islands since the 1970s, both using historical events and documents to solidify their claims. Historical injustices and appeals to nationalist sentiments form the basis for territorial claims put forth by these governments. However, these nationalist sentiments are exploited as a tool to cloak economic motivations and realpolitik. This article aims to analyze various aspects of the East China Sea Dispute, discussing possible alternatives to conflict and providing a viable solution to resolving the dispute.

Introduction

The Diaoyu/Senkaku Islands are a set of five islets that lie in the East China Sea roughly 125 miles northeast of Taiwan and about 185 miles southeast of Okinawa, Japan. The islands have historically been uninhabited but are central to an ongoing and intensifying conflict between the People's Republic of China and Japan. The conflict in the East China Sea arises from competing territorial claims over these islands, primarily over overlapping Exclusive Economic Zones (EEZ) which allow for economic expansion. However, historical injustices, nationalism, and strategic concerns also influence the situation. It is important that a resolution be reached in addressing this intensifying conflict in order to avoid foreign intervention, as the United States is obligated under the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security to intervene militarily if war were to break out from the dispute. In addition, further conflict in the region may spill into the more highly contentious South China Sea.

This paper seeks to analyze the East China Sea Dispute as a conflict that is rooted in economic expansion—specifically securing energy resources—and *realpolitik* but is cloaked by nationalist sentiments that are exploited as a tool by the Chinese Government for political gain.¹ In asserting this claim, background will be given into the dispute, discussing historical injustices, nationalist sentiments, *realpolitik*/security concerns, and the issue of delimitation of the EEZ. Thereafter, three possible alternatives will be discussed in addition to a possible solution to the dispute.

Background

Historically, the Diaoyu/Senkaku Islands have been well-known and documented. There is a large amount of evidence—particularly in Ming Dynasty (1368-1644) records—that references the islands, their history, and their usage (Down and Saunders 1998; Wu and Zhang 2010). The first description of the islands first appeared in 1534 when a Chinese envoy visited Ryukyu (an independent kingdom south of Japan at the time). The islands were very well-known by the Ryukuans and the Chinese, but they functioned almost exclusively as a marker for ocean navigation—primarily due to their peculiar form, isolation from strong currents, and size (Ozaki 2010).

¹ “*Realpolitik*” is a German term that means a system of politics based on practicality rather than ideology.

China uses historical documents from the Ming Dynasty to justify their claims to the Diaoyu/Senkaku Islands. However, these documents do little to show historical Chinese ownership. The Yan Hai Shan Sha Tu, a historical document from the Ming Era, references the islands in a coastal defense strategy but depicts the islands as being of little importance as anything other than small islands off the coast. Furthermore, the Chinese cite the administrative authority of Luo-Yuan Xuan Zhi and Ning-de Xuan Zhi over the Fujian Province (Taiwan) to support their claims, though this does not actually show the Diaoyu/Senkaku Islands as being within the administrative authority of the Fujian Province. In fact, there is no mention of the islands being within the administrative authority of Taiwan in the Ming or Qing dynasties at all, or in those thereafter. This is due to the lack of influence exerted by either the Ming or Qing dynasties over the islands, as seen in the Fu Jian Hai Fang Quan (Ozaki 2010). Additionally, Taiwan itself was not incorporated into Chinese administrative authority until 1684 during the Qing dynasty. Despite this, no kingdom had disputed Chinese claims to the islands and thus, for practical purposes, the islands were considered to be within Chinese dominion.

During the first Sino-Japanese War, which lasted from 1894-1895, the islands were annexed by the Japanese along with Taiwan. This annexation and the war in general were highly controversial and central to developing Chinese nationalism. Though China believes the islands were illegally ceded/annexed by the Japanese during the war, Japan claims it legally acquired the islands through occupation (Danner 2014; Dixon 2014; Downs and Saunders 1998; Wu and Zhang 2010). According to Ozaki (2010), a state can, in fact, acquire territory not belonging to any other state via occupation under international law. This is done through a "terra nullius," a Latin phrase used to describe territory which no state has claimed or made subject to its sovereignty. Territory that is "terra nullius" may be acquired by a state through means of occupation. This international law would apply to both Japan and China at the time, signifying that either state could have legally acquired the islands by means of occupation, as the Japanese government did when it incorporated the Diaoyu/Senkaku Islands into the administrative authority of Okinawa (Ozaki 2010). Before the late 19th century, in order to occupy land, a state actually had to occupy the territory through the use, settlement, and colonization by nationals of a state. However, this was not true during the Sino-Japanese war,

during which time international law allowed states to occupy land as long as they showed their will to possess the territory, so long as this exercise of sovereignty was continuous and peaceful (Ozaki 2010). Still, the legality of Japanese control over the islands is not of as much importance as the sentiments caused by the war and annexation in Chinese minds.

As mentioned, the Sino-Japanese War was central to developing Chinese nationalism. Due to the Chinese view of the Japanese as inferior peoples with an inferior culture, the annexation of Chinese territory by Japan during the war under the 1895 Treaty of Shimonoseki had two notable consequences. First, the treaty signified an end of Imperial China as a regional hegemony. Second, it became the symbol of China's "Century of Humiliation" (Dixon 2014; Downs and Saunders 1998). This 'humiliation' of China was further exacerbated by other events in the 19th century. Increased Western Influence, Japanese imperialism, territorial seizures by foreign states (especially Japan), and the economic influence of foreign states compromised Chinese sovereignty in its view. Territorial integrity and sovereignty thus became central to Chinese nationalism as intellectuals saw the need for a strong nationalist identity to "save China" from foreigners (Downs and Saunders 1998).

In the Chinese view, further humiliation and injustice would come to China throughout the early to late-mid 20th century. Atrocities committed by Japan in the 1930s such as the 1937 Nanjing massacre and the continued Japanese control of the Diaoyu/Senkaku Islands after World War II are most notable—forming deep anti-Japanese sentiments and producing increased nationalism in China. In particular, the defeat of Japan in World War II was quite humiliating to China. The Chinese believed that former Japanese colonies would be transferred back to China following the Cairo Agreement and Potsdam Treaties as the islands had been administered along with Taiwan, which was transferred back to Chinese control (Danner 2014; Dixon 2014; Ozaki 2010; Wu and Zhang 2010). However, the *Treaty of Peace with Japan* (1951) did not actually transfer the Diaoyu/Senkaku Islands, instead leaving them to be administered by Okinawa, which would remain under United States occupation until 1972.

In 1972, Okinawa would be returned to Japan, leaving many of the Chinese with hopes of seeing the Diaoyu/Senkaku Islands "rightfully" returned. This would not be the case as the islands were returned along with Okinawa to Japanese control, further

humiliating China (Downs and Saunders 1998; Ozaki 2010; Wu and Zhang 2010). It must, however, be noted that the islands themselves were never specifically mentioned in any treaty discussed except for the 1971 Okinawa Reversion Agreement according to Japan (Downs and Saunders 1998). Furthermore, Chinese nationalism began to grow greatly during the 1970s as Chinese foreign populations (specifically students) began to nationalize the dispute over the islands. This was due in part to Chinese media portraying the islands as “sacred territory,” resulting from a sudden interest in the islands by the Chinese government during the U.S.-Japanese negotiations regarding the return of Okinawa to Japan. However, this interest was not motivated by China seeking to reclaim its lost territory out of national pride (Danner 2014; Dixon 2014; Downs and Saunders 1998).

Nationalism, in the case of the Chinese government, has proven to be an effective tool in redirecting domestic anger outwardly towards foreign governments while also providing justification and means to bolster regime legitimacy. Illegitimate regimes incorporate nationalism and the blaming of foreigners/outside forces to bolster their own power. However, this only increases tensions and the likelihood of conflict—such as in the 1982 Falklands War (Dixon 2014; Downs and Saunders 1998; Evera 1994). In 1982, the Argentine junta, under pressure from economic crisis, mounting dissatisfaction in the military government, and human rights violations from the ongoing “Dirty War,” was left with few alternatives to maintain power and legitimacy. The junta also was unable to reform its policies or oppress several sectors of its populace. This led the government to mobilize nationalist sentiments over the long disputed Falkland Islands by invading and occupying the islands with the goal of bolstering government legitimacy by distracting from domestic issues. However, the junta underestimated British resolve in maintaining control of the islands as well as its standing with the United States. The Falklands War would begin between Argentina and the United Kingdom, lasting for only two months and resulting in a British victory (Oakes 2006). But unlike the junta who solely sought to distract from domestic concerns, what other reasons may the Chinese government have for using nationalism as a political tool?

As previously mentioned, the Diaoyu/Senkaku Islands sit atop very rich fishing grounds and enormous oil and natural gas deposits that could rival the entire Persian Gulf in quantity (Dixon 2014).

Furthermore, China's economy has grown rapidly since its quick rebound following the 2008 Global Financial Crisis. China's rise in economic power is also believed to be replacing the hegemony of the United States and Japan. Chinese nationalists are quick to call for China to assert its growing power and influence in the face of declining United States and Japanese power, leading China to be assertive and aggressive in its foreign policy (Danner 2014). This beginning of a power transition has had three effects. Firstly, it motivated China to pursue the "recovering" of former territories in order to restore China to its imperial glory and the practical interests of the state. Secondly, it pushed China to further economic development by making aggressive efforts to control and acquire energy supplies. Lastly, it made war and conflict much more likely, as conflict often becomes ripe when a rising power challenges a declining hegemony that seeks to retrain its influence at all necessary costs (Dixon 2014; Downs and Saunders 1998).

The actual state interests concerning the Diaoyu/Senkaku Islands, then, are quite simple: resource acquisition and state security. The islands' resources would be a windfall for any state controlling them. This is especially true for China and Japan, as each is incredibly dependent on imported energy sources (Dixon 2014). Furthermore, China sees the islands as a vital national security interest to ensure its economic development and in preventing any threat to its security. According to Danner (2014), China sees itself as being encircled by a chain of Japanese islands, Taiwan, the Philippines, and Indonesia. These states have traditionally been aligned towards the United States and fall outside Chinese influence. China fears its geopolitical security due to the possibility of a potential naval blockade which would be a decimation to its economy. Furthermore, and in accordance with the power China seeks to assert in regaining hegemony, Chinese naval ambitions are undermined without control of the islands, thus—containing its naval forces (Danner 2014). If China were able to exert its control over the islands, it would be better able to spread its influence through its naval power, acquire vital energy resources, and secure itself against outside threats to its economic development.

Thus far, this article has addressed historical claims and injustices, nationalist sentiments and motivations, and the *realpolitik* security concerns involved in the East China Sea Disputes. One vital factor that remains to be discussed is the issue of International Law in regards to the Exclusive Economic Zones (EEZ) of both

China and Japan. According to Article 55 of the United Nations Convention on the Law of the Sea (UNCLOS):

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part [5], under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention (United Nations 1982).

One such right of states is the establishment of a 200 nautical mile EEZ, as specified under Article 57 of UNCLOS. This is important because Japan—who ratified UNCLOS on July 20th 1996—declared its right to a 200 nautical mile EEZ which included the Diaoyu/Senkaku Islands (Danner 2014). Furthermore, on June 7th 1996, the Chinese government ratified UNCLOS and also exerted its right to a 200 nautical mile EEZ and reaffirmed “its sovereignty over all its archipelagos and islands as listed in article 2 of the Law of the People’s Republic of China on the territorial sea and the contiguous zone” (United Nations 2013). Therefore, the basis for a territorial dispute is formed under international law as both Japan and China have a legitimate territorial claim according to UNCLOS.

Although UNCLOS covers a variety of situations, rights, and responsibilities of states in regard to maritime issues and it includes dispute resolution procedures, it has one major failure. The provisions within UNCLOS, according to Downs and Saunders (1998), fails to address conflicting sovereignty claims over islands, leaving a gap within international law in addressing the dispute within the East China Sea and other territorial disputes like it. The Japanese and Chinese both have attempted to resolve the issues surrounding the dispute through international law, but there are two differing aspects of the dispute that need to be addressed under international law: the maritime delimitation of the continental shelf and the delimitation of the EEZ. Though this may sound deceptively simple, both issues fall under different legal systems (Wu and Zhang 2010).

In regards to the maritime delimitation issue, Japan proposed—and claimed—that the maritime boundary would be established on the basis of a median line. This median line would be in waters less than 400 nautical miles in distance, but it is not supported by China (Wu and Zhang 2010). The Chinese believe that the maritime boundaries of the EEZ and the continental shelf should be decided separately under international law with consideration given to relevant factors—such as history—in order to achieve equity (United Nations 2013; Wu and Zhang 2010).

Alternatives

Several alternatives have been proposed as resolutions to the East China Sea Dispute, but each suffers from its own pitfalls. Some have been rejected outright, while others have their own constraints or seem altogether unlikely to resolve the dispute. Three such alternatives will be discussed: 1) joint administration of the Diaoyu/Senkaku islands; 2) a short-term “interim freeze”; and 3) using the International Court of Justice (ICJ) to resolve the dispute.

Firstly, through joint administration, both China and Japan could control the physical Islands and the area surrounding them. However, such joint administration would prove not only unlikely, but impractical. If China and Japan both administered the islands and surrounding area, it would negate the nationalist sentiments that have been used to further China’s political agenda. Nationalists would likely react negatively and feel as though China had been either cheated, humiliated, or that the government had been weak in its foreign policy. This could prove disastrous to the legitimacy of the Chinese government as nationalist rhetoric is used to direct domestic anger and frustration from the government and onto foreign governments (Dixon 2014; Downs and Saunders 1998).

The second alternative would involve an “interim freeze” of short duration. Essentially, this would mean that both China and Japan would halt resource extraction and renounce their claims to the islands. The proposed effect would be an easing of tensions, allowing for a long term solution to be discussed and put into effect. This approach does prove promising, considering that much of the contention comes from the extraction of oil and natural gas, particularly in the Chunxiao oil and gas fields. The Japanese government has protested the development of these fields, despite that they lie west of the Japanese claimed median line, due to fears that the Chinese have been siphoning natural gas and oil from the side of the median line that falls within Japanese control (Wu and Zhang 2010).

Although an interim freeze would allow for peace-making discussions to begin, any such freeze is likely to be unsuccessful. Both China and Japan have a history of violating agreements and have acted unilaterally. This is seen not only in the Japanese unilaterally claiming a median line but is similarly depicted in the violation of fishing agreements in both the East and South China Seas. Finally, any such freeze, without an agreement on delimitation, would only apply to the islands themselves, thus having virtually no effect as

neither state has an interest in the physical islands but rather the EEZ that would come with them.

Lastly, it has been proposed that the ICJ enter into the discussion between China and Japan through legal means. This has worked for similar territorial disputes in the past, such as the 1993 Greenland-Jan Mayen case. In this particular case, the ICJ heard and resolved a case between Denmark and Norway over a disputed maritime delimitation line for both fishing zones and the continental shelf. The court stated, "the statement of an 'equitable solution' as the aim of any delimitation process reflects the requirements of customary law as regards the delimitation both of continental shelf and exclusive economic zones" (*Denmark v. Norway* 1988; Wu and Zhang 2010). This alternative approach is promising given the courts emphasis on finding an equitable and acceptable result by all parties involved as well as prior Chinese statements such as upon the Chinese ratification of UNCLOS in which it was stated that:

The People's Republic of China will effect, through consultations, the delimitation of the boundary of the maritime jurisdiction with the States with coasts opposite or adjacent to China respectively on the basis of international law and in accordance with the principle of equitability (United Nations 2013).

However, China has shown an unwillingness to involve the ICJ in addressing issues of maritime delamination, even in disputes not pertaining to the East China Sea. For example, in *The Republic of Philippines v. The People's Republic of China* (2013), the Philippines brought the issue of arbitration against the Chinese government under Annex VII of UNCLOS to the United Nations' Permanent Court of Arbitration. The Philippines sought to determine the legality of certain maritime features as islands, the legality of China's "nine dash line," and possible violations to UNCLOS in the South China Sea. However, China refused to partake in the proceedings, claiming the Philippines' intent was to request covertly maritime delamination in the South China Sea and is a dispute of territorial sovereignty. This unwillingness to involve international judicial bodies is due to three main points. Firstly, a ruling by the ICJ may have far-reaching implications for other Chinese territorial disputes such as the Spratly Islands or Nansha Islands. Secondly, the Chinese believe historical factors may be largely ignored which, as previously mentioned, form the basis for Chinese claims to the islands. Thirdly, and most importantly, the Chinese would reject the decision by the ICJ as being inequitable.

Solution

The joint development of the overlapping EEZ in addition to a “shelving” of sovereignty claims over the Diaoyu/Senkaku Islands is the best solution given the circumstances of the dispute. Such a solution is not without its faults but proves the most promising. Through this approach, neither China nor Japan must jeopardize its positions or its long-term claims, and concerns over sovereignty would be considered at a future, pre-arranged time. Furthermore, this solution allows for an easing of tensions, increased discussion and cooperation between China and Japan, and it benefits the economies of both states. In addition, such a solution would not only prove viable to the dispute in the East China Sea, but may be applicable to other disputes involving both states and others, such as in the South China Sea. Such a solution is not implausible considering that China and Japan cooperated in an agreement, in accordance with UNCLOS, to jointly-manage fisheries within the East China Sea and, in 2008, reached a consensus that formed the first step for joint development of oil and natural gas resources in the region (Wu and Zhang 2010). However, distrust between these states and the possibility of both “cheating” or acting unilaterally would prove challenging to the fruition of such joint development. In addition, by “shelving” sovereignty claims over the Islands, there is potential that nationalists on both sides will be angered due to the extensive use of nationalism as a tool for political gain by both governments—China especially—and the grave injustices felt by the Chinese.

Conclusion

In conclusion, the East China Sea Dispute is a complex conflict rooted in economic pursuits. Historical injustices, particularly after the First Sino-Japanese War, have formed the basis for Chinese nationalist sentiments that have provoked both the Chinese and Japanese governments and escalated tensions. Despite this, and the exploitation of the conflict by the Chinese Communist Party, *realpolitik* and energy security are at the heart of the dispute. Both China and Japan seek to expand their economies and acquire the abundant oil and natural gas resources that lie beneath the Sea, but overlapping EEZs complicate claims. To address these claims, joint resource development and a shelving of sovereignty claims proves

to be a viable solution by allowing both states to gain economically, maintain their respective long-term claims, and ease growing tensions. However, both states must be willing to cooperate and abide by international law and agreements to maintain the security of not just their respective states, but possibly the Asia-Pacific region as a whole.

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Troubled Seas and Scattered Blossoms: Nature Images in Elegiac Anglo-Saxon and Japanese Poetry of the Medieval Period

By Audrey Whittle

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Abstract: Certain parts of the human experience transcend all cultural boundaries and distinctions. Though seemingly universal, the expression of the various human emotional impressions can manifest in different ways among varying people groups. One such impression appears universally and individually among various cultures: loss. Perhaps one of the most important components of human experience when conducting comparative cultural studies, the study of “loss” highlights what different cultures valued. Many medieval writers looked to the natural world as a mirror of the internal and emotional world when attempting to convey the feeling of loss. This relationship created a variety of distinct nature images in elegiac poetry, especially works appearing in medieval Anglo-Saxon and Japanese collections. When these works are studied alongside their respective cultural backgrounds, the emphasized similarities between the two cultures reveal something very important about man’s relationship with nature and with each other.

The Cultures

The Anglo-Saxon *comitatus* was an ancient and complex community structure founded upon mutual respect, protection, and loyalty. Paul Battles notes that the contending throng, the group of soldiers and servants competing for protection of their lord, was at the heart of the *comitatus* relationship. As Battles explains, for the Anglo-Saxon warrior, “honor derives from, and is expressed by, physical proximity to the lord” (43). Battles refers frequently to *The Battle of Maldon*, noting that Lord Byrhtnoth’s ability to encourage other warriors to fight bravely “appeals to the rivalry inherent in the *comitatus* relationship” (51). However, the dependence between the lord and his followers extended far beyond the battlefield. The *comitatus* was the entire community itself, extending from the most revered members of the warrior band to the youngest child. A physical manifestation of this bond was the hall, used for both royal events and social, religious, or political gatherings. As Jason Urbanus explains, halls were “a key multipurpose assembly space for early Saxon communities.” The hall became a “symbolic center” to Anglo-Saxon settlements, representing the place where the community and the *comitatus* came together (50). As a place of safety, warmth, friendship, and entertainment, the hall came to symbolize the *comitatus* itself.

