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ADDRESS: **Editor, FICS**
Oklahoma State University
Department of Sociology
006 CLB
Stillwater, OK 74078-4062

PHONE: 405-744-6126

QUESTIONS/COMMENTS: jrcross@okstate.edu

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GREED, GHOSTS, AND GRAND JURIES: THE FORMATION OF NURSING HOME LAW AND OKLAHOMA'S HEALTH DEPARTMENT SCANDAL

Jason S. Ulsperger, Southeastern Louisiana University

ABSTRACT

This work examines the creation of law and the Oklahoma Health Department scandal. It uses an integrative conflict model of law formation to analyze structural foundations, perceptions of crime, and triggering events leading to the passage of nursing home legislation. A content analysis of news reports and reform group documents shows that a new law for quality long-term care emerged after the disclosure of bribery allegations against a high-level health department official and a nursing home operator. Findings suggest the efficacy of the legislation is questionable based on cultural issues concerning negative images of the elderly, interest group influence, and continued reports of substandard care.

On May 2, 2000, officials arrested the acting state Health Department Commissioner of Oklahoma. Federal and state agents also served 13 search warrants at the health department and five other Oklahoma City locations on that day. They arrested the commissioner for violating a federal statute involving theft or bribery from programs receiving federal funding. An investigation of Oklahoma's nursing home industry prompted the arrest. Officials close to the probe revealed that the inquiry centered on "alleged kickbacks" (Hinton, English, & Greiner 2000 1-A). The commissioner solicited bribes from nursing home owners in exchange for information on surprise government inspections (Ellis 2000a; Hinton 2000a). Owners would send patients with serious conditions related to poor care to local hospitals before inspections started. They would also bring in extra medical equipment, housekeepers, and nurses until inspectors left (Killackey 2000a).

After the scandal broke, public concern escalated. Official complaints against Oklahoma's nursing homes increased (Tatum 2000). Reform groups made their presence known. Consider the Oklahomans for the Improvement of Nursing Care Homes – OK INCH. Following the scandal, one member declared "people just don't care about the elderly anymore" while others stated that lawmakers were at fault (Killackey 2000b). In response, Oklahoma lawmakers passed a law designed to strengthen the oversight of nursing homes and deter corruption. This work examines processes leading to the creation of the law. It uses an integrative conflict model of law formation to analyze events leading to the passage of legislation concerning the Oklahoma Health Department scandal.

CONCEPTUAL FRAMEWORK: THE INTEGRATIVE CONFLICT MODEL

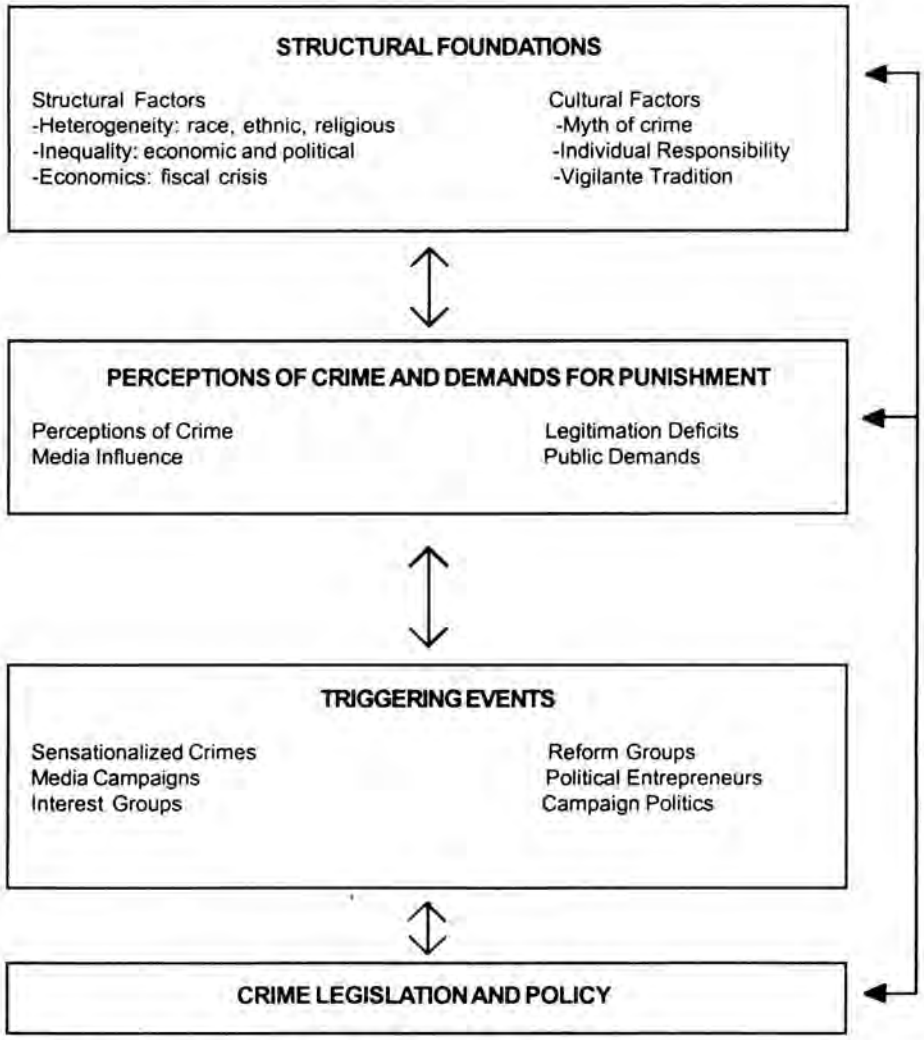
Multiple factors form the integrative conflict model of law formation. Figure 1 indicates that the model operates on three basic levels. These levels include structural foundations, perceptions of crime/demands for punishment, and triggering events (McGarrell & Castellano 1991).