The medieval Japanese community structure was more nuanced than the Anglo-Saxon *comitatus*. The Nara and early Heian periods ushered in the emergence of the *miyako no musha* or “warriors of the capital,” the group of skilled fighters and bodyguards that would become known as the samurai. As nobles began to settle down in certain provinces, they took advantage of local fishermen and agricultural workers for their own gain. Though it was profitable to inhabit and control these provinces, nobles also had strong ties to the court to maintain their elevated social and political positions. To ensure the court and their connections to it were protected, nobles hired warriors of the capital to create an intimidating military entourage. Karl Friday wrote that, like the relationship between the Anglo-Saxon lord and the kinsmen, “by the tenth century, military service at court and service as a provincial official had become parallel and mutually supportive careers for many *zuryō* [warriors]” (331). While *miyako no musha* were paid mercenaries rather than loyal fighters, their existence speaks to the deep connection Japanese nobles had to the royal court. Like the Anglo-Saxon hall, the Japanese court of the Heian period represented a complex com-

ing together of relationships and conversations between nobles, court poets, and clan leaders. Poetry became an important channel through which to convey the deep friendship felt between nobles, as exchanges of verses documented the various conversations and confessions of those in the court. As Paul Schalow notes, these poetic friendships “became entrenched among Heian courtiers in the ninth century, and the practice of such friendships continued well into mid-Heian” (9). The deep emotional bonds present between members of the court appear most profoundly when those bonds were severed, as evident in elegies composed by court composers upon the passing of their dear friends and leaders. While not united through battles, nobles of the court and court poets displayed the same deep dependence and sense of loss that warriors felt at the passing of a dear friend.

Elegies of the Medieval Japanese and Anglo-Saxon Traditions

The elegiac genre itself is varied among different cultures, literatures, and traditions. Elegiac poetry’s emergence is largely credited to the Greeks during the seventh century as the elegiac couplet or “distich” was implemented in works such as funeral choruses and love songs (“Greek Literature”). The Anglo-Saxon and Japanese elegiac traditions differ from the classical Greek form in terms of content and purpose. The works that will be discussed lament the passing of a leader or companion while applying meditative insights to larger topics of reflection.

“The Wanderer” and “The Seafarer” are both medieval works of the Exeter Book attributed to anonymous authors. Reproduced in c.975 and gifted to Exeter Cathedral by Bishop Leofric, the Exeter Book is the largest and most well-known collection of Old English poetry. Both secular and religious “lyrics,” or elegies, found within the Exeter book provide “a poignant sense of desolation and loneliness [as well as] carry the weight of religious allegory” (“Exeter Book”).

The elegiac Anglo-Saxon poems that will be discussed concern reflections on the loss of leaders and attempts to stabilize transforming identities. Oceanic and seasonal images repeated throughout the works are integrated into the wanderer’s and seafarer’s internal and external dialogues. Knowledge of the Anglo-Saxon community structure or *comitatus* alongside the elegiac readings fosters a deeper

understanding of the exiled men's relationships to nature as well as to their lost connections.

Unlike many Anglo-Saxon texts, Japanese poetry of the medieval period was compiled and documented fastidiously. The *Manyōshū*, or "Collection of Ten Thousand Leaves," is considered the "oldest (c.759) and greatest of the imperial anthologies" of the Japanese poetic tradition ("Man'yō-shū"). Writers of the eighth century, such as Kakinomoto Hitomaro and Otomo no Yakamochi, flourished as poets of the *Manyōshū*. Though works of the *Manyōshū* have "a simple freshness and sincere emotive power," the *Manyōshū* is today considered an important part of the Japanese "sophisticated poetic tradition" ("Man'yō-shū"). The selected elegiac poetry composed by Prince Yamakuma, Prince Niu, Kasa no Kanamura, and Otomo no Yakamochi reflects attitudes toward both nature and leadership using imagery that relates to plant life and seasons. Many principles of Japanese society concerning relationships between nobles will later be shown to coincide with those of the Anglo-Saxons through a deeper study of the elegiac poetry found in both cultures.

The Sea

From the outset of "The Wanderer," the sea is a foundational natural image that serves as a reflection of the wanderer's inner self. Though the exiled man is "anxious of mind," he is forced to "row laboriously upon the ice-cold sea over the watery /way" to navigate through the natural world's paths of exile and through his own emotions (2-4). The wanderer continues to be afflicted with a harsh anxiety "over the ambit of the waves" that is connected to the tumultuous movement of the water over which he journeys to seek "the hall of a treasure-giving lord" (24-25). In these examples the sea is symbolic of the internal conflict present in the wanderer while he looks for another community to join after the loss of his companions and hall. The waves also represent recurring memories of the wanderer's kinsfolk. These memories flow sporadically as "the memory of kinsfolk passes through his imagination" and "anxiety / is renewed in him who oft and again must drive his weary spirit / on over the ambit of the waves" throughout his solitary oceanic voyage (51-56). Images of waves and ocean bodies throughout "The Wanderer" emphasize the connections between nature, memory, and the self in relation to loss. Particularly the movement of the

waves reflects what the wanderer is experiencing internally as the sea portrays both his isolation and his internal struggle to find a new community.

"The Seafarer" also pays a great deal of attention to the sea, as the work itself likely derives from a seaman reflecting upon his time spent on the open ocean. The maritime sojourner recounts enduring "cruel anxiety at heart" as well as "anxious lodging places afloat," both while experiencing a "terrible surging of the waves" as he traverses the sea (3-5). Though anxiety is certainly a component of "The Seafarer," the work also heavily emphasizes the great solitude that the ocean provides. While on the water, the seafarer hears "nothing but the raging sea, the ice-cold wave" (19-20). The sense of solitude and anxiety presented in "The Seafarer" differs from "The Wanderer" in that it is not entirely negative. The seafarer's desire both to explore the open ocean and unite with his kinsfolk are described as a conflicted yearning intensified by "the surging of the waves" (47). Movements of the ocean also reflect and relieve the seafarer's troubled consciousness, as he remarks "my mind roams widely with the ocean tide" (59). Similar to "The Wanderer" in the connections established between the sea and the speaker's anxieties, "The Seafarer" also depicts the sea as a symbol of opportunity. The conflict between the seafarer's desire to unite with his kinsfolk and to explore the world is at the heart of "The Seafarer's" depiction of loss and its association with the sea.

Plant Life

While images of the sea dominate much of Anglo-Saxon elegiac poetry, depictions of plant life likewise appear almost ceaselessly throughout elegies of the medieval Japanese tradition. The cherry blossom is undoubtedly the most common example of plant life used to convey the feeling of loss in Japanese elegies. However, Japanese elegies are rife with depictions of various plant life that extend far beyond melancholy depictions of scattered blossoms. Prince Niu's elegy on the death of Prince Iwata compares the grace and composure of the deceased prince to "the pliant bamboo" that was "enshrined as a god / in the hills of Hatsuse," just as a bamboo stalk is protected by enveloping foliage (1-4). After hearing about the death of his beloved Prince, Prince Niu is overcome by his "wildest grief in this world," as he regrets failing to build a shrine and stringing "many a bamboo-ring" to perform a purifying ritual

(9-18). Just as Prince Iwata transforms from a living man to a corpse buried “among the rocks of that lofty hill,” the flourishing bamboo stalk Prince Niu once saw as representing Prince Iwata becomes a symbol of regret and grief while he deals with the loss of a dear leader and friend (25). Prince Niu’s inclusion of the *sugi* or “pass” trees in a later stanza further demonstrates the relationship Niu identifies between loss and the natural world. Coming from the Japanese *sugu* or “to pass,” the *sugi* represents a ceaseless passing that Niu connects with Prince Iwata’s death. However, Niu does stand in opposition to this passing, noting that “Unlike the growth of the *sugi*, the ‘pass’—trees / He is no such prince / As will pass from my mind!” (30-33).

Kasa no Kanamura’s elegy on the death of Prince Shiki also contains depictions of plant life to convey a sense of loss. After seeing fires on the hill of Takamado, Kasa is told by a wayfarer that the torch-fires he sees are from the funeral procession for Prince Shiki. Overcome with grief and confusion, Kasa questions:

Can it be that the bush-clovers
Of Takamado blow—
Blow in vain and fade
Upon the autumn plain
Where none comes now to see? (21-25)

Kasa’s reaction relates that Prince Shiki’s life enhanced and gave purpose to the natural world. His death then creates an emptiness in the natural and emotional landscape of Japan itself as well as within Kasa’s heart. Kasa ends the work with a description of the hillside path to Prince Shiki’s former palace: “How desolate it is, / And overgrown with weed, / So soon!” (28-30). Like Prince Niu’s elegy, Kasa’s poem depicts a transformation in plant life that reflects Prince Shiki’s shift from a living person to a memory. Just as death is a natural and inevitable part of every person’s life, so Kasa shifts from depictions of thriving bush clovers once admired by Prince Shiki to an abandoned palace path overgrown with weeds.

Seasons and Weather

Seasonal and weather images, especially those depicting winter, occur in both the Anglo-Saxon and Japanese traditions. Like the previously mentioned oceanic images, images of snow, hail, and

cold mirror the emotional states of the Anglo-Saxon alienated travelers. In "The Wanderer," the speaker describes an "ice-cold sea" over which the wanderer must "row laboriously upon" as he journeys to find a new community (4). The wanderer also describes a "wintry anxiety" that overtakes him as he travels away from where his lord lay buried (23-24). In addition to anxiety, the heart is also mentioned as the paths of exile are forged in its "frozen precinct" (32). Toward the middle of the work, the speaker in "The Wanderer" uses images of weather to reflect the passage of time. While the wanderer is sorrowful in reflecting upon the loss of his community, he also recognizes that time itself will dismantle all human relationships and structures: "even now randomly throughout this middle-earth walls are standing, wind-blown, rime-covered, the ramparts storm-beaten" (73-75). The wanderer considers the passage of time, seeing "winter's howling" and "fierce hailstorms" as natural manifestations of time combatting the kingdoms, halls, and relationships put in place by men (103-105). As a whole, these images serve to reflect the wanderer's view of the passage of time and seasonal change as a relentless and inevitable force that severs human relationships.

While "The Wanderer's" seasonal imagery reflects the speaker's emotional state directly, "The Seafarer" uses images of seasonal changes and weather in contrast to the speaker's innermost thoughts and feelings. Near the beginning of the poem the seafarer remembers that his "feet were pinched with cold, shackled by the frost in cold chains, whilst anxieties sighed hot about [his] heart" (7-8). He also recalls that, along his journey, "storms would pound the rocky cliffs," as if to communicate with nearby screeching seabirds, a distinct contrast to the seafarer's isolation and lack of kinsfolk (23-26). To mirror the seafarer's conflicted internal dialogue as he chooses between his kinsfolk or a life of travel, the language and natural imagery in "The Seafarer" shifts from descriptions of storms and winter to images of thriving natural landscapes. The seafarer remarks, "The woodlands take on blossoms, the cities grow more / lovely, the meadows become beautiful, the world hastens / onwards," and this natural beauty entices the seafarer to continue his journey (48-57). The beauty that the seafarer admires is still tinged with melancholy considering the solitary voyages upon which he embarks to reach such intriguing places, revealing the conflicting emotions the seafarer feels towards the open sea and being separated from his kinsfolk.

The selected elegiac Japanese poems are also rife with seasonal imagery. In particular, Prince Yamakuma's elegy on the death of Prince Iwata is structured to reflect Prince Iwata's life during the changing of seasons. Beginning with the depiction of Prince Iwata walking a path each morning, the Prince is said to have been "Thinking how to make garlands / Of flags and orange flowers / In the fifth month when the cuckoo calls" (3-5). Prince Iwata continues along his metaphorical path as the seasons change, and he finds himself thinking of "how to deck the hair with yellow leaves / In the ninth month of autumn showers" (6-7). Before the envoy, Prince Yamakuma remarks: "Must we regard that prince / As belonging to another world!" and closes the work with a melancholy depiction of Prince Iwata continuing his path amidst cold river breezes and grief (12-13, 18-21). The work's emphasized connection between Prince Iwata's journey down the path and the changing of the seasons reveals a distinct relationship between nature and the passage of time. Loss is presented in Prince Yamakuma's work as an inevitable part of the "natural" order of life, in the same manner that seasons continuously change.

Otomo no Yakamochi's elegies on the death of Prince Asaka also reflect an emphasis on seasonal imagery. Images of springtime are integrated into the depiction of the death of the prince. The speaker in Otomo's elegy is "held with awe" as he observes the beauty of springtime in Kuni (2). Despite the beauty around him, upon glancing at the hills "burthened with blossoms," the speaker becomes melancholy remembering the prince (8). Even at the end of the work, the speaker remarks that like "The blossoms made all the mountain glow, / But now are scattered down; / Such was he, my noble prince!" (23-25). Like Prince Yamakuma's elegy, Otomo's work creates a connection between the dead prince and the changing of the seasons. As an image of spring, the cherry blossoms symbolize the deceased Prince Asaka. The scattering of the blossoms, like the ending of Prince Asaka's life, is both inevitable and natural as depicted in Otomo's poem. Loss examined within the context of the mentioned works is a consequence of the passage of time, as it universally changes seasons and people.

Connections

As depicted in "The Wanderer" and "The Seafarer," the *comitatus* was much more than just a binding contract between a lord and

his kinsmen. It was the entire purpose and support system for the lord, the warrior, and members of the settlement. All parties were dependent upon each other for protection, sustenance, and companionship. Accordingly, great meeting halls came to symbolize the deep bond of community. Understanding this relationship illuminates and better explains the reasons behind the internal conflict, feelings of isolation, and attitudes towards nature exhibited by the exiled speakers in both "The Wanderer" and "The Seafarer." The passage of time was the ultimate threat to the *comitatus*, as both unnamed poets mourn the destruction of the grand halls that symbolized the depth of the *comitatus* bond. Though the changing of the seasons and tumultuous waves were not direct threats to the *comitatus*, both speakers of "The Wanderer" and "The Seafarer" looked to the natural world as a mirror of internal conflict and the passage of time. The elegies of Prince Niu, Prince Yamakuma, Kasa, and Otomo also seem to depict nature as a reflection of the internal world and the inevitability of mortality. Kasa's depiction of the palace path plagued with weeds speaks to the relationship Japanese nobles had to nature upon the passing of their friends. Like a mirror, the natural world in Kasa's work reflects the inevitable passing of his friend Prince Shiki and the sad change that his death brings. Most of the Japanese works view the death of a friend or beloved leader as diminishing the natural world itself, as poets and members of the court are left to look somberly upon beautiful landscapes that they know their deceased friends will never see.

Both cultures and their respective works share distinct similarities that reveal something important about warrior cultures and perhaps the human condition itself. The hall and the court both served as places of companionship and as symbols of deep relationships and respect. When the removal of a central element of the court or the hall, like the death of a lord or noble, occurred, warriors and nobles were left with an emptiness and sadness they looked to nature to reflect. In Anglo-Saxon elegies, there is an emphasis on the sea while, in Japanese elegies, there is an emphasis on plant life. Still, both cultures come together by lamenting the passage of the time that can be seen through the changing of the seasons. While both cultures and their respective poetry are different, their similarities speak to a broader human relationship with nature during times of mourning and the depth of emotion that can occur across any culture between people who develop friendships based on mutual respect, dependence, and most importantly, love.

Conclusion

Writers from both the Japanese and the Anglo-Saxon traditions looked to the natural world for expression, understanding, and healing. While the poets were in different environments with different flora and fauna, themes like regret, loneliness, and the passage of time are seen in each of the selected works. Loss of a loved one, whether a leader or a friend, led writers of both traditions to look to the natural world as a mirror of their innermost thoughts and feelings. A complete understanding of the extent to which man and nature interact will likely never exist, but human beings can take comfort in the idea that loss is a unifying and universal experience as manifested in elegiac poems of the Anglo-Saxon and Japanese traditions.

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Forensic Interviewing in Child Sexual Abuse Cases

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Abstract: This paper provides an overview of Child Sexual Abuse (CSA) cases and discusses the efficacy and shortcomings of various interview methods. CSA is a prevalent issue in American society, and psychologists interact with the victims of CSA in multiple capacities. Forensic psychologists, or forensic interviewers, handle the legal side of a CSA case while clinical psychologists deal with the aspects of the victim's trauma. Sometimes there is confusion as to how these roles differ yet work collaboratively. Forensic psychologists use interviews to obtain information relevant to the case and any accusations made by the alleged victim. The two interview protocols explored are the CornerHouse Forensic Interview protocol, known as RATAAC and the National Institute of Child Health and Human Development (NICHD) protocol. The skills and expertise of clinical psychologists are also examined along with ways in which their highly-specialized skills can be applied throughout the interview process.

In 2014, an estimated 702,000 children were abused in the U.S. and 8.3 percent of those children were victims of sexual abuse (U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2016).¹ That calculates to 58,266 children in America alone (U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, 2016). Since child sexual abuse (CSA) is a prevalent issue in American society, psychologists must interact with the victims in multiple capacities. Forensic psychologists, or forensic interviewers, handle the legal side of the CSA case while clinical psychologists deal with the aspects of the victim's trauma. Sometimes there is confusion as to how these roles work together and differ. This article seeks to discuss the role of the forensic psychologist, or forensic interviewer, in the context of widely used CSA interview protocols. The article will also cover the multiple stages of the interview process and will review the current state of CSA interviews.

Forensic psychologists and interviewers play a significant role in obtaining information to be used in court and used by Child Advocacy Center's (CACs) to protect and represent victims of CSA (Themeli & Panagiotaki, 2014; National Children's Advocacy Center, 2011a). Depending on the situation, a psychologist, psychiatrist, police officer, attorney, pediatrician, or another medical, judiciary, law enforcement, or mental health professional may conduct the interview (Themeli & Panagiotaki, 2014). Forensic psychologists and interviewers obtain information relevant to the case and any accusations made by the alleged victim; it is especially important to obtain information pertaining to how, what, when, who, and where the abuse occurred (Themeli & Panagiotaki, 2014). The method used by interviewers to obtain relevant information is interviews which focus on the event (the abuse) and not the victim's mental health (Themeli & Panagiotaki, 2014). Interviewers should be well-versed in conducting interviews; otherwise confessions have little to no legitimacy (Themeli & Panagiotaki, 2014). Interview protocols are a way to standardized interviews; they are taught to the variety of professionals who conduct interviews. Protocols are the most important part of a forensic psychologist or interviewer's job.

There are multiple interview protocols used throughout the United States, but not all are based on empirical data. CACs are

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America's leading trainers of interview protocols; the most widely used and trained protocol is the CornerHouse Forensic Interview protocol—RATAC (the possible interview stages are rapport, anatomy, identification, touch inquiry, abuse scenario, and closure) (Anderson et al., 2010; National Children's Advocacy Center, 2011a). The CornerHouse protocol has undergone many transitions throughout the years and is periodically updated to match the current needs. Many studies have been conducted to determine the empirical soundness of the CornerHouse protocol (Anderson, Anderson, & Gilgun, 2014; Anderson et al., 2010). The advantage of the CornerHouse protocol is not in its widespread use but in its acceptance by the court systems (Anderson et al., 2010). The job of forensic psychologists and interviewers is to provide evidence that can be used in court, so it is crucial that the interview protocol used be accepted in a majority of courts and supported through case law (Anderson et al., 2010). The objective of an interviewer is to obtain a disclosure from the child concerning the sexual abuse for a client. The client, in many cases is the court; if a disclosure takes place, the CACs can intervene (Tishelman, Meyer, Haney, & McLead, 2010). Having a protocol helps add validity and reliability to the interview process and the disclosure of the child (Tishelman et al., 2010).

The CornerHouse protocol mandates that the interviewer have an unbiased perspective and use open-ended questions to obtain truthful answers from victims (Anderson et al., 2014). The CornerHouse protocol is only semi-structured but necessitates the use of stages, meaning that broad boundaries are applied to the interview (Anderson et al., 2014). The first stage of the CornerHouse protocol involves establishing rapport between the interviewer and the child (Anderson et al., 2010). The rapport stage allows the interviewer and child to become comfortable with each other; this stage also allows the interviewer to get accustomed to the child's unique means of communication, and allows for the assessment of the child's competence (Anderson et al., 2010). The rapport stage is used to determine whether the interview may proceed (Anderson et al., 2010). In the current CornerHouse protocol, there is an emphasis on the respect of the child by the interviewer and neutralizing the situation so the child does not see the interviewer as an authority figure; it is important for the interviewer to respect the child and to build trust (Anderson et al., 2010).

Anderson, Anderson, and Gilgun (2014) conducted a study to determine whether open-ended questions during the narrative

account stage (sub stage of the rapport stage) of the CornerHouse protocol would produce significant levels of disclosure during the interview. Narrative practice techniques involve the child talking about a neutral and unrelated (to the abuse) topic of his or her choice and the interviewer listening and asking questions, reflecting the process of the upcoming interview (Anderson et al., 2014). Narrative practice has been studied in the context of other protocols with significant effect (Anderson et al., 2014). Anderson et al. (2014) found that the use of open-ended questions during narrative practice resulted in more detailed disclosures of the abuse by children during the later interview stages. Hershkowitz, Lamb, Katz, and Malloy (2015) found that when the rapport stage fails, the rest of the interview suffers, and that children who were unlikely to disclose were reluctant to participate heavily in the rapport stage.

The reason the rapport stage is so important is children's reluctance to disclose their abuse to an interviewer (Bruck, Kelley, & Poole, 2016). Unfortunately, disclosure often happens after coming of age, at which point it can be too late to press charges, or the victim may have developed and/or be highly progressed in psychiatric or behavioral problems (Themeli & Panagiotaki, 2014; Olafson, 2012). Disclosure is extremely important in CSA cases because they allow for charges to be brought forth against abusers when other evidence is, more often than not, unavailable (Olafson, 2012). Due to the importance of the statements made by children, it is imperative that they are truthful; children are highly suggestible and a lack of rapport between the interviewer and child and the repetition of questions leads to inaccuracies in interviews (Andrews & Lamb, 2014; Hershkowitz, Lamb, Katz, & Malloy, 2015). Disclosure is the main goal of a forensic interview; therapy is not (Tishelman et al., 2010).

After the rapport stage, the CornerHouse protocol then proceeds to the anatomy identification stage where interviewers determine the child's ability to distinguish between genders and establish names for body parts (Anderson et al., 2010). The next stage is the touch inquiry in which the interviewer tries to find out how the child communicates the ideas of "touch" but isn't necessarily concerned with obtaining disclosure about how the child was sexually abused (Anderson et al., 2010). A form of "good touch" and "bad touch" questions and exercises are conducted to arrive at answers (Anderson et al., 2010). During touch inquiry, if a child makes some reference to "bad touch," then the CornerHouse protocol moves

to the abuse scenario stage in which children may disclose details of any abuse experiences they may have experienced (Anderson et al., 2010).

A unique component of the CornerHouse protocol is the use of interview aids during the anatomy identification, touch inquiry, and/or abuse scenario stages (Anderson et al., 2010). The interview aids may be body diagrams (BD's), anatomical dolls, or freehand drawings (Bruck et al., 2016; Hlavka, Olinger, & Lashley, 2010; Olafson, 2012; Anderson et al., 2010). The CornerHouse protocol advocates the supplemental use of drawings in multiple stages of an interview and, in some cases advocates that drawings can be applicable as evidence in court (Anderson et al., 2010). Usually drawings are used as non-verbal confirmation of a question asked during the interview, and the interviewer should ask the child to further explain their picture before making assumptions about the content (Anderson et al., 2010). Olafson (2012) conducted field research on the validity of drawing during an interview and found results indicating that with the use of open-ended questioning, freehand drawing showed use of free recall, supporting drawing as an interview aid. Body or anatomical diagrams (BDs) are used to provide some confirmation that the child and interviewer are referring to same areas of the body and to possibly further corroborate the previous information disclosed (Anderson et al., 2010). The CornerHouse protocol points out the main short-comings of BDs are the lack of data and the 2-dimensional aspects may be difficult for younger children to fully understand (Anderson et al., 2010). Bruck, Kelley, and Poole (2016) reported that using BDs is not an evidence-based practice and that it is only assumed to work. Bruck et al. (2016) found that BDs raised the risk of false report in young children, specifically those age six or younger. Bruck et al. (2016) found that there were comparative responses between older children who were asked BD cued-recall questions and no-BD recognition questions; they also found that young children have a difficult time with 2-dimensional images. The last interview aid is anatomical dolls, not to be confused with anatomical diagrams. The use of anatomical dolls must be very selective and can only occur after full disclosure has been given by the child; this stipulation is unique to this interview aid (Anderson et al., 2010). Children must be able to make a representational shift and understand that the doll is not for play but is meant to represent their own bodies (Anderson et al., 2010). The dolls are meant to be used only as aids and only for

details that the child is unwilling to share verbally, not as the sole means of obtaining information or making decisions (Anderson et al., 2010). Hlavka, Olinger, and Lashley (2010) found that dolls were effective if the child felt they were in a safe environment and if the child could shift representation of themselves to the doll; however, it should be noted that anatomical dolls have fallen out of favor relative to other methods due to stigmatization of supposed further abuse of the child through use of the dolls.

The closure stage of the CornerHouse protocol is pivotal since it may be the child's last chance (in many cases only one interview is ever conducted) to disclose more information (Anderson et al., 2010). In the closure stage, interviewers are encouraged to be open and respectful of the child and to encourage questions and answer them to the best of their ability (Anderson et al., 2010). Another important component of the closure stage is providing health and safety information specifically in a non-judgmental manner (Anderson et al., 2010). Even in the absence of disclosure it is vital that the child is educated about the methods of reporting further sexual abuse, otherwise many children continue to hide their abuse (Anderson et al., 2010; Bruck et al., 2016).

One of the main downfalls of the CornerHouse protocol is that it is semi-structured, so the questioning varies immensely from child to child (La Rooy & Lamb, 2011). While this means the protocol is adaptive, it also leaves inconsiderable room for error (La Rooy & Lamb, 2011). Frequently, interviewers who are trained in the CornerHouse protocol tend to fall into detrimental patterns of using close-ended questions, challenging the children, and continuing to other stages before the rapport stage has been adequately completed (Andrews & Lamb, 2014). Andrews and Lamb (2014) conducted research to determine in which situation the repetition of questions would elicit contradictions; they found that children would contradict themselves any time a closed-ended question was repeated, except when the repetition was because the child did not understand the question. Andrews and Lamb (2014) also proposed that guidelines be established about the appropriate use of repeated questions during interviews. Andrews La Rooy and Lamb (2011) believe the rationale for the repetition is of the utmost importance and making the child aware of the interviewer's rationale should be common practice. La Rooy and Lamb (2011) also found that open-ended questions led to fewer changed answers when the questions were asked repetitively; in fact, many children

elaborated on their original answer. To combat interviewer drifting, most CACs engage in peer-reviews (National Children's Advocacy Center, 2011a). A majority of CACs report state wide reviews are conducted monthly or quarterly (National Children's Advocacy Center, 2011a).

Another empirically supported interview protocol is the National Institute of Child Health and Human Development (NICHD) Protocol (Olafson, 2012). The NICHD is used almost exclusively in Israel, with only 7% of American CACs reporting being trained in the protocol (Olafson, 2012; National Children's Advocacy Center, 2011a). The NICHD protocol is highly structured, featuring specifically worded questions (Anderson et al., 2014). In addition, the NICHD protocol progresses in phases (Anderson et al., 2014). In the first phase of the NICHD protocol, the interviewer introduces him or herself and explains the purpose and intention of the interview; it is important that the seriousness of the interview be explained to the child (Lamb et al., 2007). The rapport phase is next, and the first part of this stage is used to create a comfortable and relaxed environment between the interviewer and the child (Lamb et al., 2007). The second part of the rapport phase uses narrative practice to prepare the child for the actual interview and what will be expected of them (Lamb et al., 2007). Next, prompts, open-ended questions, and free-recall prompts are used exhaustively (Lamb et al., 2007). Then directive or focused recall questions are asked about previously learned information to elicit further details (Lamb et al., 2007). A closing section makes sure the child feels respected and valued by the interviewer and rapport is continued after the closing (Lamb et al., 2007). When directly following the structure of the NICDH protocol, there is an increase in accuracy of the information obtained (Lamb et al., 2007). Anderson et al. (2014) found that an increase of open-ended questions and facilitators (supportive utterances) resulted in more detailed disclosures by children. While the NICDH does not require interview aids, Olafson (2012) found that freehand drawing showed use of free recall when paired with open-ended questions and proposed it would be a valuable tool for the NICDH protocol.

Lamb et al. (2007) propose a rigorous training program and repetitive post-training evaluations. It was found that even after interviewers received training, their training did not generalize to practice in the field (Lamb et al., 2007). Olafson (2012) also found that ongoing peer-review and supervision was needed to keep

interviewers from straying from the strict NICDH protocol. The strict peer-review of the NICDH protocol, when compared to the CornerHouse RATAc protocol, may be one of the reasons there is a low percentage of trained individuals in the United States; the review process raises costs and requires more time and personnel resources (Lamb et al., 2007).

The NICDH and CornerHouse RATAc protocols are just two of multiple forensic interview protocols, and, although they are two of the most empirically sound protocols, they are still lacking in many areas. Forensic interviews are difficult to conduct regardless of protocol and even more so without the use of a protocol, due to the nature of the topics and the ethical and legal standards that play central roles in the interviews (Anderson et al., 2014). Interviews are not the same for any two children and that is compounded if the child has developmental disabilities or is extremely young (Olafson, 2012). In cases outside the norm, most protocols outline slightly different procedures, such as a longer lasting rapport stage/phase so that the child can become comfortable with the interviewer and the interviewer can gain an understanding of the child's communication methods (Olafson, 2012). The modified rapport stage maximizes interviewer support which involves explaining to the child that things are okay and that they are safe (Olafson, 2012). The interviewer may take on a more therapeutic role than is usually acceptable in forensic interviews (Olafson, 2012). The questions are slower and simpler, they progress at a slower pace, and second interviews are more often implemented as a continuation of the first interview (Olafson, 2012). Narrative elaboration techniques with visual cues are also used in these situations (Lamb et al., 2007; Olafson, 2012).

Another highly overlooked weakness is the rarity of forensic interviews during custody (divorce) cases, in which child abuse is often prevalent and forensic interviews should be standard (Olafson, 2012). As discussed previously, many interviewers do not use their training in everyday practice, as evidenced during interviews. After a disclosure, interviewers often discard the rapport and supportiveness they had shown the child until then, instead becoming concerned with getting all the detail they can and forgetting that the child opened up to them out of trust (Hershkowitz, 2015). The reason for such a press for facts is that, normally, only one interview is able to be conducted; this is a failure of the system in many ways (Faller, Cordisco-Steele, & Nelson-Gardell, 2010). Disclosure often

takes time and multiple interviews, but one interview is normal because it saves money and is thought to reduce rehearsal and repetition of questions (Faller et al., 2010). Faller, Cordisco-Steele, and Nelson-Gardell (2010) found that multiple interviews conducted close to the event and timed closely together yielded more accurate information, possibly due to the multiple interviews allowing the child to produce a clear narrative account. There are some options for interviewers who conduct interviews in which concerns about sexual abuse are not resolved. Interviewers can refer the case to the National Child Advocacy Center (NCAC), but referrals can only come from a CAC, or the case can be referred to the University of Michigan Family Assessment Center (FAC) which takes referrals from public or private child welfare agencies, CACs, and courts (Faller et al., 2010). Extended assessment is an additional method provided through referral for those children with developmental disabilities or those who are of a very young age; there can be up to six sessions (Faller et al., 2010).

While forensic psychologists and interviewers are normally the ones conducting interviews, clinical psychologists often play very important roles throughout the interview process. Themeli and Panagiotaki (2014) believe that the clinical psychologist assists in the forensic procedure occupying three different roles—the first being the role of the interviewer. Clinicians have highly specialized skills in regards to dealing with people, and they have a huge capacity for empathy (Themeli & Panagiotaki, 2014). The interview should be a supportive process, but it does not need to provide a therapeutic atmosphere, which is why the interviewer role is not normally filled by a clinician (Themeli & Panagiotaki, 2014). The second role a clinical psychologist may occupy in a forensic procedure as described by Themeli and Panagiotaki (2014) is that of a trainer. A clinician has the skills and expertise necessary to train the interviewer to be empathetic and supportive (Themeli & Panagiotaki, 2014). The third role a clinical psychologist may occupy is that of the adult who supports the child through the interview by accompanying them and preparing them for the interview (Themeli & Panagiotaki, 2014). The main goals of a clinical psychologist are to reduce the child's anxiety and aid the interviewer through tough situations (Themeli & Panagiotaki, 2014). The role of any psychologist during interviews is to weigh balance their legal obligations to protect the child by obtaining a disclosure with their ethical obligations to protect the child from a second victimization (Themeli

and Panagiotaki, 2014).

It is important to note that a purely clinical approach is to be avoided during the interview, as the clinical process conflicts with the interview process (Themeli & Panagiotaki, 2014). According to Kuehnle (as cited in Tishelman et al., 2010) the client of the forensic model is the court with very defined parameters, which is at odds with the clinical client who is the child or family and where there is free reign to provide therapy to the child. After the interview stage, the clinical psychologist takes on the role of therapist again and may begin to help the child or adult through this traumatic time in their life through techniques such as Trauma Focused-Cognitive Behavioral Therapy (TF-CBT), an empirically supported treatment approach (Hughes, Bean, & Harper, 2015; Olafson, 2012). But such treatments are only possible in a confidential, child advocating, therapeutic clinical setting according to Kuehnle (as cited in Tishelman et al., 2010). Tishelman, Meyer, Haney, and McLead (2010) believe that an interview can be conducted in a clinical atmosphere. Tishelman et al. (2010) believe that an evaluation should be conducted not simply to obtain disclosure but to help the clinician understand the broader concerns of the child or family. A clinical based approach may result in reduced confirmatory bias (Tishelman et al., 2010).

Interview protocols require continuous updating and comparative research to determine the actual success rates of each, with an emphasis on those individuals whom the system misses (Olafson, 2012). Support of clinical psychologists during the interview process should be considered good practice and in the best interest of the child (Themeli & Panagiotaki, 2014). The effects of different clinical settings during the interview should be further researched to evaluate their effectiveness (Tishelman et al., 2010). Integration of the clinical and forensic approaches should be considered (Tishelman et al., 2010). Field research should be favored over laboratory research to determine the relevance of the protocols and their components (La Rooy & Lamb, 2011). Increased rapport building between the interviewer and the child is necessary, and further research should be conducted concerning the effects of multiple interviews (Hershkowitz, Lamb, Katz, & Malloy, 2015; Anderson, Anderson, & Gilgun, 2014; Faller, Cordisco-Steele, & Nelson-Gardell, 2010). Further research should be conducted concerning peer-review and the practical application of training (Lamb et al., 2007; Olafson, 2012; National Children's Advocacy Center, 2011a).

While national guidelines for interviews are in place, they are loose and need focusing and further definition (National Children's Advocacy Center, 2011b). The use of protocols provides further definition to interviews and allows individuals to maintain a high level of validity and reliability when conducting interviews. Some protocols are flawed in certain areas relative to others and establishing an empirically based protocol that could be used nationally would allow for further development of the protocol and easy peer-review, eliminating many of the issues faced by the current protocols. A de facto threshold for interviews should be established as well, so that individuals are not overlooked, because the first priority should be intervention and further prevention of abuse. Furthermore, establishing a peer-reviewed and well-trained group of individuals to conduct interviews and provide therapy for survivors should be of paramount importance for forensic and clinical psychologists.

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31 in a Billion: An Analysis of the Adoption of Voter ID Laws

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Abstract: This study investigates the possible factors that indicate whether a state will enact new voter ID laws. These factors include region, state GDP, partisan composition of the state legislature, percentage of a state's population that is African-American, percentage of a state's population with bachelors' degrees, who won each state in the 2012 presidential election, as well as the interaction between GOP control of a state's legislative body and the percentage of a state's population that is African-American. Those factors are then measured against the adoption of voter ID laws since 2013 as well as the types of new laws enacted. The factors with significant levels of correlation to the adoption of voter ID laws are the partisan composition of the state legislative body, the percentage of a state's population that is African-American, whether a state went for Romney in the 2012 election, and the interaction between GOP control and African-American population. In relation to region, southern states were most likely to adopt strict voter ID laws.

Introduction

Claims of voter fraud are the underlying rationale for voter identification laws. In the wake of the 2016 presidential election, Donald Trump made a particularly shocking claim, described below by Chris Ashby:

Mere weeks ago, defending his victory against recounts brought by Green Party presidential candidate Jill Stein, attorneys for Trump stated that there was no evidence of voter fraud. Earlier this week, however, President Trump told congressional leaders that as many as 5 million people voted illegally in the presidential election. (Amazingly, he also seems to know that all 5 million voted for Hillary Clinton on their secret ballots. And the failing, losing Clinton campaign lacked the foresight to steer these illegal votes to the states that ultimately mattered—sad!) (Ashby 2017)

This paper analyzes the reintroduction of some old practices made anew and discusses what could be done to fight back against the tide that would disenfranchise citizens and complicate voting. In relation to voter fraud, Justin Levitt in his *Washington Post* piece (2014) explains:

So far, I've found about 31 different incidents [of voter fraud] (some of which involve multiple ballots) since 2000, anywhere in the country. To put this in perspective, the 31 incidents come in the context of general, primary, special, and municipal elections from 2000 through 2014. In general and primary elections alone, more than 1 billion ballots were cast in that period. (*Washington Post* 2014)

The Sons of Liberty made famous the battle cry, "No taxation without representation!" That is just as true today as it was then, but now the threat of governance without a voice or vote in how matters or issues are decided is being impeded, not by a foreign government or occupying army but instead by voters' own state governments. The issue is misrepresented as being a method by which voting would be protected. The Sons of Liberty began a battle that would become the American Revolution; today, however, the rights and abilities of individuals are being eroded by legislation

and laws without even a shot being fired.

Fundamentally, this article investigates what factors predict state adoption of voter ID laws. This article initially provides a background and overview of the case at the heart of the new state voter ID laws being passed and enacted, *Shelby County v. Holder* (2013). The review of supportive literature is broken down into three parts: new laws adopted by states, the forces driving states to adopt new voter ID laws, and finally the consequences of these laws. This study tests a series of hypotheses on demographic, economic, political, and regional predictors of a state's adoptions of strict voter ID laws.

Background on the Voter Rights Act of 1965 and what the Shelby County v. Holder Ruling Did to It

Following the Civil War, the Reconstruction Era saw the implementation of new amendments such as the 14th Amendment, which sought to protect individual rights within a state for every American citizen. The Fourteenth Amendment secures the individual's right to life, liberty, and property (Amendment XIV, Constitution) and ensures that those who may have taken up arms against the Union will be welcomed back into the citizenry without punishment once they have laid those arms down. Amendment XV section one ensures the right to vote to every citizen who is of legal age, and that right should not be impeded by any undue test or tax or on the account of race, color, or previous condition of servitude. Section two gives the right to Congress to enforce this amendment with appropriate legislation. The Voting Rights Act of 1965 ensured that the XV Amendment would be followed and that any new or existing laws in place would be subject to Congressional oversight. With the new law in place, along with the Civil Rights Act of 1964, each signed by President Lyndon Johnson, African-American citizens would have the same access to the voting booths as any other American of legal age.

The Voting Rights Act of 1965 also limited state attempts to dilute a minority group with redistricting or gerrymandering to remove power from a particular voting bloc. Today this could be an ethnic group or a socioeconomic group, like those outside the one percent. The Cornell University Law School reporting on *Shelby County v. Holder* (2013) frames the case as follows:

In 2006, Congress reauthorized the Voting Rights Act of 1965

for another 25 years. The section of the Voting Rights Act of 1965 that is at its heart is section 5, which requires certain “covered” jurisdictions to obtain federal preclearance before making any alterations to their election laws. Section 4(b) of the Act established a formula to identify those areas and to provide for more stringent remedies where appropriate. Petitioner Shelby County, Alabama, a covered jurisdiction, asserts that the preclearance regime exceeds Congress’s power to enforce the Fourteenth and Fifteenth Amendments, and violates the Tenth Amendment and Article IV. Other Jurisdictions complain that the Voting Rights Act of 1965 restrictions subject them to a double standard and infringe on their state sovereignty rights. The Attorney General Eric Holder, the Respondent, contends that these restrictions are necessary to fight regression among states with a history of voting rights abuses. (Amar-Dolan, Zemlin, 2013)

Shelby County argued that the improved racial climate no longer justifies preclearance at all and that the coverage formula is antiquated in any case. Holder argued that preclearance remains a valid exercise of congressional power and that it meets the requirements of the Constitution. The question framed for the court by the parties is, “Whether Congress’s decision in 2006 to reauthorize Section 5 of the Voter Rights Act of 1965 under the pre-existing coverage formula of Section 4(b) exceeded its authority under the Fifteenth Amendment and thus violated the Tenth Amendment and Article IV of the United States Constitution” (*Shelby County v. Eric Holder* 2013).

The issue at the heart of the case was whether Congress’s 25-year extension of the Voting Rights Act of 1965 exceeded its power to enforce the protections of the Fourteenth and Fifteenth Amendments. The Voter Rights Act of 1965 was meant to “banish the blight of racial discrimination in voting,” the petitioner (Shelby County, Alabama) claims:

The Voting Rights Act of 1965 put special restrictions on jurisdictions that had a test or device prohibited by Section 4(a) of the Voting Rights Act of 1965, in which less than half of the eligible residents were registered to vote, or less than half of those people actually voted in the 1964 Presidential election. These jurisdictions included Alabama, Alaska, Georgia, Loui-

siana, Mississippi, South Carolina, Virginia, and parts of North Carolina, Arizona, Idaho, and Hawaii. Under Section 5, covered jurisdictions are required to seek approval by the Attorney General or a three-judge D.C. panel before they can make any changes to voting practices. This preclearance function was intended to ensure that the change did not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. The discussion, as it was presented to the Supreme Court Justices, was that the central issue in the case is whether Congress's 25-year extension of sections 4(b) and 5 of the Voting Rights Act of 1965 exceeded its authority under the Fifteenth Amendment. Shelby County argues that this extension was beyond Congress's authority, and violated the Tenth Amendment and Article IV of the Constitution. Attorney General Holder argues that the extension was within Congress's authority, and was necessary to counter regression in voting practices among states with a history of restrictions on minority voting rights. (*Shelby County v. Eric Holder* 2013).

Chief Justice John Roberts, who shared the majority opinion on this case, wrote:

The Voting Rights Act of 1965 employed extraordinary measures to address an extraordinary problem. Section 5 of the Act required states to obtain federal permission before enacting any law related to voting—a drastic departure from basic principles of federalism. And S.4 of the Act applied that requirement only to some States—an equally dramatic departure from the principle that all states enjoy equal sovereignty. This was strong medicine, but Congress determined it was needed to address entrenched racial discrimination in voting, an insidious and pervasive evil, which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution. (Roberts 2013)

His argument is that, at that time in our country's history, it was imperative to establish an oversight of states as they enacted new laws pertaining to the voting booth and the establishment of districts, but such extraordinary measures are no longer imperative in the 21st century.

What are the New Voter ID Laws Adopted by States?

With the Supreme Court ruling in *Shelby v. Holder* (2013), states began a fevered pitch to pass and/or enact new laws and requirements for those voting in state and federal elections. These endeavors were masked under the disguise of protecting the sanctity of the voting booth. Even prior to the case of *Shelby v. Holder*, Missouri tested the waters of stricter voter ID laws.

The Missouri Constitution provides a list of the qualifications necessary to vote in Missouri. For example, it reads, “All citizens of the United States . . . over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote in all elections by the people, if . . . they are registered within the time prescribed by law” (Milford 2015). Throughout the years, attempts have been made to expand Missouri’s voter ID laws, usually by limiting the acceptable forms of identification or requiring that all voters present a form of state or government-issued photo identification to receive a ballot.

The issues facing those voters without identification are not solely about cost; varying obstacles prevent some voices from being heard. In North Carolina, Zook (2014) gives one example:

Rosanell Eaton was born on her family’s farm in Louisburg, North Carolina, on April 14, 1922. As soon as she became eligible, she asked her mother to take her to the country courthouse so she could register to vote. “There were three men sitting there,” Eaton recalls of her visit to the courthouse. When Eaton explained to them that she’d arrived to register to vote, she says, one man barked, “Stand over there by the wall. Don’t look to the right or the left. Repeat the preamble to the U.S. Constitution. And,” he added, “don’t make any mistakes.” To their surprise, Eaton recited the words like a professional orator. (Zook 2014)

Back then, such “literacy tests” were commonly used intimidation tactics, especially in southern states, designed to keep African-Americans disenfranchised. Still, Eaton passed with flying colors.

“I was up on history and the Constitution,” she explains when asked how she’d prepared for the inevitable confrontation. “In my high school, you had to learn poems over the weekend and

recite them in class. The Constitution wasn't any big problem." That year, and in every election thereafter for more than seven decades, Eaton voted by first signing her name to verify her identity and then casting her ballot. For 40 years she even volunteered as a poll worker. (Zook 2014)

But none of that matters under North Carolina's new law, the Voter Information Verification Act (VIVA). The legislation requires a photo ID for in-person voting and took effect on January 1, 2016 (Zook 2014). Zook (2014) continues:

When Eaton shows up to vote in the next presidential election, she'll present a driver's license that lists her name as Rosa Johnson Eaton, and that doesn't match the name that's currently listed on her voter registration card, Rosanell Eaton. Nor does either name match exactly that given on her birth certificate, which has both a spelling error and contains only her maiden name, Rosa Nell Johnson. Errors such as these are commonplace for people who, like Eaton, were born at home. In that case, whoever was assisting with the birth, oftentimes women who were illiterate, filled out the certificates themselves.

Under VIVA, seniors over the age of 70 can present an expired photo ID for a limited period of time, but they cannot present one that differs from the name listed on their voter registration card (Zook 2014). In order to update her photo ID, Eaton would need to spend a considerable amount of time both correcting her birth certificate and locating a certified copy of her marriage license (Zook 2014). Zook concludes:

To understand how this turn of events came to be, you have to go back to June 25, 2013, the day the Supreme Court ruled 5-4 to nullify a key part of the landmark 1965 Voting Rights Act known as "Section 5." Section 5 was a promise from the federal government that it would keep an eye on those mostly southern states, such as Alabama, Mississippi, Georgia and Texas, that had actively terrorized Black people for generations and denied them their constitutional right to vote. These states could make no changes to their voting laws without permission, or "preclearance," from the Civil Rights Division of the U.S. Department of Justice. In short, Section 5 protected us

from prohibitive laws motivated by racial bias. According to a report in June by the Brennan Center for Justice at New York University, during one recent six-year period before Section 5 was made irrelevant, 262 voting changes from mostly southern states were withdrawn or altered after the DOJ asked for more information. Now, that protection has disappeared. (2014)

Republican-controlled state legislatures have made sweeping changes that civil rights advocates say are designed to make voting more difficult for minorities, college students, the poor, the disabled and the elderly—groups who tend to vote Democratic. Currently, 34 states have restrictive voter ID laws (Zook 2014). One example is Texas, where, within two hours of the Supreme Court’s decision, Republican Attorney General Greg Abbott announced that a new law would go into immediate effect. In a state where thousands of eligible voters attend historically Black colleges, university students can no longer present college IDs to vote, though a license for a concealed handgun is just fine (Zook 2014). Women, who according to the Center for American Progress made up 53 percent of voters in the 2012 elections, also stand to be affected (Zook 2014). Many new laws stipulate that voter and state IDs (such as a driver’s license) must bear the exact name, which poses a huge problem for women who show up to the polls after a marriage or divorce (Zook 2014). “The Brennan Center says this could inhibit the voting rights of 34 percent of women who lack citizenship documents with their current legal name” (Zook 2014).

A poem by Calvin Trillin (2014) best encapsulates the underlining issue facing voters. The first line reads, “We’ll stop them for the documents they lack.” Something especially in Texas they have bought into whole hog. In addition to requiring people to verify their identities when they register to vote, Texas has also tried to implement unreasonable and exclusionary voter ID laws on individuals when they show up at polling places. Fortunately, a federal appellate court has declared that their strict voter ID laws have a “discriminatory effect” on minorities and violates the Voting Rights Act (Denniston 2015). The last line in Trillin’s poem (2014) is likewise fitting as well for what many believe is the possible return of poll taxes, “And then we’ll try to get the poll tax back.” Considering the many new laws state legislatures have passed, Trillin’s poem may be right.

A study conducted by David Wilson and Paul Brewer (2013),

“The Foundations of Public Opinion on Voter ID Laws,” analyzed possible factors contributing to a person’s support of new voter ID laws: “Things like party affiliation, familiarity with the issues, and funny enough only Fox News showed a large enough impact on one’s feelings whether voter fraud was common” (Wilson 2013). Berman (2014) notes the widespread impact:

that voters in fourteen states faced new voting restrictions at the polls in 2014—the first election in nearly fifty years without the full protections of the Voting Rights Act. The number of voters affected by the new restrictions exceeded the margin of victory in close races for the Senate or for governor in North Carolina, Kansas, Virginia and Florida, according to the Brennan Center for Justice.

That is not to say there have not been attempts to fight and correct these laws, but sadly in many cases those laws must be challenged in the courts or changed in state legislative bodies. After the recent midterm and presidential elections, and the overwhelming wins for Republicans in some of the states of concern, progress in the direction of challenging these laws seems distant.

Why are States Adopting New Voter ID Laws?

In many cases, voter ID laws are adopted because they are claimed to protect the sanctity of the vote while conjuring images of elections being stolen, referencing the old political machine of Tammany Hall and the likes of Boss Tweed. Those arguments are straw men at best, as can be seen through data wherein 31 cases of in-person voter ID fraud have been confirmed out of over a billion votes cast. In the article “Pouring Old Poison Into New Bottles: How Discretion and the Discriminatory Administration of Voter ID Laws Recreate Literacy Tests,” Deuel Ross (2014) looks at the often overlooked discretion in many old voter laws:

Regrettably, like the discriminatory tests of the past, both strict and non-strict voter ID laws often empower poll workers with the explicit or de facto discretion to decide whether a person may vote. For example, the Indiana voter ID law allows poll workers to reject a prospective voter whose photo ID does not “conform” to the name on the registration list. To the extent

there are no further standards, Indianan poll workers are left with extensive discretion. In Pennsylvania, when a state trial court partially stayed the implementation of that state's strict voter photo ID law in 2012, it confusingly allowed poll workers to ask for ID but did not require voters to show ID. This ruling has bewildered voters and created obvious opportunities for abuse by election officials. In Missouri, no person without ID can vote at all unless two election judges attest to knowing her or him. In Alabama and Alaska, a person without ID cannot cast a regular ballot on Election Day unless poll workers agree to vouch for his or her identity, but that person can cast a provisional ballot, which is counted only if the voter appears before election officials with ID within several days after Election Day. These three laws are eerie recreations of the voucher test that, while now banned under the VRA, once allowed white registrars to waive ID requirements for white applicants whom they "knew" while imposing more onerous ID requirements on black applicants. (Ross 2014)

The execution of the new laws falls to the local poll worker, meaning it is at their discretion as to who may and may not have to present the required-by-law ID at the polls. "That reestablishes the discretion and personal feelings of the poll official whereas with only having to establish a person's ID when they register with the local election office, the administration of the law is uniform" (Ross 2014).

In Michael Gilbert's essay "The Problem of Voter Fraud" (2015), he describes that in this country's long history there have been episodes during which the ballot box was often for sale. George Washington is said to have bought votes with whiskey, Boss Tweed was famous for encouraging his constituents to vote early and often, and, even in recent history, during a 1997 mayoral race in Miami many votes were cast by "vote brokers." These are just a few of the potholes on our country's long road to the ballot box: a road which has been rough from the times when only land-owning white males could cast a ballot, to the struggles endured by the Women's Suffrage movement, and finally to the 1965 Voting Rights Act. Today, in-person voter ID fraud is not the problem; absentee ballots and voting technology proved problematic in the 2000 presidential election, during which dimpled and hanging chads entered into the public lexicon.

What are the Consequences?

Voter ID laws are for the most part a piece of the political landscape, at least for the time being. That being said, we must take note of how other major sweeping changes will impact American culture moving forward. Faircloth (2012) draws a parallel between desegregation and voter rights:

As this Comment will argue, the survival of the VRA in its current form may turn out to be a defeat for the cause of voting rights. I arrive at this conclusion based on the lessons of school desegregation. After the Court allowed schools to “bail out” of mandatory desegregation by achieving “unitary status,” many schools reverted to degrees of segregation that rivaled the pre-*Brown v. Board of Education* era. If the Court allows a similar bailout option in the voting rights context, parallel regressions in voter protections could result. (Faircloth 2012)

The fact that the VRA is not an all-encompassing act allows certain states free reign to enact any laws they see fit. This leaves the courts as the only way to ensure fair and free access to the ballot box.

As evidenced in the ruling of *Shelby v. Holder*, the fears mentioned in Faircloth’s article have all come to pass. By removing the protection of Article 5 of the VRA, those states once held under scrutiny by the VRA have now with zeal and gusto ratcheted up many of their voter ID laws. The impact of these laws has already been seen in many state elections, whether it be for state legislatures or governorships. The only recourse is to fight these new attacks on constitutionally-granted voting rights through the court system; otherwise, hoping for laws overturning those new voter ID requirements is tantamount to the Gordian Knot.

Data and Methods

This study investigates predictors of state adoption of voter ID laws. The unit of analysis for this article is the 50 states within the United States of America, and there are seven independent variables: region, partisan control of the state legislature, percentage African-American population, state GDP, percentage of the population with a bachelor’s degree, presidential vote for the 2012 election, and an interaction term (Republican control of the state

legislature x percentage African American).

The region independent variable is divided into four regions: northeast (1), north central (2), south (3), and west (4). The northeast region is made up of Maine, New Hampshire, Connecticut, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. These are mostly Democratic states and fairly progressive. The north central states are Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin, which make up the vertical portion of the "Republican L." The south is made up of mostly Republican states in both the legislative and executive branches. Those states are Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Lastly, the west makes up the Pacific Coast states and the mountain states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

The state legislature independent variable is calculated for 2015 and comprised of three categories: (1) if the state legislature is completely Republican: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Michigan, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming; (2) indicates if the state has a divided legislature, one chamber controlled by Democrats and the other by Republicans: Iowa, Kentucky, Nebraska, New Hampshire, and New York; the final category (3) indicates a state legislature that is Democratic in both chambers: California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Washington, and West Virginia.

A state can be broken down into many single and multiple racial population statistics, but for the purpose of this study, I only used the percentage African-Americans in each state, according to the last census. The range for this variable is a maximum of 37.4% in the state of Mississippi and the minimum is .06% for the state of Montana as noted in Table 1.

For the independent variable of per capita Gross Domestic Product (GDP), the maximum is New Hampshire with a GDP of \$64,925 and the minimum being Mississippi with a GDP of \$38,882. This is included to gauge whether the GDP of a state is an indicator

of whether that state is likely or not to pass new voter ID requirements.

Another independent variable is the percentage of the state's population with a bachelor's degree. The maximum of which is Massachusetts with 39.0% and the minimum of West Virginia with 17.9%. If we know how many citizens with bachelor's degrees a state has, can we in turn know whether or not that state will pass and enact new voter ID laws? Does education play a part in predicting the course a state may take moving forward after *Shelby v. Holder*?

The next independent variable in Table 1 pertains to the 2012 presidential election, in which Republicans Mitt Romney and Paul Ryan ran against the incumbent President Barack Obama and Vice President Joe Biden. If a state voted for the Democratic incumbent, then I gave it a 0 and if a state went for the Republican, I gave it a 1. If we know who each state went to, can we then predict whether that state will or will not be inclined to pass and enact new voter ID laws?

The interaction variable is the GOP's complete control of a state's legislative body, coded 0 for shared or complete control by the Democratic party and 1 for complete GOP control, multiplied by the percentage of a state's population that is African-American. If we see a strong interaction between the two factors of the interaction variable, can we then predict whether that state will adopt new voter ID laws?

The two dependent variables pertain to indicators of the type of voter ID laws of each state. The first is whether a state has or has not passed and/or enacted new voter ID laws as of 2013: (1) is yes and (0) is no. The second indicator is on a scale of (0) for no document required in order for a registered voter to cast their vote and (1) indicates a state policy of ID requested but photo not required. For example, in Oklahoma, as in many of the states that are on the 1 level, registered voters are allowed to cast a vote by provisional ballot and it is held in contention until the ID of that voter can be verified. (2) indicates a state policy in which a photo ID is requested in order to cast a ballot. If the voter cannot provide a current photo ID, they are then allowed to cast a vote while also swearing by oath or affidavit that they are who they claim to be on their ballot.

The next two, which may sound alike, are still two separate categories: (3) indicates a strict non-photo ID, which means the voter casts a provisional ballot and must return in a certain allowable time period, which varies by state as to whether the time period

is five days or ten.

The ID of the voter must be verified before that vote can be counted and (4) indicates a strict photo ID policy in which, again, if no ID is presented at the poll, then a provisional ballot is cast and, as in some states, that provisional ballot cannot be counted until the ID of the voter is confirmed.

Among the level 4 states such as Texas, Georgia, and Mississippi, Texas has some of the strictest photo ID laws, many of which are currently being challenged in the courts.

The source for the one-to-four scale of state ID laws is the National Conference of State Legislatures website (www.ncsl.org). The site offers tools and information that all informed citizens should know.

Variables

Variables	Minimum	Maximum	Mean	Standard Deviation	Source
Region	1	4	2.660	1.062	Census.gov
State Legislative Partisan Control	1	3	1.820	0.941	NCSL.org
Percent African American	.06 (Montana)	37.4 (Mississippi)	10.842	9.582	Census.gov
State GDP	38882 (Mississippi)	64925 (New Hampshire)	53000.4	8672.306	Census.gov
Percent Bachelor Degree	17.9 (West Virginia)	39.0 (Mass.)	27.770	4.817	Census.gov
Obama/Romney	0	1	0.620	0.635	FEC.gov
Law Enacted after 2013	0	1	0.260	0.443	Law.Cornell.edu
State ID Laws	0	4	1.280	1.415	NCSL.org
GOP Control x Percent African American	0	37.4	7.112	10.239	NCSL.org Census.gov

This study investigates the following seven hypotheses:

H1: If a state is in the southern region, it can be surmised that the state would be likely to pass and/or enact new voter ID laws.

H2: The more control the Republican Party has over the two chambers of the state legislature, the more likely that state is to pass and/or enact new voter ID laws.

H3: As a state's percentage of its population with at least a bachelor's degree goes up, the likelihood of that state passing and/or enacting new voter ID laws goes down.

H4: The higher percentage of African-Americans there are in

a state's populace, the more likely that state is to pass and/or enact new voter ID laws.

H5: As a state's GDP goes up the likelihood that state will pass and/or enact new voter ID laws goes down.

H6: If a state voted for Romney/Ryan in the 2012 presidential election, that state is more likely to pass and/or enact new voter ID laws.

H7: If a state's legislative body is completely controlled by the GOP and there is a high percentage of the population made up of African-Americans, then there is a high likelihood that state will enact new voter ID laws.

Findings

The correlation analysis in Table 2 shows the most significant predictors of whether a state will pass and/or enact new voter ID laws. The more Republican a state legislative body is, the more likely that state is to enact voter ID laws. State legislatures controlled by Democrats are least likely to enact new voter ID laws. Another significant indicator is the percentage of a state's population that is African-American; the higher this percentage, the more likely that state is to enact voter ID laws. When examining the types of voter ID laws, states with high per capita GDP are least likely to adopt strict laws, while states won by Romney are most likely to adopt strict laws. Percentage of the population with a bachelor's degree was not significant in Table 2. The interaction between GOP control of a state's legislative body and the percentage of a state's population that is African-American is a significant positive predictor of whether a state will or will not pass new voter ID laws as well as the strictness of such laws.

Table 2: Correlation Analysis of Voter ID Laws

Independent Variables	Correlation DV1 State Laws Since 2013	Correlation DV2 Type of State Law
State Legislature (Republican=1, Split=2, Democrat=3)	-0.473**	-0.557**
Percent African-American	0.313*	0.304*
State GDP	-0.237	-0.255*
Percent Bachelor Degree	-0.183	-0.231
Presidential Election Results 2012	0.252*	0.412**
Interaction	0.535**	0.535**

Significance Levels:p<.01,*p<.05**

Table 3A indicates that if a state falls within the southern region, that state is more likely to pass and enact new voter ID laws. Conversely, if a state falls in the western region, then that state is not likely to pass or enact new voter ID laws. Half of the southern states have enacted new voter ID laws since 2013. The north central, not to be left out, entered the voter ID law issue with the creation of new voter ID laws in three states. Additionally, two states in the Northeast enacted new voter ID laws. The only region without new ID laws is the West. The measure of association in Table 3A (Cramer's $V = .434$) is statistically significant.

Table 3A: Cross Tabulation of Voter Laws by Region

	Northeast	North central	South	West	Total
None	7 77.8%	9 75.0%	8 50.0%	13 100.0%	37 74.0%
New 2013	2 22.2%	3 25.0%	8 50.0%	0 0.0%	13 26.0%
Total	9 100.0%	12 100.0%	16 100.0%	13 100.0%	50 100.0

Cramer's $V: 0.434^* p < .05$

Table 3B compares region with the varying strictness of the new voter ID laws. As with Table 3A, 3B indicates that if a state is in the southern region than that state is likely to enact new voter ID laws and those laws are likely to be stricter than others. The southern region has enacted far stricter requirements with five of the states requiring strict photo ID in order to cast or count a vote: Georgia, Mississippi, Tennessee, Texas, and Virginia. 31% of southern states are in the strictest category and almost 20% are in the photo ID requested category. The measure of association is statistically significant, as shown by Table 3B.

Table 3B: Cross Tabulation of State Voter Laws by Region

	Northeast	North central	South	West	Total
No Document	6 66.7%	5 41.7%	3 18.8%	5 38.5%	19 38.0%
ID Requested/No Photo	2 22.2%	1 8.3%	5 31.3%	5 38.5	13 26.0%
Photo ID Requested	1 11.1%	2 16.7%	3 18.8%	2 15.4%	8 16.0%
Strict No Photo	0 0.0%	2 16.7%	0 0.0%	1 7.7%	3 6.0%
Strict Photo ID	0 0.0%	2 16.7%	5 31.3%	0 0.0%	7 14.0%
Total	9 100.0%	12 100.0%	16 100.0%	13 100.0%	50 100.0%

Cramer's $V: 0.332^* p < .05$

Table 4A indicates that if the makeup of the state legislative

body is Republican, then it is likely that the state will enact new voter ID laws by an overwhelming majority. Of the 27 Republican state legislative bodies, 12 have enacted new voter ID laws after 2013, whereas no Democratic legislatures and only one split legislature have done so. The measure of association (Cramer's $V = .473$) is statistically significant in Table 4A.

Table 4A: Cross Tabulation of Voter ID Laws by State Legislature

	Republican	Split Legislature	Democrat	Total
None	15 55.6%	4 80.0%	18 100.0%	37 74.0%
New 2013	12 44.4%	1 20.0%	0 0.0%	13 26.0%
Total	27 100.0%	5 100.0%	18 100.0%	50 100.0%

Cramer's $V = 0.473^{}$ $p < .01$**

Table 4B indicates that a Republican led legislative body is likely to enact new voter ID laws and those laws are likely to be stricter than any other state's ID laws, with seven of the 27 states enacting a strict photo ID requirement in order to cast a vote in state and federal elections. No Democratic state legislatures have enacted strict voter ID laws. The measure of association (Cramer's $V = .437$) is statistically significant.

Table 4B: Cross Tabulation of State ID Laws by State Legislature

	Republican	Split Legislative Body	Democrat	Total
No Document	4 14.8%	3 60.0%	12 66.7%	19 38.0%
ID Requested/ No Photo	7 25.9%	2 40.0%	4 22.2%	13 26.0%
Photo ID Requested	6 22.2%	0 0.0%	2 11.1%	8 16.0%
Strict No Photo	3 11.1%	0 0.0%	0 0.0%	3 6.0%
Strict Photo ID	7 25.9%	0 0.0%	0 0.0%	7 14.0%
Total	27 100.0%	5 100.0%	18 100.0%	50 100.0%

Cramer's $V = 0.437^{*}$ $p < .05$

Table 5A shows that those states that voted for Mitt Romney in the 2012 election are also more likely to enact new voter ID laws. Out of the 24 states Romney won, 9 have passed and/or enacted new voter ID laws as of 2013; conversely, of those 26 states that Obama won, only 4 have passed new laws since 2013.

Table 5A: Cross Tabulation of Voter ID Laws by Election 2012 Results

	Obama Won	Romney Won	Total
None	22 84.6%	15 62.5%	37 74.0%
New as of 2013	4 15.4%	9 37.5%	13 26.0%
Total	26 100.0%	24 100.0%	50 100.0%

Cramer's V: 0.252

As noted in Table 5B, of the 24 states won by Romney, 6 states have adopted strict photo ID laws and 2 have adopted strict no photo ID laws. In contrast, of those 26 states Obama won, only two are in the "strict" categories. Only one falls into the strict photo ID law requirement; that state is Virginia. The measure of association (Cramer's $V=.467$) is statically significant.

Table 5B: Cross Tabulation of State Voter ID Laws by Election 2012 Results

	Obama Won	Romney Won	Total
No Document	15 57.7%	4 16.7%	19 38.0%
ID Requested/ No Photo	5 19.2%	8 33.3%	13 26.0%
Photo ID Requested	4 15.4%	4 16.7%	8 16.0%
Strict No Photo	1 3.8%	2 8.3%	3 6.0%
Strict Photo ID	1 3.8%	6 25.0%	7 14.0%
Total	26 100.0%	24 100.0%	50 100.0%

Cramer's $V=0.467^{}$ $p<.01$** **Discussion**

The proclaimed goal of the laws under discussion in many states is the prevention of voter fraud, convictions of which are incredibly rare. In the case of Wisconsin, Levitt (2014) reports:

First, the court cited the idea that ID laws could enhance public confidence—that is, in theory, the laws might make us feel better about elections in that they might provide some security theater. It turns out, though, that this effect is hard to spot. People in states with more restrictive ID laws don't generally feel better about their elections than people in more permissive states. People who think elections are being stolen, and people

who think they're not, each hold on to that opinion no matter what the governing ID rules in their area. The factor that really influences whether people think the elections are fair? Whether their preferred candidates win.

Second, the court said that ID laws can help stop fraud. It then cited an example of recent fraud... that ID laws aren't designed to stop. Specifically, it mentioned a case in which a supporter of Wisconsin Governor Scott Walker was charged with 13 counts of election fraud, including "registering to vote in more than one place, voting where he didn't live, voting more than once in the same election, and providing false information to election officials," according to an account by Talking Points Memo. Wisconsin's ID law would not likely have prevented any of the alleged violations.

Arguments supporting voter ID laws are straw men, meaning that—just as with other issues in the era of politics of fear—the truth is far from the talking point. Most cases of fraud in voting are perpetrated by absentee voters, on whom IDs have no impact.

The data for the first hypothesis indicates that we reject the null hypothesis here, which means a state in the southern region is more likely than not to pass and/or enact new voter ID laws. Likewise, the data for the second hypothesis indicates that we reject the null hypothesis, meaning not only can we predict whether a state will pass and/or enact new voter ID laws by its region but also whether the control of the state legislator is held by the Republican Party. The next hypothesis, whether the percentage of citizens with bachelor's degrees making up a state's population has an effect on the passing and/or enacting of new voter ID laws. The data indicates that while a small effect is seen it is not a significant one so we accept the null hypothesis here.

The fourth hypothesis finds that the percentage of a state's population that is African American is another significant variable, and so we reject the null hypothesis here. For the fifth hypothesis, a state's per capita GDP is significant for the type of laws in which they enact. As to the hypothesis, we reject the null.

Whether a state voted for Romney/Ryan in the 2012 election, the sixth hypothesis, is a strong indicator as to what type of law that state will enact. Romney/Ryan states have adopted strict voter ID laws. In light of this, we reject the null hypothesis. For the final

hypothesis, the interaction variable of GOP control of the state legislature and percentage of African American constituents is a powerful predictor of the adoption of voter ID laws. States with GOP dominance in the legislature and a large African American population are especially likely to favor voter ID laws. This finding suggests the powerful interaction of party and race.

The course many states are on, which at first seems only to be a scary endeavor as many established Republicans have said, is a fatalistic one that does not end well. At first many in the GOP see this as a win, but, as has been seen in the wake of the Trump presidential campaign and election, a counter-response has increased voter registrations on the Democratic side. Until then, those Republicans, Democrats, Independents, etc. who would see access to voting protected for everyone and these archaic laws removed will have to continue the fight.

An ever-important fight and struggle continues, but not only in the halls of legislative bodies, but also in the courts. Just recently, the United States Courts of Appeals for the Fifth and Fourth Circuit heard a case on Texas's and North Carolina's voter ID laws respectively. Laws which are considered some of the strictest to be enacted in the nation. The Fifth Circuit Court ruled SB14, the Texas bill in question, as discriminatory as stated in the decision (No. 14-41127, 07/20/2016) when examined through a two-part framework articulated in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U. S. 252, 265-68 (1977):

[1] The challenged standard, practice, or procedure must impose a discriminatory burden on members of a protected class, meaning that members of the protected class have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice, [and]

[2] That burden must in part be caused by or linked to social and historical conditions that have or currently produce discrimination against members of the protected class. (Cayce 2016)

Before the 2011 passing of SB14, a voter could cast a ballot by only presenting their voter registration card.

The Fourth Circuit Court cut even deeper into the laws passed in North Carolina, as the *New York Times* online edition reported

(Blinder and Wines, 2016):

Its provisions deliberately “targeted African-Americans with almost surgical precision” in an effort to depress black turnout at the polls. The sweeping decision upended voting procedures in a presidential-election battleground state barely three months before Election Day. It tossed out North Carolina’s requirement that voters present photo identification at the polls and restored voters’ ability to register before reaching the 18-year-old voting age, and to cast early ballots, provisions the law had fully or partially eliminated. The court also restored a provision that ensured that the ballots of people who mistakenly voted at the wrong polling station were deemed valid. The ruling by a panel of the United States Court of Appeals for the Fourth Circuit, was an abrupt reversal of a late April decision in Federal District Court that Republicans had savored after years of bruising legal and political battles. Although the circuit panel praised a federal judge in Winston-Salem, N.C., for his “thoroughness,” it left little doubt about its view of voting practices in North Carolina, where Republicans pushed through a major overhaul beginning in 2013. “We cannot ignore the record evidence that, because of race, the legislature enacted one of the largest restrictions of the franchise in modern North Carolina history,” said the decision, which Republicans said they would appeal.

While North Carolina will likely appeal to the Supreme Court if the lower courts do not make rulings they see as favorable, it may also be the chance for those who are fighting to have the preclearance position of the Voter Rights Act restored.

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In Search of a New Life: Ildara and “The Red Stockings” [English Version]

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Abstract: The purpose of this article is to analyze and explain the reasons behind the emigration of Galician people [from their homeland] to the United States of America or other parts of Spain in the nineteenth century. The investigation is based on the cultural context and details offered in the short story “The Red Stockings” by Emilia Pardo Bazán, (1851-1921) from La Coruña, Galicia, Spain. The author represents Galician culture of the nineteenth century through the life of the character of the poor Ildara. She personifies the dream of the majority of Galician youth in the 1800s. In addition, this article will explore the historical context of Galicia, referring to the articles “La emigración gallega a América durante los siglos XVII-XX” by Doctor González Lopo, as well as, “Contexto histórico-político de Galicia en la primera mitad del siglo XIX” by Honorio Ferreiro Delgado. This analysis shows that the character of Ildara is historically accurate and reveals the life of Galician youth in the nineteenth century.

The writer Emilia Pardo Bazán wrote “The Red Stockings,” which was inspired by the economic and political crisis in Galicia, Spain during the nineteenth century.¹ In the story, the author offered valuable details that conveyed the conditions under which most of the Galician youth lived: in despair. The history of Galicia and Spain cannot be separated. Galicia was a region with political self-management, which caused its isolation from the central government of Spain (Delgado 327). Bazán took inspiration from her native land, La Coruña, to write Ildara’s story. The protagonist was a young woman who lived with her father, a man tired of working and caring for the land where they lived. In this setting, she was subjected to the violence of her father. As a result, she would do all of the work: look for firewood over which to cook, take care of the house, shop at the market, and succumb to her father. Ildara’s story reflects the life of the Galician youth of the nineteenth century when a significant political and economic crisis was occurring.

Bazán was born in La Coruña, Galicia on September 15, 1851. She is recognized as one of the most important literary figures of the nineteenth century. As a talented writer, she represents the Spanish naturalistic movement, which is represented in her novels (Pérez). Bazán, the daughter of a lawyer, had the privilege of belonging to the aristocratic class. Accordingly, she was able to receive an education, through which she learned French and developed her interest in literature. In fact, she started writing when she was fifteen years old. Bazán did not suffer the crisis of nineteenth-century Galicia for long, as her father Deza was nominated by the Constitutional Courts for a position in the court following her marriage to José Quiroga y Perez. As a result, the whole family moved to Madrid where the writer encountered other writers, politicians, and artists. Later, the family was forced to move once again and go to other European countries because of the revolution, “The Glorious.”

The author was particularly influenced by the naturalistic move-

1 In this context, it can be said that the writer was able to see the conditions in which peasants lived in her native land, La Coruña. Although she belonged to the aristocracy, Pardo Bazán understood the pain of the youth, a generation that was less fortunate than her. Hence, it is significant to explore the economic, social, and political crisis in Galicia in order to understand how peasants survived and the motivations that pushed young people to move to the United States, despite the fact that they did not know what awaited them. The most significant reason to emigrate was the severe economic crisis which mainly affected Galician peasants. According to the author Luis Alonso Álvarez in *La economía de Galicia, una panorámica*, Galicia was a preindustrial and traditional land; it was considered preindustrial because of the rural activities, such as agriculture, which dominated the economy. Additionally, it was considered traditional as a consequence of low commercial relations (17). The most practiced economic sector was agriculture, but the land was privatized and controlled with a forums system that was especially costly for farmers. The *fidalgos* were the people who owned the land and they were the mediators between peasants and aristocrats. They received the land rent from the peasants and then gave part of it to the aristocracy (17). Supposedly, the liberal agrarian reform of the nineteenth century should have improved the situation, but almost nothing changed for the peasants. All they could obtain were lands in the mountains.

ment in France, but she was linked to hagiographic and academic literature (Pérez). “The Red Stockings” is a short story included in the work *My Land* (1888), which includes writings about Galicia and its culture such as prose about Galician literature, studies on local dialects, and descriptions of works of art and landscapes. They were all written between September and October of 1887 (Jiménez). In fact, “The Red Stockings” talks about the young Ildara, who suffered the consequences of Galicia’s collapse and the pride and selfishness of her father, Uncle Clodio. Her father was an uneducated man without a future planned for his daughter, nor for himself. Although the old man spent his whole life working, they lived in poverty. Ildara was a very beautiful girl who was close to reaching the age that would free her from the power that her father had over her, so she decided to emigrate.²

The conflict in the story “The Red Stocking” started when, one day, Ildara returned to the house with firewood to cook dinner. Her father was at the table making himself a cigar and did not think about helping his daughter. Ildara continued with the dinner preparations when her dad noticed that, among the pieces of wood, a pair of red socks was sticking out. According to the narrator, “something of a brilliant color [was] emerging from the patched and soaking skirts of the lass . . . a robust leg, imprisoned in a red cotton stocking.

- Hey there! Ildara!
- My father!
- What’s this new business?
- What business?
- Now you’re spending my money on stockings, like the abbot’s very sister?” (Bazán)

Ildara told her father that she sold eggs to the abbot. The furious father started hitting the girl because he understood that she was waiting for the day to migrate and seek fortune in America, leaving him alone. In addition to hitting her, he would insult her, “Deceitful girl, liar! The hens are brooding and haven’t been laying!” (Bazán) She tried to defend her face with her small hands, knowing that disfigured girls could not borrow money to reach the New World.

2 Another factor that influenced emigration to America was the political crisis of Galicia. In the nineteenth century, Galicia was isolated from the central government of Spain, which resulted in a lack of communication. Although the region enjoyed political and administrative freedom, it was poor, marginalized, and experienced several forms of government that seemed insufficient for the entire population (Delgado 327). In 1808, Galician people united to fight against the French. The revolution caused socio-political transformations in both institutions and society (328).

When Uncle Clodio stopped hitting her, Ildara was covered in blood. She discovered that she was blind in one eye. From that moment, she gave up on her dream to leave the village and start a new life, as the ship would not carry women without teeth and with only one eye. So, when the father stopped hitting her, "Ildara, dazed with fear, could no longer even scream." (Bazán)

In the story, the characters of Uncle Clodio and Ildara are equally important. Clodio represents the frustration of the past generation that suffered, and still suffers, from the injustices of nineteenth-century Galicia. On the other hand, Ildara represents most of the Galician youth who still dreamed of a better life and change. Uncle Clodio was a farmer with "squinted eyes, staring from under grease-hardened eyelids and thick, hairy brows" (Bazán). The atmosphere was grim and "Uncle Clodio didn't raise his head, absorbed as he was in the task of trimming his cigar, using in place of a knife an amber-hued wedge of fingernail, toasted that by the flame of countless cigar butts" (Bazán). Later, the narrator says that the father smoked his cigar while making rumors with his mouth that was hidden in his uncouth beard. According to this description, it can be understood that the man did not take care of himself and refused to help his daughter with housework. He was tired of striving and dealing with any type of job after all the years of his life that he dedicated to farming in the name of survival. The character of the father is important because he worked hard for many years only to live in poverty, and this was a problem which concerned all the Galician peasants who fought against taxes set by the Board of Galicia. Consequently, readers can comprehend what kind of life the father survived and can perhaps justify his dark and unhappy aura.

After that, Bazán describes the young and beautiful Ildara who, unlike her father, had "a round face—pretty, with small features, an appealing mouth, [and] clear eyes that shone with a greed for life" (Bazán). The character of Ildara gives the reader a sense of hope because, although the father suffered, she wanted to make a change in her life.³ In this case, emigration to the United States would let the girl achieve her dream. Like Ildara, the youth of this era would first search for a job and a better lifestyle in other parts of Spain or Portugal and, later, they would start moving to the United

3 In addition to the emigration to Portugal, the new generations began the first overseas migrations. Still they did not particularly affect Galicia. It was later, in the second half of the nineteenth century, that the emigration cycle to the United States began. Peasants escaped Galician injustices. In the early 1980s, after the erection of the first railway lines, peasants from the mountains had easier access to ports (25). Consequently, they left the country.

States. The contrast between the two characters in the story offers the opportunity to grasp the emotions and lifestyle that peasants in Galicia endured every day.⁴ Though it cannot justify the violence of the father against his daughter, the story touches upon events that actually happened and that worried many families at the time. Thus, the reader can appreciate that Bazán took inspiration from real-life situations in Galicia during the nineteenth century. Ildara lived in poverty on the mountains and hoped to leave the country at the age of eighteen in search of a new life.

The symbolic function of the red stockings in the story is crucial to understanding the point of view of Ildara and Uncle Clodio. The majority of readers connect the red stockings with prostitution. They think that Ildara is either already prostituting herself or is going to become a prostitute in the New World to escape from Spain. However there is reason to believe that the red stockings symbolize something deeper and have a different meaning to Ildara and to Uncle Clodio. Juan Eduardo Cirlot, writer of the *Dictionary of Symbols*, explains that the color red has multiple meanings. Originally, the color red alluded to passion, love, and blood. However, the author explains that the warm colors are associated with processes of assimilation, activity, and intensity (135). So, as Bonnie Gasior puts it, for Ildara, they [the red stockings] denote autonomy and self-expression (752). On the other hand, Uncle Clodio links the red stockings with something negative. Once the man realizes that the daughter wants to abandon him, the red stockings become a symbol of blood and fire. Clodio sees them as a sign of defiance and a symptom of danger to masculine order (Gasior, 752). The stockings signify a new future that the daughter wants to “wear” so that she does not turn out to be like her father.

In short, Bazán writes about her native land and its economic and political problems through the characters of Uncle Clodio and Ildara. The novelist emphasizes the desire of the young and beautiful Ildara to leave the country to look for a new life in America. Bazán makes the reader understand the poverty and despair in which Ildara lived due to the economic crisis her country endured. Ultimately, the characters of Ildara and Uncle Clodio represent a historically accurate picture of nineteenth-century peasant families in Galicia.

4 La Coruña, native land of the novelist, was one of the main destinations because it was on the north coast of Galicia and open to the Atlantic Ocean. Dr. Domingo L. Gonzales Lopo says that the Galician population was constantly affected by emigration. It was caused by poverty, financial pressure, agrarian crisis, wars, and military duties (173).

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En búsqueda de una vida nueva: Ildara y “Las medias rojas” *[Versión en español]*

Por Susanna Peonia

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Resumen: El propósito de esta búsqueda es analizar y explicar las causas por las cuales los gallegos emigraban a América u otras partes de España, en el siglo XIX. La investigación se basa sobre el contexto cultural y los detalles ofrecidos por el cuento “Las medias rojas” de Emilia Pardo Bazán, (1851-1921), de La Coruña, Galicia, España. La autora personifica una idea del contexto cultural gallego del siglo XIX a través de la vida de la pobre Ildara que refleja el sueño de la mayoría de la juventud gallega en los años del 1800. Además, citaré el contexto histórico en Galicia, refiriéndome a los artículos “La emigración gallega a América durante los siglos XVII-XX” del Doctor González Lopo, Profesor a la Universidad de Santiago de Compostela, y “Contexto histórico-político de Galicia en la primera mitad del siglo XIX” de Honorio Ferreiro Delgado. Los resultados del análisis demuestran que el personaje de Ildara es históricamente fiel y refleja la vida de la juventud gallega del siglo XIX.

La autora Emilia Pardo Bazán escribió “Las medias rojas,” inspirándose en la crisis económica y política de España, particularmente en la Galicia del siglo XIX.¹ La escritora nos lega, en el cuento, detalles invaluable que enseñan las condiciones en las cuales la mayoría de la juventud gallega vivía: con sueños sin esperanzas. Hay que considerar que la historia de Galicia y España no pueden separarse. Galicia era una región con autogestión política la cual causó su aislamiento del gobierno central de España (Delgado 327). Emilia Pardo Bazán se inspiró en su tierra nativa, La Coruña, para escribir la historia de Ildara. La protagonista era una mujer joven quien vivía con el padre, cansado de trabajar, de cuidar la tierra donde vivían “cansado de una vida de labor” (Bazán 52). En este marco, ella se subordina a la violencia del hombre. Como resultado, ella haría todo: buscar la leña para cocinar, cuidar la casa, hacer la compra al mercado, y someterse al padre. La historia de Ildara refleja la vida de la juventud gallega del siglo XIX cuando había crisis económica y conflictos políticos.

Emilia Pardo Bazán nació en La Coruña, Galicia el 15 de septiembre de 1851 y “está considerada una de las personalidades literature más importantes del siglo XIX y representa la figura más destacada del naturalismo español, movimiento cuyo ideario y estética defendió en sus artículos” (Pérez). Emilia, hija de abogado, tuvo el privilegio de pertenecer a la clase aristocrática y recibir una educación superior, en donde aprendió francés y se interesó por la literatura. A partir de los quince años empezó a escribir. Bazán no sufrió la crisis del siglo XIX de Galicia por mucho tiempo porque después de entregar su mano a José Quiroga y Pérez de Deza, su padre “fue elegido diputado por las Cortes Constitucionales” (Pérez). En aquel momento, toda la familia se mudó a Madrid donde la escritora pudo entrar en contacto con otros escritores, políticos y artistas. Más tarde, la familia tuvo que abandonar España a causa de la revolución “La Gloriosa,” yéndose a otros países europeos.

La autora fue influenciada por el movimiento naturalista que se exploró particularmente en Francia, aunque “seguía vinculada a la literatura hagiográfica y erudita” (Pérez). “Las medias rojas” es un

1 En este contexto, es significativo explorar la crisis económica, social, y política de Galicia para entender como los campesinos sobrevivían y cuál fue la motivación o las motivaciones por las cuales la juventud decidió empezar mudarse a los Estados Unidos donde, realmente, no sabían lo que les esperaba. La causa más significativa para emigrar fue la grave crisis económica de Galicia que afectó principalmente los campesinos. Según Luis Alonso Álvarez in *La economía de Galicia, una panorámica*, Galicia era preindustrial y tradicional “preindustrial en la medida en que predominaban las actividades rurales, en especial aunque no únicamente, la agricultura. Y tradicional, por su escasa orientación comercial” (17). El sector económico más practicado era la agricultura, pero las tierras eran privatizadas y controladas con el sistema de los foros que consistían en una norma que resultaba costosa para los campesinos. Supuestamente, la reforma agraria liberal del siglo XIX había mejorado la situación, pero casi nada cambió para los campesinos. Sólo pudieron adquirir tierras en las montañas.

cuento corto, incluido en la obra *De mi tierra* (1888) que “englobaba escritos sobre literatura gallega -los más numerosos-, estudios sobre dialectos y algunas descripciones de monumentos y paisajes de su tierra, todas escritas entre septiembre y octubre de 1887” (Jiménez). En “Las medias rojas” se relata la historia de la joven Ildara, que sufre las consecuencias del derrumbe gallego y del orgullo y egoísmo del padre, tío Clodio. El padre, tío Claudio - como lo llamaba el pueblo, era un hombre inculto sin ningún futuro para su hija ni para el mismo. Vivían en la pobreza aunque el padre había pasado toda su vida trabajando. Ildara era una joven hermosa quien iba de cumplir la mayoría edad. Para liberarse del poder que el padre tenía sobre ella, decide emigrar.²

El conflicto en la historia de “Las medias rojas” surge cuando un día Ildara regresó a la casa con la leña de quemar para cocinar la cena y el padre estaba en la mesa haciéndose un cigarrillo sin pensar en ayudar a la hija. Ildara siguió con los preparativos para la cena cuando el padre se dio cuenta que en la leña había un par de medias rojas. Según el narrador, “Una pierna robusta, aprisionada en una media roja, de algodón ...

-¡Ey! ¡Ildara!

-¡Señor padre!

-¿Qué novedad es ésta?

-¿Cuál novedad?

-¿Ahora me gastas medias, como la hirmán del abade? (51)

La rapaza le explicó a su padre que vendió huevos al abad para comprar las medias. El padre furioso empezó a golpear a la niña con puños en la cara porque entendió que ella estaba esperando el día para emigrar y buscar fortuna en otro lugar, dejándolo solo. A la vez que la golpeaba, la insultaba, “- ¡Engañoza! ¡Engañoza! ¡Cluecas andan las gallinas que no ponen!” (52) Ella intentaba defenderse la cara con sus manos pequeñas sabiendo que a las feas no les pagaban el dinero para llegar al nuevo mundo. Cuando el padre paró de golpearla, Ildara estaba cubierta en sangre. Ella descubrió que se quedó tuerta. Desde este momento, ella renunciaba a su sueño de irse y empezar una nueva vida porque el barco no llevaba mujeres

2 Otro factor que influenció la emigración fue la crisis política de Galicia. En el siglo XIX, se encontraba aislada e incomunicada por el gobierno central de España. Aunque gozaba de libertad política y administrativa Galicia era pobre y marginada. Experimentó varias formas de gobierno que parecían insuficiente buenas para toda la población (Delgado 327). La revolución de 1808 fue el fenómeno socio-político y administrativo que directamente transformó las instituciones y la sociedad misma. Donde el pueblo gallego se unió para pelear en contra de los franceses (Delgado 328).

sin dientes y tuertas. Pues, cuando el padre cesó de golpearla, “Ildara, aturdida de espanto, ya no chillaba siquiera” (52).

En el cuento, los personajes del tío Clodio e Ildara son igualmente importantes. El primero refleja la frustración de la generación pasada que sufrió y todavía sufre las injusticias del siglo XIX en Galicia. Por otro lado, Ildara representa la mayoría de la juventud gallega que todavía soñaba con una vida mejor. El personaje masculino del tío Clodio viene introducido por la autora, en seguida, cuando la hija entró en la casa con la leña. El tío Clodio era un laborador con “ojos pequeños, engarzados en duros parpados, bajo cejas hirsutas” (Bazan 52). La atmosfera es lúgubre y el padre “no levantó la cabeza” porque “estaba entregando a la ocupación de picar un cigarro, sirviéndose, en vez de navaja, de una uña cornea, color ámbar oscuro, porque la había tostado el fuego de las apuradas colillas” (Bazán 51). Más adelante la narradora dice que el padre fumaba su cigarrillo haciendo rumores con la boca que estaba escondida en su barba inculta. Así, con esta descripción se puede entender que el padre se descuidaba sin importarle ayudar a la hija con los trabajos de la casa porque ya estaba cansado de esforzarse y ocuparse cada vez en la faena después de todos los años de su vida que dedicó en los cultivos para sobrevivir. El personaje del padre es importante porque tuvo que trabajar con mucho esfuerzo por muchos años para vivir en pobreza. Éste era un problema que no afectaba solamente a Ildara, quien sufría las consecuencias de la violencia, y el tío Clodio sino también a todos los campesinos gallegos que tenían que luchar contra los impuestos fiscales puestos por la Junta de Galicia. Por consiguiente, los lectores pueden entender qué tipo de vida sobrevivió el padre y justificar su aspecto oscuro e infeliz.

Después que Bazán presenta al personaje del tío Clodio, describe a la joven y hermosa Ildara. Contrario al padre, ella tenía una “cara redonda, bonita, de facciones pequeñas, de boca apetecible, de pupilas claras, golosas de vivir” (Bazán 52). El personaje de la niña le da al lector un sentimiento de esperanza porque, aunque el padre sufrió, estaba dispuesta a cambiar su vida que, en este caso, sería emigrar a los Estados Unidos para lograr sus sueños.³ Ildara representa la juventud de Galicia del siglo XIX. Primero, por la búsqueda de trabajo y de un estilo de vida mejor en otras

³ Además de la emigración a Portugal, las nuevas generaciones empezaron las primeras emigraciones Ultramar. Todavía no afectaban, particularmente, en Galicia. A partir de la segunda mitad del siglo XIX, el ciclo migratorio a los Estados Unidos empezó. Los campesinos escapaban de las injusticias gallegas: “Tras la construcción de las primeras líneas ferroviarias en los primeros ochenta” (25). De este modo, los campesinos de las montañas tenían acceso más fácil a los puertos. En consecuencia, se iban del país.

partes de España o Portugal y más tarde a los Estados Unidos. El contraste entre los dos personajes de la historia ofrece la posibilidad de entender las emociones y el estilo de vida que los campesinos en Galicia tenían que soportar cada día.⁴ De hecho, no se puede justificar la violencia del padre contra la hija pero la historia enseña hechos que pasaban realmente y que preocupaban a muchas familias. Así se puede entender que la autora Emilia Pardo Bazán se inspiró a hechos y situaciones que sucedieron en Galicia en el siglo XIX. Ildara vivía en la pobreza, en las montañas y, cuando iba a cumplir los dieciocho años, esperaba irse del país para buscar una nueva vida.

Para aclarar la visión de la situación por los dos personajes principales, Ildara y el tío Clodio, es importante explicar la función simbólica de las medias rojas. ¿Qué quiere indicarnos la autora a través de las medias rojas? La mayoría de los lectores las vincula con la prostitución. “Ellos piensan que Ildara se está prostituyendo o sea dispuesta a prostituirse en el Nuevo Mundo para escaparse de España. En mi opinión, las medias rojas simbolizan algo más profundo y tienen un significado diferente para Ildara y para el padre. *El Diccionario de los símbolos* de Juan Eduardo Cirlot explica que el color rojo alude a múltiples significados. Originariamente el color rojo era relacionado con la pasión, el amor, y la sangre. Pero el autor explica que “Desde la somera división establecida por la óptica y la psicología experimental en dos grupo: colores cálidos y avanzantes, que corresponden a procesos de asimilación, actividad e intensidad [...]” (135). Este primer grupo incluye al rojo. Entonces, como indica la autora Bonnie Gasior, para Ildara las medias rojas indican autonomía y autoexpresión (752). Por otro lado, para el tío Clodio las medias rojas simbolizan algo negativo. Una vez que el tío Clodio se da cuenta que la hija quiere abandonarlo, las medias rojas se transforman en el símbolo de sangre palpitante y del fuego. Clodio las ve como un insulto y agresión a su autoridad masculina (Gasior 752). Las medias son símbolo de un nuevo futuro que la hija quiere vestir para no convertirse como su padre.

En resumen, Emilia Pardo Bazán, autora del cuento “Las medias rojas,” habla de su tierra nativa y de los problemas económicos y políticos de la última a través de los personajes de tío Clodio y, en particular, Ildara. La autora pone énfasis en el deseo de la joven y bella Ildara de irse del país para buscar una vida nueva en los

⁴ La Coruña, tierra nativa de la escritora, fue una de las principales metas porque se encontraba en la costa norte de Galicia y se abría en el Océano Atlántico. Como dice el doctor Domingo L. Gonzales Lopo “factores como la presión fiscal, las crisis agrarias, los conflictos bélicos y el aumento de las obligaciones militares . . . contribuyeron a hacer de la emigración un elemento constante en la población gallega, que con frecuencia actuó como elemento regulador de la misma” (173).

Estados Unidos. Nos muestra la pobreza y la desesperación en la cual Ildara vivía a causa de la crisis económica de su país. Por lo tanto, se puede afirmar que los personajes de Ildara y el tío Clodio representan la vida real de las familias de campesinos del siglo XIX en Galicia.

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“First in Freedom” State Passes Bill to Sideline Transgender Freedom: An Analysis of Legislative Voting Behavior on House Bill 2

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Abstract: This article will examine the factors that predicted voting behavior on House Bill 2 in the North Carolina State Legislature on March 23, 2016. It will begin with a description of the anatomy of the bill, the bill’s economic impact, federalism, and southern politics. The independent variables, measured for each member of the North Carolina legislature, include party identification, race, gender, religiosity, location of district, chamber, percentage of vote in the last election, and total number of terms in the state legislature. The dependent variable is the “yes” or “no” vote on the bill. The independent variables with significant levels of correlation to the vote on House Bill 2 are party identification, race, gender, religiosity, and percentage of vote in the last election. The independent variables that did not have significant levels of correlation to the vote on House Bill 2 are location of district, chamber, and total number of terms in the state legislature. This study utilizes correlation and cross tabulation analysis to test the hypotheses.

Anatomy of the Bill

House Bill 2 in North Carolina created a firestorm of controversy. Today, it is often referred to as Hate Bill 2 by the public because of its implications for transgendered people. It was signed into law by Governor Pat McCrory on March 23, 2016. The bill contains three sections: the preamble, single-sex multiple occupancy bathroom and changing facilities, and protection of rights in employment and public accommodations (House Bill 2, 2016). The preamble of the bill states that “the purpose of this bill is to achieve statewide consistency in regulations of employment and public accommodations” (House Bill 2, 2016, Preamble). The preamble also states that “by obtaining statewide consistency, it will improve intrastate commerce and attract new businesses, organizations, and employers to the state” (House Bill 2, 2016, Preamble). The first section of the bill, which deals with single-sex multiple occupancy bathrooms and changing facilities, applies to public bathrooms and changing rooms. This also includes public schools. This section states, “Nothing in this section shall prohibit public agencies from providing accommodations such as single occupancy bathroom or changing facilities upon a person’s request due to special circumstances, but in no event shall that accommodation result in the public agency allowing a person to use a multiple occupancy bathroom or changing facility designated for a sex other than the person’s biological sex” (House Bill 2, 2016, §115C-521.2.(c)). The third section of the bill, which deals with the protection of rights in employment and public accommodations, confronts discrimination in the workplace. This section states, “It is the public policy of the state to protect and safeguard the right and opportunity of all persons to seek, obtain and hold employment without discrimination or abridgement on account of race, religion, color, national origin, age, biological sex, or handicap by employers which regularly employ 15 or more employees” (House Bill 2, 2016, §143-422.2.(a)). The bill defines biological sex as “the physical condition of being male or female, which is stated on a person’s birth certificate” (House Bill 2, 2015, §115C-521.2.(a)).

Gordon, Price, and Peralta (2016) answered several questions in *The Charlotte Observer* that were submitted by citizens of North Carolina. One of the first questions asked dealt with the repercussions of the bill for those individuals who are not gay or transgender. The answer is that, yes, the law does affect those individuals insofar

as it limits how people pursue claims of discrimination because of race, religion, color, national origin, biological sex or handicap in state courts (Gordon, Price, and Peralta, 2016, 3). The law also states that a standard minimum wage cannot be set for private employers (Gordon, Price, and Peralta, 2016, 3).

According to Robertson, “social conservatives and GOP allies in the legislature...have praised the law” (Robertson, 2016). Robertson covered the gubernatorial debate between Governor Pat McCrory and Democratic challenger Roy Cooper, who made their differences over House Bill 2 well known. Cooper, who serves as the state’s attorney general, has even refused to defend the bill in court. McCrory makes the argument that he signed this bill into law as an attempt to protect the privacy of children and adults using restrooms and locker rooms (Robertson, 2016). McCrory stated, “a boy who is a boy who thinks he is a girl should not go into the girls’ shower. Roy Cooper believes a boy who thinks he’s a girl and still has the anatomy of a boy can go into the girl’s shower or in middle schools and in our high schools and our universities. I strongly disagree with those values and the courts are going to now decide” (Robertson, 2016). This same argument was used by citizens of Houston, Texas when the HERO ordinance was established (Ura, 2015). Cooper argues that the directive of the bill will not change the day-to-day operations of public schools and that McCrory has created the problem himself by signing the bill into law. According to Cooper, McCrory has blamed others for the backlash of the bill, while refusing to accept blame himself (Robertson, 2016).

Economic Impact

The preamble stated that the purpose of the bill is to achieve statewide consistency in regulations of employment and public accommodations. The preamble also stated that, by obtaining statewide consistency, intra- and interstate commerce would be improved and new businesses, organizations, and employers would be attracted to the state. However, the exact opposite has happened. Cooper pointed out during the debate that the bill has stopped companies from relocating or investing in North Carolina and has framed the state negatively in the eyes of the nation (Robertson, 2016). Robertson stated that the bill has been condemned by gay-rights groups, corporate executives, and entertainers from Bruce Springsteen to Pearl Jam (Robertson, 2016). At the annual North

Carolina Bar Association meeting in Charlotte, Cooper stated, “The governor continues to hurt our economy by doubling and tripling down on House Bill 2, he has made sure that we’ve lost hundreds of millions of dollars and thousands of jobs” (Robertson, 2016).

Gordon, Price, and Peralta (2016) pointed out two questions from the citizens of North Carolina: “Is the NBA All-Star game the only sport event reacting negatively to the bill?” and “Could this hurt economic development in North Carolina?” In regards to the first question, the NBA officially announced that they are pulling the All-Star game from the state. Both the NCAA, whose men’s basketball tournament games were planned in North Carolina during 2017 and 2018, and the Central Intercollegiate Athletic Association (CIAA), which has hosted in North Carolina since 2006, have said that they are “monitoring the situation.” ESPN, who has considered North Carolina for summer X Games, declared that they embrace “diversity and inclusion and will evaluate all of our options.” On May 12, the commissioner of the Atlantic Coast Conference said they would move the championship out of the state unless HB2 is repealed. As for the latter question, the bill already has hurt the economy. After the law was passed, PayPal canceled expansion into the state, thus preventing the state from growing by a projected 400 jobs. Likewise, Braeburn Pharmaceuticals is reconsidering their research facility in the state, which included 52 jobs and \$20 million in investments. In addition, major employers in North Carolina—American Airlines, Lowe’s, Apple, Facebook, Google, Microsoft, and many more—have said that they are disappointed with the measure, but have not pulled from the state yet (Gordon, Price, and Peralta, 2016, 6-7).

Issues of Federalism

In Gordon, Price, and Peralta (2016), other questions were asked about federalism: “How big of a court fight will this be?” Thus far, there have been at least five lawsuits filed either against or in support of the bill. One such lawsuit was filed by Governor McCrory, who asked the court to deem the bill nondiscriminatory. The next question was: “What federal protections exist for workplace discrimination for an LGBT employee?” There are currently no federal laws protecting LGBT citizens from being discriminated against at their place of work. An act protecting these rights has been proposed for many years but has not been passed (Gordon, Price, and

Peralta, 2016, 3-4). Citizens also raised the question, "How does HB2 affect schools?" The court fight has already put billions of federal dollars at stake for North Carolina's education programs. The federal government has also said that the bill violated Title IX of the Civil Rights Act, which prohibits discrimination in all school programs, including sexual identity and orientation (Gordon, Price, and Peralta, 2016, 4). The result of this violation could mean the federal government pulling funds for education in North Carolina.

Another question articulated in the Gordon, Price, and Peralta (2016) article was, "Where is public opinion in North Carolina on LGBT rights?" In 2012, a constitutional ban on same-sex marriage passed with more than 60 percent of the vote. In June of 2015, a poll revealed that 44 percent of state residents supported same-sex marriage. Last April, Elon University sent out a poll and found that 63 percent of the state's registered voters disagreed with the state's magistrate law and that 51 percent of Republicans supported a business' right to deny service to customers based on religious objections (Gordon, Price, and Peralta, 2016, 4-5).

Southern Politics

"The development of southern Republican strength has been from the top down: meaning the earliest change was at the presidential level, then filtered down to the statewide offices, congressional seats, and then into the state legislature" (Woodard, 2006, 224). This trickle-down quickly turned into a landslide due to the significant electoral victories by the GOP in the 1972 and 1980 presidential elections. Woodard suggests that these two elections were influential in spreading partisan change (Woodard, 2006, 224). The southern region has realigned from the solid Democratic South to the region that is now most loyal to GOP presidential candidates. In fact, the last time that all of the eleven former Confederate states voted Democratic in a national presidential election was in 1944. This may be because, since the 1940s, the social, economic, and racial landscape of the South has been transformed by the emergence of a two-party system, economic growth, and the expanding presence of a middle class (Woodard, 2006, 224).

This development of Republican strength in the south led to a shift from the classic issues of economics and foreign policy, to the deep-seated moral and religious values, which sociologists have traced back to the disruption of the 1970s (Woodard, 2006, 182).

“James Davidson Hunter, in his book *Culture Wars*, defines the new conflict as one between *orthodox* notions of traditional family and community based on a transcendent authoritative truth, and *progressive* notions that adopt changing patterns in culture as a way of adapting modernity to a new form” (Bullock and Rozell, 2008). Woodard expands on Bullock and Rozell’s ideas by stating that the crisis of this cultural authority in the United States was due to the collision of these opposing world views (Woodard, 2006, 182).

The Southern Baptist Convention repeatedly affirmed its opposition to abortion, homosexuality, and the ordination of women to be pastors. The affirmation of these positions came from the Southern Baptists, including a steady movement of regular churchgoers (Woodard, 2006, 196). According to Woodard, these regular churchgoers became a key element in Republican electoral gains in the South (Woodard, 2006, 196). Woodard points out two issues that occupied the southern evangelical votes in the 1980s and early 1990s. The first was the emergence of the new Christian Right organization to replace the Moral Majority in U.S. politics. The second was the struggle to establish a Protestant denomination majority in the South and throughout the nation (Woodard, 2006, 192). Eventually, these two movements led the South into the arms of the Republican Party (Woodard, 2006, 192).

North Carolina has historically been seen as a swing state, because, in the 1960s, Democrats took North Carolina and, in 2004, North Carolina was in favor of Republican candidates for the presidency (Bullock and Rozell, 2008). Still, “The movement in North Carolina from a one-party state to a competitive two-party state was not a pattern of smooth and even Republican growth” (Bullock and Rozell, 2008, 162). Since 2008, North Carolina has been a swing state when it comes to the presidential election. In 2008, Barack Obama won the state of North Carolina despite Mitt Romney’s winning North Carolina in the presidential election of 2012. House Bill 2 could be the latest attempt of the Republican Party to sway the state to be a red state instead of a swing state. However, public opinion in North Carolina has remained controversial, especially after House Bill 2 was signed into law.

Data & Methods

Within this study, the unit of analysis was the North Carolina legislators. There was one dependent variable and seven indepen-

dent variables. The dependent variable was the vote (yes or no) made by each legislator. The independent variables were based on characteristics of each member of the North Carolina legislature. These included party identification, race, gender, religion, location of district, percentage vote in the last election, and years of service in the legislature.

The following hypotheses were tested in this study:

Legislator Characteristics (H1-H4)

H1: Legislators that are Democrats will vote against the bill, and legislators that are Republicans will vote for the bill.

H2: Legislators that are female are more likely to vote against the bill, and legislators that are male are more likely to vote for the bill.

H3: Legislators that are of the minority race, in this case African American, will vote against the bill, and legislators that are of the majority race, in this case Caucasian, will vote for the bill.

H4: Legislators that do not declare a religion are more likely to vote against the bill, and legislators that do declare a religion are more likely to vote for the bill.

Legislator District/Electoral Characteristics (H5-H7)

H5: Legislators that represent urban districts are more likely to vote against the bill, and legislators that represent rural districts are more likely to vote for the bill.

H6: Legislators with the most years of service are more likely to vote against the bill than legislators that were recently elected.

H7: Legislators that received a significant percent of the popular vote in their last election will be more likely to vote against the bill.

These hypotheses are based on the literature review discussed previously. Robertson shows the connection of the Republican Party and the likelihood of legislators voting for House Bill 2. According to Robertson, "social conservatives and GOP allies in the legislature... have praised the law." Woodard also gives background information as to how North Carolina, and the larger South, realigned from solid Democratic tendencies to strict loyalty to the GOP (Woodard, 2006). Woodard's assertions also supported the hypothesis regarding the minority race and the likelihood of legislators to vote against the bill. Woodard explains that, when the South realigned, the social and racial landscape was transformed by the emergence of the two-party system and the expanding presence of the middle class (Woodard, 2006, 224). The shift in politics in the South helps justify the hypothesis that those who claim a religion are more likely to vote for the bill, as the shift led to issues of deep-seated

moral and religious values (Woodard, 2006, 182). The hypothesis involving religion was based predominately on the Southern Baptist Convention. “The Southern Baptist Convention affirmed its opposition repeatedly to abortion, homosexuality, and the ordination of women to be pastors and the affirmation of these positions came from the Southern Baptists, which included a steady movement of regular churchgoers” (Woodard, 2006, 196).

Table 1 provides descriptive statistics for the dependent and independent variables included in this study.

Table 1
Variables, Characteristics and Sources

Variable	Min.	Max.	Mean	S.D.	Source
Vote on House Bill 2	0 (No)	1 (Yes)	.75	.431	Ncleg.net
Location of District	0 (Urban)	1 (Rural)	.80	.402	Ncleg.net
Party Identification	0 (Democrat)	1 (Republican)	.65	.478	Ncleg.net
Percentage Vote in the Last Election	50.4%	100%	73.3%	18.1	Ballotpedia
Gender	0 (Female)	1 (Male)	.77	.419	Ncleg.net
Race	0 (African American)	1 (Caucasian)	.80	.399	Ncleg.net, Facebook
Chamber	0 (House)	1 (Senate)	.29	.455	Ncleg.net
Religiosity	0 (No Religion Declared)	1 (Religion Declared)	.79	.411	Facebook, Capwiz.com

The dependent variable, vote on House Bill 2, is represented by No (0) and Yes (1) with a mean of .75. The variable location of district is represented by Urban (0) and Rural (1) with a mean of .80. The variable party identification is represented by Democrat (0) and Republican (1) with a mean of .65. The variable percentage vote in the last election ranges from 50.4% to 100% with a mean of 73.3%. The variable gender is represented by Female (0) and Male (1) with a mean of .77. The variable race is represented by African American (0) and Caucasian (1) with a mean of .80. The variable chamber is represented by House (0) and Senate (1) with a mean of .29. The variable religiosity represented by No Religion Declared (0) and Religion Declared (1) has a mean of .79.

Calculating religiosity was the most difficult because most websites that give information on state legislators do not include

their religious affiliations. Capwiz provided religious information on most legislators, which was then cross-referenced with the legislator’s Facebook page. The majority of the legislators identified their specific religious affiliation on their Facebook pages. If religious affiliation could not be found on either their Facebook page or on Capwiz, then the legislator was marked as no religion declared. Religiosity was classified either as Religion Declared or No Religion Declared because there were multiple specific religious affiliations, such as: Baptist, Christian, Catholic, Quaker, Protestant, Presbyterian, Methodist, Episcopal, Mormon, and Lutheran.

Findings

Correlation and cross tabulation analysis are utilized in the following tables. Table 2 shows that the most significant independent variables include party identification, gender, race, religiosity, and the percentage of vote in the last election.

Table 2
Correlation Analysis of the Vote on HB2

Independent Variable	Vote on HB2
Party Identification	.814**
Race	.639**
Gender	.218**
Religiosity	.183*
Location of District	-.032
Chamber	-.016
Percentage of Vote in the Last Election	-.258**
Total # of Terms in State Legislature	-.022

N=151

*p<.05

**p<.01

Table 2 has four correlations that are significant at p<.01 and one that is significant at p<.05. There are three variables that are not significant. The correlations that are significant at p<.01 are party identification, race, gender, and percentage of vote in the last election. The correlation significant at p<.05 is religiosity. The correlations that are not significant include location of district, chamber, and total number of terms in the state legislature. Tables 3-9 break

down each independent variable and show a cross tabulation with the dependent variable, which was the vote on the bill.

Table 3 includes the party identification and vote cross tabulation. As is indicated, only one Republican voted against the bill. This was Republican Paul Tine who is Caucasian and did not report a religion on his Facebook page, his campaign website, or to Capwiz.com. Capwiz is a website that has information of all legislators of every state. The information includes the legislator's state, chamber, religious affiliation, campaign website, and party identification. This table also shows that 76.6% of Democrats voted against the bill. The party identification cross tabulation has a chi-square and Cramer's v that are significant at $p < .01$.

Table 3
Cross tabulation of Party Identification and Vote on HB2

	Democrat	Republican	Total
No	36 76.6%	1 1.0%	37 24.5%
Yes	11 23.4%	103 99.0%	114 75.5%
Total	47 100%	104 100%	151 100%

** $p < .01$

Chi-Square: 100.101**

Cramer's V: .814**

Table 4 represents the location of district and vote cross tabulation. The districts are separated as urban and rural. The table shows that urban and rural locations did not make a significant difference when it came to how the legislators would vote. Those legislators representing urban areas voted for the bill at 78.1% and those legislators representing rural areas voted for the bill at 74.8%.

Table 4
Cross tabulation of Location of District and Vote on HB2

	Urban	Rural	Total
No	7 21.9%	30 25.2%	37 24.5%
Yes	25 78.1%	89 74.8%	114 75.5%
Total	32 100%	119 100%	151 100%

Chi Square: .152

Cramer's V: .032

Table 5 signifies the gender and vote cross tabulation. The table shows that 80.2% of men voted for the bill while female legislators split more evenly (56.7% for the bill and 43.3% against). The chi-square and Cramer’s V are statistically significant at $p < .01$ for Table 5.

Table 5
Cross tabulation on Gender and Vote on HB2

	Female	Male	Total
No	13 43.3%	24 19.8%	37 24.5%
Yes	17 56.7%	97 80.2%	114 75.5%
Total	30 100%	121 100%	151 100%

Chi Square: 7.176**

Cramer’s V: .218**

* $p < .05$

** $p < .01$

Table 6 represents the race and vote cross tabulation. This table confirms the hypothesis that minority legislators would vote against the bill, while white legislators would vote in favor of it. 82.1% of African Americans voted against the bill and 88.5% of Caucasians voted for the bill. Once again, the chi-square and Cramer’s V are statistically significant at $p < .01$.

Table 6
Cross tabulation of Race and Vote on HB2

	African American	Caucasian	Total
No	23 82.1%	14 11.5%	37 24.7%
Yes	5 17.9%	108 88.5%	113 75.3%
Total	28 100%	122 100%	150 100%

Chi Square: 61.202*

Cramer’s V: .639**

** $p < .01$

Table 7 depicts the chamber and vote cross tabulation. The chambers are the House of Representatives and the Senate. This table shows that the chamber had no significant relevance to the voting behavior of its members. The Yes vote is roughly the same regardless of chamber.

Table 7
Cross tabulation of Chamber and Vote on HB2

	House	Senate	Total
No	26 24.1%	11 25.6%	37 24.5%
Yes	82 75.9%	32 74.4%	114 75.5%
Total	108 100%	43 100%	151 100%

Chi Square: .038

Cramer’s V: .016

Table 8 represents the religiosity and vote cross tabulation. This table shows that 79.7% of those that claimed a religion voted for the bill. However, only 39.4% of those that did not claim a religion voted against the bill. The differences are statistically significant in Table 8 as measured by the chi-square and Cramer’s V statistics.

Table 8
Cross tabulation of Religiosity and Vote on HB2

	No Religion Declared	Religion Declared	Total
No	13 39.4%	24 20.3%	37 24.5%
Yes	20 60.6%	94 79.7%	114 75.5%
Total	33 100%	118 100%	151 100%

Chi Square: 5.062*

Cramer’s V: .183*

*p<.05

Table 9 is the gender and vote cross tabulation layered by race. This table reveals that all African Americans that are females voted against the bill. It also should be noted that the 5 African Americans that voted for the bill were all male. The table shows that 91% of Caucasian males voted for the bill. There was only one Caucasian male Republican who voted against the bill, Paul Tine, who also did not claim a religion. 77.3% of Caucasian females voted for the bill.

Table 9
Cross tabulation of Race and Gender

	African American	Caucasian	Total
Female (No Vote)	8 100%	5 22.7%	13 43.3%
Female (Yes Vote)	0 0%	17 77.3%	17 56.7%

Total within Female	8 100%	22 100%	30 100%
Male (No Vote)	15 75%	9 9%	24 20%
Male (Yes Vote)	5 25%	91 91%	96 80%
Total within Male	20 100%	100 100%	120 100%
Total (No Vote)	23 82.1%	14 11.5%	37 24.7%
Total (Yes Vote)	5 17.9%	108 88.5%	113 75.3%
Total	28 100%	122 100%	150 100%

Conclusion

In conclusion, House Bill 2 has had a significant impact on economic issues within the state, causing conventions and athletic functions to withdraw from hosting their events in North Carolina. It has also stopped new business from coming into the state, thus pulling jobs and money from the state. Likewise, HB2 has had an impact on federalism, which included the threat of federal dollars being pulled from the state for education costs due to the violation of Title IX. HB2 has impacted southern politics as a whole, especially considering that this bill could be the last attempt to turn North Carolina from a swing state to a red state. Notably, the first realignment of the South caused an existential crisis.

This issue will not disappear from America’s radar anytime soon. On August 9, 2016, the federal courts placed a hold on the Obama administration’s action of transgender issues and bathrooms (Herskovitz, 2016). This bill and the attempt to move North Carolina from a red state to a swing state was of great concern during the 2016 presidential election. Hillary Clinton and President Obama campaigned for the first time together in the swing state of North Carolina, hoping to secure votes. However, in November, the state of North Carolina was red and went to Donald Trump, who then won the presidential race. Governor McCrory, the governor who helped pass what the media is calling the “Bathroom Bill,” was up for re-election in 2016. He was defeated by his Democratic competitor Cooper in November, but demanded a recount because of the close numbers. After the recount, Cooper was still deemed the winner of the race for governor. Still, the transgender issues are lining up to become the next wave of rights for the civil rights movements.

The significant factors determining how each legislator voted were party identification, gender, religiosity, and race. The hypotheses under *Legislator Characteristics* (H1-H4) were all statistically

significant and make a difference concerning the vote on House Bill 2. The following are the results for each hypothesis. H1: Legislators that are Democrats will vote against the bill, and legislators that are Republicans will vote for the bill. H1 correctly predicted voting outcomes, with 36 Democrats voting against the bill, 11 Democrats voting for the bill and 103 Republicans voting for the bill with only one voting against it. H2: Legislators that are female are more likely to vote against the bill, and legislators that are male are more likely to vote for the bill. H2 correctly predicted voting outcomes, wherein 13 females voted against the bill with 17 voting for the bill, and 97 males voted for the bill with 24 voting for the bill. H3: Legislators that are of the minority race, in this case African American, will vote against the bill, and legislators that are of the majority race, in this case Caucasian, will vote for the bill. H3 was correctly predicted, with 23 African Americans voting against the bill and 5 voting for the bill, while 108 Caucasians voted for the bill and 14 voted against the bill. H4: Legislators that do not declare a religion are more likely to vote against the bill, and legislators that do declare a religion are more likely to vote for the bill. H4 was correctly predicted, with 13 legislators who did not report a religion voting against the bill and 20 voting for the bill, while 94 religious legislators voted for the bill and 24 voted against the bill.

Only one hypothesis (H7) was statistically significant under the *Legislator District/Electoral Characteristics* (H5-H7) category. The following are the results for each hypothesis. H5: Legislators that represent urban districts are more likely to vote against the bill, and legislators that represent rural districts are more likely to vote for the bill. H5 was incorrectly predicted, as 7 urban legislators voted against HB2 and 25 voted for the bill, while 89 rural legislators voted for the bill and 30 voted against the bill. H6: Legislators with the most years of service are more likely to vote against the bill than legislators that were recently elected. H6 was incorrectly predicted; there was no significant difference based on the number of years the legislator held office. H7: Legislators that received a significant percent of the popular vote in their last election will be more likely to vote against the bill. H7 was correctly predicted; legislators that had a significant percentage of the popular vote in the last election were more likely to vote against the bill. We can speculate that these legislators with a higher percentage of the vote in the last election may have felt less pressure and electoral risk, allowing them to vote against the bill. In addition, this could

also be linked to partisanship as racial gerrymandering could have created safe seats for democratic legislators.

At the end of 2016, the North Carolina legislature continued to captivate the nation’s attention. The GOP legislature attempted to strip the incoming governor of key appointment powers (Associated Press, 2016). Furthermore, governor-elect Cooper had negotiated a deal for Charlotte to repeal their progressive bathroom ordinance while the state legislature would move to repeal HB2 (CNN, 2016). The compromise fell apart at the end of 2016 in a highly polarized political environment. This issue is only gaining more speed and growing larger. According to Westcott (2017), there are advocates in eight states that are trying to get a bathroom bill passed. “The National Conference on State Legislators said on Thursday that legislation has been introduced recently in eight states, including Texas, to restrict the use of spaces such as bathrooms, changing facilities, shower rooms, and lockers rooms by requiring that they be used according to a person’s biological sex” (Westcott, 2017).

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Lewdness in The Country Wife (1675)

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Abstract: This article analyzes the social reception of the play *The Country Wife* by William Wycherley, which centers on the character of Horner, a man who claims impotence as a con to avoid suspicion from husbands as he freely has affairs with married women. Puzzlingly, even though the play was produced in an era in which mainstream English society disapproved of the behavior represented on the stage, the play proved highly popular and enjoyed a great deal of success at the box office. This article explains and interprets the popularity of *The Country Wife* in light of its historical context, examining the Restoration-era political, cultural, and aesthetic context that made this play so appealing. As I demonstrate, *The Country Wife* reflected the changing political scene of a government that had just witnessed great divide and turmoil, the relationships among the classes in a time of increasing social mobility, the libertinism of King Charles II and his court, and a changing literary and aesthetic atmosphere in which playwrights strongly defended the alleged “immorality” of their productions. Each of these factors contributed to the remarkable popularity of this play.

To modern day society, the play *The Country Wife* (1675) by William Wycherley seems tame. However, during the Restoration, plays depicting sexual liberation were criticized for immorality; therefore, the sexual escapades of Horner, the play's principal character, and his mistresses were taboo. Still, the play was a success due to its ability to resonate with its audience politically, socially, and aesthetically—in spite of being performed in an atmosphere full of anti-theatrical attacks. Though critics traditionally attacked lewd plays like this one, the Restoration era was a time of change, including a backlash against the puritanical regime of the 1650s, and plays, such as *The Country Wife*, were “the product of a war-disputed generation” (Clancy 85). This play reflected and responded to the growing rift between the social classes, as well as the policies and libertine habits of King Charles II. The fortunate result for Wycherley was that his play was considered harmless enough to be enjoyed widely by English audiences during the Restoration era.

As scandalous and lascivious as *The Country Wife* may have been, much of its offensive content was reflected in the libertine atmosphere of Charles II's court at the time. In 1660, following the puritanical Interregnum era (in which public theater was banned altogether), Charles II was restored to the English throne as king, re-establishing the monarchy and so beginning the Restoration Era. The relationship between political rebellion and social rebellion—in this case, between the restoration of the monarchy and the rise of libertinism—has been discussed by Harold Weber, who connects “the rebellion of the rake to the large-scale rebellion recently witnessed in England” (14). Upon acquiring control, Charles II reopened the theatres and even allowed women to act in plays, and so a new era of entertainment began. Charles II influenced the theatre not only through his decrees but through his actions in daily life. In fact, Charles II did not attempt to hide his extra-marital affairs, resulting in a less deplorable view of sexual appetites and even “an ever-increasing demand by women to participate in the freedom of action that had always been a perquisite of men” (Clancy 97). This type of behavior was rampant in *The Country Wife*, exemplified by the actions of the characters Lady Fidget, Dainty Fidget, and Miss Squeamish. Just as Charles II tacitly condoned extramarital sex through the brazen atmosphere of his royal court, so too did audiences increasingly condone (or at least accept) plays that revolved around adultery and libertines.

Nevertheless, a united fascination with the wantonness of the

new monarch did not unite all of the king's subjects. The turmoil between the social classes created an audience at odds, which likely fueled the appreciation for the mockery of cuckolds in plays such as *The Country Wife* (Thompson 54). James Thompson explains that each social class was happy to see the other classes demeaned and mocked, even at the cost of being demeaned themselves (54-55). This class-based mockery is observable in the comedic treatment of Margery, *the Country Wife's* titular character and a lower-class "country bumpkin" figure, as well as in the treatment of numerous upper-class characters such as Sir Sparkish and Sir Pinchwife. Horner makes a fool of Pinchwife by sleeping with his wife, and Horner's friend Harcourt blatantly insults Sir Sparkish multiple times while making advances on Alithea, Sparkish's fiancée. Restoration comedies such as *The Country Wife* allowed lower-class audiences "a glance at upper class excess, pleasure in witnessing its performance, and the possibility of laughter at its folly" (Evans 27). Yet, appealing to such a diverse audience in this tumultuous time was no easy task. As James Clancy points out, Restoration comedies were "written by men whose standards of life have been abruptly and violently questioned, and who therefore must in their work either attempt to re-establish the old standards, demonstrate the advisability of new ones, or pretend that no standards at all are needed" (88). Playwrights such as Wycherley had to take into consideration differing views regarding social norms, as some people hoped to return to the old ways and others were in favor of innovation. The audience was unpredictable, and playwrights never received universal success (Clancy 53). In fact, even when these libertine Restoration comedies reached the pinnacle of success, the behavior they depicted was attacked regularly in print (Rosenthal 8). In spite of these attacks, Restoration dramatists were often eager to fight back with formidable wit.

Playwrights adopted a "light-hearted and ironic" tone when defending their work, consistent with the spirit in which many of their plays were written (Thouret 52). Critics dissected plays, searching for vulgarities. As Clotilde Thouret describes it, playwrights leveled the argument that "comedy is honest and innocent—it is its enemies that see evil in it where there is none, since they have dirty minds" (42). As dramatist John Vanbrugh argued in 1698, the incessant harping on the depravity of plays "demonstrate[s] the condemner's constant preoccupation with the most trivial and dirty things, and even his instinctive, bestial obsession, since his

intuition in these matters is more developed than a boar's sense of smell" (Thouret 43). Within *The Country Wife*, the china scene, in which Lady Fidget has relations with Horner under the ruse of shopping for his china, would have provided an excellent opportunity to employ Vanbrugh's defense. The china scene implied sexual actions using euphemisms, but, according to Vanbrugh's defense, critics of the play would contradict their virtuous appearances if they were to announce what they perceived to be underlying sexual innuendos. Therefore, some critics could be silenced for fear of degrading their reputations. Playwrights also argued that there was "the possibility of theatre portraying religion and endeavors to show the moralizing effect of comedy, notably insofar as it moves spectators away from seduction or licentiousness" (Thouret 48). This defense is equally applicable to *The Country Wife*, as the audience may have taken notice of the mockery made of these "immoral" characters and may have wished to avoid the misfortunes that befell them. Playwrights also defended the right to laugh at debauched actions in plays, claiming that laughter was "a sensible reaction of moral reason, when faced with indecency" (Thouret 48).

Another reason that libertine characters like Horner were deemed acceptable lies in the type of characters they victimize. Robert Hume discusses a variety of strategies that were used to humanize libertine characters, which include inserting elements of comedy and satire, creating disagreeable victims, and sending messages of moral reform (38). In *The Country Wife*, Horner is considered a rake of justice; that is, he only makes cuckold out of men who are foolish or despicable (Hume 43). Hume argues that just or righteous libertines were only hostile toward marriages that were forced or that functioned more as monetary transactions than as love-based relationships (28). Indeed, Horner attacks only marriages that meet these descriptions. Even Margery's marriage to Mr. Pinchwife was, in a way, forced. Margery was conned into marrying Pinchwife because he took advantage of her innocence and ignorance. As Rosenthal puts it, "Horner seems rather mysteriously embittered over Pinchwife's marriage, perhaps in part in an expression of contempt for Pinchwife's age-inappropriate desires" (21). And even though Horner did not sleep with Sir Sparkish's fiancée (Alithea), Horner's contempt for Sparkish reflects his distaste for the loveless future marriage between Sparkish and Alithea, who is in love with another man. Thus, the marriages Horner disrupts are, in one way or other, deserving of the challenge he poses.

Another reason for the popularity of these plays, despite their lewdness, is their staging. Jeremy Webster argues that Horner could be accepted by Restoration audiences and seen in a positive light because his debauched actions were kept offstage, and when sexual acts of the bedroom are only alluded to and not seen, "libertines can be amorous, inconstant, and witty about their affairs without threatening their partners with rape, betrayal, or violence" (86-87). Horner's dalliances with the women characters occur behind the scenes; therefore, Horner is not perceived as a direct threat to women's chastity but merely an attractive rogue and a source of implied misconduct. Webster also suggests that Horner's ruse of impotence protected the women from shame at his own expense: "He protects women's reputations in order to seduce them into his bed and he resists the urge to brag about his conquests to any of his friends. This behavior contradicts the image of the libertine as baroque sexual predator" (84). Webster goes so far as to state that the real libertines of the story were the women (84). Webster's theory is certainly supported in *The Country Wife's* china scene, in which the women of virtue express a fervent craving for Horner's company. The masquerade dinner party scene also portrays women of virtue as sexually voracious, as the female sexual appetite is even acknowledged by Lady Fidget. The women continuously seek out Horner, more so, in many ways, than the libertine seeks out the women. As previously mentioned, Pinchwife is contemptible enough to appear deservedly cuckolded. As Webster explains, Pinchwife was the character who dominated women, not Horner; the prime example of this is when Pinchwife violently forces his wife to write down what he dictates to her in a letter for Horner (90). Pinchwife's abusive behavior insinuates "that it is not the libertine's bed-chamber that threatens women with misogyny, violence, and sexual predation but rather that of the prudish husband" (Webster 90-91). Webster credits playwrights for knowing how to present libertine characters favorably, stating that "they associate the oppression of women with those who would deny their sexual freedom rather than with their libertine lovers," which allowed for audiences to find Horner likeable rather than deplorable (93). In this way, the argument that plays such as *The Country Wife* demean the sanctity of marriage is inverted.

Beyond *The Country Wife's* plot and characters, the play contains messages that reflect the social and political policy of the era. Rosenthal explains, "Under Charles II, amnesia became in a

sense official policy of the Restoration with The Act of Oblivion, which confirmed the monarch's agreement to forget about much republican rebellion" (15). Likewise, Rosenthal writes that, "The triumph of the cuckolds marks a new phase in English history: embracing one's inner cuckold celebrates . . . a nation recovering from a leveling rebellion that it must, with the help of repeated performances of *The Country Wife*, . . . remember to forget" (qtd. in Gelineau 277). So, *The Country Wife* represents its society not solely in its depictions of characters' sex lives but in the underlying theme of forgetting the wrongs of the past and accepting the current state of affairs. Toward the end of the play, Pinchwife states, "For my own sake, fain I would all believe: / Cuckolds, like lovers, should themselves deceive" (Wycherley 1193). Pinchwife chooses to forget the truth of his wife's infidelity and he moves on from the past because it was preferable to accepting the painful truth. Through his exploits, Horner studies the way his class operates, and he uses that knowledge to outwit the other men like Pinchwife and Sir Fidget, showing the audience the inadequacies of those men (Rosenthal 20). It is through Horner's own artifice that he reveals the falseness of the other men and the ladies of honor, Lady Fidget, Dainty Fidget, and Miss Squeamish. Horner demonstrated that those of his social class had no more honor than those of humbler origins. By the end of the play, "The cuckold relinquishes belief in the superiority of blood, but at the same time defends hierarchical social structures through strategic acts of oblivion that became the trademark of Charles's post-Restoration strategy" (Rosenthal 26). The play reflects the time in which it was written, and the characters and conclusion of the play resonated with Restoration era political and social policy.

The Country Wife is a reflection of the society from which it emerged. Horner may have been a libertine, but his character was more appealing than the other characters, all of whom were hypocrites and shallow products of that society. Thus, the indecent main character of *The Country Wife* is actually one of the most decent men within the play; in fact, the happiness of the one virtuous couple, Alithea and Harcourt, only flourished because Horner's lies revealed the shortcomings of Sir Sparkish, giving Alithea and Harcourt the opportunity to be together. The libertine of *The Country Wife* is judicious and charming, and he reveals the inner functions and flaws of his society. *The Country Wife* imitates the customs of members of Wycherley's society, and, by placing this mirror in front of the

audience, Wycherley provided them with the opportunity to evaluate themselves morally as well as the society in which they lived.

The Country Wife attracted Restoration-era audiences because it exposed the underlying, unspoken norms of the time and satirized actions that the people under the rule of the rakish King Charles II were accustomed to seeing. During the Restoration era, England was just beginning its shift back to monarchy. As the name of the era indicates, it was a time in need of restoration, especially the rebuilding of relationships between leaders and citizens and among the citizens themselves. Classes were still divided, and Restoration comedies shed light on the flaws of multiple classes, to the pleasure of the varied audiences. In Wycherley's play, Horner is the source—in many ways—of an empowering message about marriage and women's sexuality. Horner's actions reveal his disdain for insincere marriages based on economics and entrapment as well as his support for marriages based on love. In fact, his ruse of impotence brings shame only upon himself. His actions are atypical of the stereotypical, disdainful libertine, as he protects women's reputations and their right to express sexuality. All of these factors allowed for the play to reach and resonate with Restoration-era audiences.

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Effect of Sexual Orientation and Length of a Relationship on Perceptions of Rape

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Abstract: This study examined the effects of sexual orientation and relationship length on perceptions of rape. Participants, 40 undergraduate students, were given one of four scenarios of a rape that occurred between either a homosexual couple or a heterosexual couple who had been dating for either 3 months or 3 years. Participants were then asked to complete a questionnaire about the scenario. As predicted, participants thought that the victim in the 3-year relationship was more obligated to consent than the victim in the 3-month relationship. Counter to prediction, participants rated the attacker's actions as somewhat wrong across the conditions. The results are discussed within the framework of attribution theory.

The topic of rape in relationships has been steadily researched throughout the past several decades (see Whatley, 1993, 1996). One effect identified by this research is the relationship between incidence of reported sexual or emotional abuse and the length of a relationship (Neufeld, Mcnamara, & Ertl, 1999). The impact of relationship length on perceived culpability has not been adequately investigated within homosexual relationships. However, research has found that homosexual victims are more likely to be blamed for rape in general (Davies, Rogers, & Whiteleg, 2009).

For example, White and Kurpius (2002) investigated the effects of sex, gender role attitudes, and sexual orientation on the amount of blame placed on rape victims. They predicted that there would be a positive relationship between negative attitudes toward homosexual men and women and traditional gender role attitudes. They also predicted that participants would place more blame on homosexual victims. Participants were randomly assigned to one of four rape scenarios and then filled out the Attitudes Toward Women Scale—Short Form (ATWS-S; Nelson, 1988), the Attitudes Toward Lesbians and Gay Men Scale—Short Form (ATLG-S; Herek, 1984), the Male Role Norm Scale (MRNS; Thompson & Pleck, 1986), and the Case Reaction Questionnaire (CRQ; Schult & Schneider, 1991). The results supported the predictions made by the researcher: negative attitudes toward homosexuals were positively related to traditional gender role attitudes and homosexual victim blame.

A study by Davies et al. (2009) analyzed the effect of victim gender and sexual orientation on victim blame. The researchers predicted that men would be more likely to place blame on a male victim who was gay. The participants read a scenario of the sexual assault of a 15-year-old by an uncle. Then, participants completed a questionnaire to assess their perceptions of the seriousness of the assault and their attributions of blame to the victim, attacker, and non-offending parents. The predictions were supported: men blamed male victims more often, possibly because they are stereotypically expected to defend themselves and avoid confrontations.

Another factor of perception of sexual assault is the length of the relationship. Angelone, Mitchell, and Lucente (2012) studied motivation, relationship length, and gender role beliefs on the perception of a male-on-female rape scenario. They predicted that the amount of blame placed on the victim would differ between a couple in a relationship and two people on a first date. The participants were randomly assigned 1 of 10 scenarios about a date

rape. The scenarios only differed in the length of the relationship and motivation for the assault. The participants then answered an attributions questionnaire about the victim and the perpetrator. In addition, the participants were given the Attitude Toward Women Scale (AWS; Spence & Helmreich, 1978) and the Marlowe-Crowne Social Desirability Scale (SDS; Crowne & Marlowe, 1960). Results showed no significant difference between blame placed on a victim in a 6-month relationship and a victim on a first date.

Perhaps the most common theoretical framework used to explain how people understand causality is attribution theory (Heider, 1958). This theory provides a framework for understanding the way people use information to make inferences about the causes of behavior or events. Heider (1958) believed that people are motivated by two primary needs: the need to form a coherent view of the world, and the need to gain control of the environment. Scholars have offered a number of attributional explanations for the human tendency to blame an apparently innocent victim; the belief in a just world (see Lerner, 1980) is the most prolific of these. According to this theory, people have a need to believe that others deserve whatever happens to them (Lerner, 1980). Additionally, this theory emphasizes that observers believe that "good" or "kind" people deserve positive outcomes, whereas "bad" or "stupid" people deserve negative outcomes (e.g., Whatley, 1996). As such, people make attributions of blame to victims to protect their belief in a just world.

The purpose of this study was to further examine the effect of sexual orientation and length of relationship on perceptions of rape. The participants, 40 undergraduate college students, read one of four scenarios about a rape that takes place between either a heterosexual couple or a male homosexual couple who have been in a relationship for either 3 months or 3 years. After reading the scenario, participants answered a questionnaire assessing attacker culpability and victim consent. Based on the belief in a just world (Lerner, 1980), I predicted that the attacker in the homosexual couple would be viewed as less morally culpable than the attacker in the heterosexual couple (see also Davies et al., 2009). I also predicted that participants would rate victims in long-term relationships as more obligated to consent to the attacker than victims in short-term relationships (e.g., Neufeld et al., 1999).

Method

Research Design: This experiment was a 2 x 2 between-subjects design. The sexual orientation of the victim (heterosexual or homosexual) and relationship length (3 months or 3 years) were the independent variables. The dependent variables were the extent to which participants perceived a situation as rape and believed the victim should have consented.

Participants: The participants were 40 undergraduate volunteers from Valdosta State University ranging in age from 18 to 24 ($M = 20.15$, $SD = 1.25$). Participants were randomly assigned to one of four conditions where they read about a heterosexual couple that had been dating for 3 months (6 males; 4 females) or 3 years (4 males; 6 females), or a homosexual couple that had been dating for 3 months (5 males; 5 females) or 3 years (5 males; 5 females). The sample was 50% African American, 40% White, 7.5% Hispanic, and 3.5% Asian American. The distribution of participant class standing was 20% Freshmen, 35% Sophomores, 30% Juniors, and 15% Seniors.

Procedure: I approached the student and asked if he or she would like to participate in a study about perception skills. Specifically, students were told that they would read about a violent incident that occurred between a couple, then answer questions based on their perceptions of the incident. Students were informed that the study was for an experimental psychology class. If the student refused, then he or she was thanked and not bothered any further. If the student agreed, then he or she was given a sheet of paper with a written scenario on one side and a questionnaire on the other. The participants completed the experiment individually.

Instructions to participants. The participants were given a single piece of paper and asked to read the scenario. Participants were then asked to complete the questionnaire on the back of the paper.

Description of the incident. The front of the paper described a fictional scenario between a couple that developed as follows: A couple came home after a date. The boyfriend, Jim, then had sex with the victim despite the victim's refusal. Jim left the victim's house shortly after. The next day, the victim told a friend, who advised the victim to file a report against Jim. The victim did not, due to uncertainty about whether the incident was rape. All participants read the same account of the incident.

Manipulation of sexual orientation and relationship length. The first independent variable, sexual orientation, was manipulated by varying the names used to clarify the homosexual couple (Jim and Dan) and the heterosexual couple (Jim and Amanda). The second

independent variable, relationship length, was manipulated by varying the length of the couple's relationship. In the long-term relationship, the couple had been dating for 3 years. In the short-term relationship, the couple had been dating for 3 months.

Dependent measures. After reading the scenario, participants completed the questionnaire on the back of the paper. Participants were asked how strongly they felt that the victim should have consented to Jim because of the length of the relationship and how strongly they felt that Jim had done nothing wrong on seven point scales from 1 (none at all) to 7 (a lot).

Debriefing. After completing the experiment, participants were told the true nature of the study and allowed to ask questions. The participants were informed about how to obtain the results of the study.

Results

Ratings on Consent Based on Length of Relationship: A 2×2 (Sexual Orientation \times Relationship Length) analysis of variance was conducted to determine if the length of the relationship affected how strongly participants felt that the victim should consent to Jim. There was a significant main effect for relationship length, $F(1, 39) = 7.10, p = .011$ ($r = .39$). Participants felt more strongly that the victim should have consented when the couple had been dating for 3 years ($M = 4.35, SD = 1.46$) than when the couple had been dating for 3 months ($M = 3.15, SD = 1.37$). There was no significant main effect for sexual orientation, $F(1, 39) = 0.79, p = .380$ ($r = .14$), neither was there a significant interaction for Relationship Length \times Sexual Orientation, $F(1, 39) = 1.23, p = .275$ ($r = .17$).

Ratings on Jim's Actions: A 2×2 ANOVA was performed to assess how strongly participants felt that Jim had done nothing wrong. There was no significant main effect for relationship length, $F(1, 39) = 2.95, p = .095$ ($r = .26$). There was also no significant interaction for sexual orientation, $F(1, 39) = 0.91, p = .347$ ($r = .15$). There was no significant interaction for Relationship Length \times Sexual Orientation, $F(1, 39) = 2.33, p = .136$ ($r = .24$).

Discussion

The results of the study did not support the prediction that subjects would rate attackers in homosexual couples as significantly less

morally culpable than attackers in heterosexual couples. Overall, participants rated the attacker as somewhat culpable for his actions, because participants rated attacker fault highly regardless of relationship type. These results are inconsistent with results from the studies by White and Kurpius (2002) and Davies et al. (2009) who found that more blame was placed on gay men in rape scenarios. The results are also inconsistent with the belief in a just world (see Heider, 1958; Lerner, 1980).

However, the results of the study did support the prediction that subjects would rate the victim in the 3-year relationship as more obligated to consent than the victim in the 3-month relationship. In general, participants rated obligation to consent more highly for homosexual victims than heterosexual victims, although the difference was not significant. Also, participants thought that the victim in a 3-year homosexual relationship was more obligated to consent than the victim in a 3-month homosexual relationship.

The results of the first prediction are surprising because it has been reported that gay male rape victims receive more blame than heterosexual female victims (e.g., Davies et al., 2009). If rating Jim as inculpable may be interpreted as a means of placing blame on the victim, the relationship between victim blame and sexual orientation is not observed in this study. A study by Davies et al. (2009) found that men were more likely to place blame on homosexual rape victims because, according to gender roles, men are supposed to be able to protect themselves against such confrontations.

Attribution theory states that individuals who fall outside the norm will be evaluated more extremely (Heider, 1958). In this case, the two extreme experimental conditions were type of relationship (heterosexual or homosexual) and length of relationship (three months or three years). Consistent with attribution theory, participants believed that the victim in the three-year relationship should have consented compared to the victim in the three-month relationship. Contrary to attribution theory (Heider, 1958) and the belief in a just world (Lerner, 1980), the type of relationship did not influence perceptions of the expectation of consent. Clearly, future research is warranted to determine whether the sexual orientation of the victim or perpetrator impacts third-party perceptions of victimization.

One possible explanation for the lack of a significant effect for type of relationship is societal acceptance. The stigma associated with homosexual behavior is not as strong as it once was. Data

from the General Social Survey indicate that American acceptance of homosexuality is becoming more liberal (see Loftus, 2001). As such, sexual orientation may have less influence on the attributions of third-party observers.

Future research should examine lesbian relationships. The study by White and Kurpius (2002) examined the relationship between homosexual males and females and heterosexual males and females. The research found that negative attitudes toward gay men and lesbians was positively related to blame of a homosexual victim.

In the past, rape and sexual assault within homosexual relationships have been researched, but there is a gap in the research regarding the difference between male and female couples' likeliness to be blamed. Regardless of sexual orientation, men are often still expected to uphold traditional gender roles. This may be a factor that prevents the reporting of rape within a gay male couple. Further research on the topic of victim blaming would not only deepen our understanding of social perceptions of rape, but potentially protect rape victims from the pain of being blamed for someone else's crime.

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