Structural foundations include structural and cultural factors. Structural factors have an effect on lawmaking in a number of ways. High levels of heterogeneity, inequality, and declining economic conditions influence social conflict. With this, the most powerful actors determine what is criminal. In relation to cultural factors, ideological assumptions influence perceptions of criminal behavior. Values of a culture help to shape lawmaking and the efficacy of laws. If the values indicate that a certain behavior is inadmissible, the public will demand restrictions. If values indicate issues surrounding the activity are acceptable, people will tolerate the behavior (Scheingold 1984; McGarrell & Castellano 1991).

In terms of perceptions of crime and demands for punishment, exposure of a deviant behavior creates an elevated sense of public awareness. This leads to public outcries for punishment, which creates a dilemma. It is possible a law exists that addresses the activity. If it does not, lawmakers will face pressure to craft one (Scheingold 1984; McGarrell & Castellano 1991).

Triggering events produce an intense demand for action and new public policy. Triggering events, which can occur simulta-

Figure 1: The Integrative Conflict Model



Note: Figure adapted from McGarrell and Castellano (1991).

neously, include interest group, moral entrepreneur, media, and political activity. They also involve sensationalized crimes and court decisions. Whereas media exposure sets the stage for action, triggering events set the lawmaking process in motion (Galliher & Cross 1983; McGarrell & Castellano 1991).

Unfortunately, analysts have neglected to focus on the integrative conflict model (for exceptions see Castellano & McGarrell 1991; Becker 1997; Oreskovich 2001). This research contributes to the integrative conflict perspective. It uses news reports and reform group documents to explore structural foundations, punishment demands, and triggering events leading to a new nursing home law following the Oklahoma Health Department scandal.

THE HISTORY OF THE SCANDAL

In early 1999, Oklahoma State Senator Penny Williams, a Democrat from Tulsa, helped to shape a committee to look into nursing home conditions. The task force was

supposed to find ways to cut costs and reduce employee shortages (Peterson 1999a). It was apparent that the main concern was lowering operating costs and increasing the quality of lower level staff. These two goals contradicted each other and problems in the nursing home industry got worse.

News reports discussing severe concerns emerged. The media implied lower level employees, such as nursing aides, were the problem. In March of 1999, articles appeared in the *Daily Oklahoman* revealing that authorities charged four women, some nursing aides, for abuse. The state attorney general's office said the Medicaid Fraud Control Unit of the office was investigating (*Daily Oklahoman* 1999a).

After the reports, the House of Representatives passed a bill that required all of Oklahoma's 80,000 nursing home aides to have state certification (Peterson 1999b). The legislation did not help. It raised tensions between low-level workers and upper-level staff. In August of 1999, an uprising erupted at a nursing home in Atoka, Oklahoma. Employees walked off the job en masse, leaving the administrator, a licensed practical nurse, and a nurse's aide to take care of over 80 residents. The Deputy Health Commissioner Brent VanMeter, the state official in charge of nursing home investigations, indicated concern. A news report showed that the walkout was prompted by low wages and understaffing (Jones 1999).

Other reports were more severe. In November of 1999, authorities found an aide guilty of raping a 75-year-old female resident. The judge sentenced the man to seven years in prison. Coverage of the event showed issues related to nursing home abuse did not only exist on the individual level. News reports indicated that the staff of the home knew about the offense, but failed to report it (Baldwin 1999). In turn, it seemed criminal issues of the industry were not limited to low-level employees. In fact, only a few months later, on May 2, 2000, officials arrested Brent VanMeter. He was the same state official that voiced concerns over the walkout in Atoka the previous year (Hinton et al 2000).

Authorities arrested VanMeter for violating a federal statute involving theft or bribery from programs receiving federal funding. Specific allegations included bribery, Medicaid fraud, and favorable treatment of certain nursing home owners (Hinton et al 2000). VanMeter, a department employee for 20 years, solicited bribes from nursing home owners in exchange for information relating to surprise government inspections. He used the money to gamble on horse races (Ellis 2000a). Governor Frank Keating ordered Jerry Regier, his Cabinet Secretary of Health and Human Services, to immediately assume the role of interim department commissioner (Hinton et al 2000).

Two days after the arrest, Regier fired VanMeter. He determined that enough evidence was present before a trial even occurred to release VanMeter from his duties. The evidence Regier referred to involved taped telephone conversations between VanMeter and nursing home owners. During a conversation wiretapped by the FBI, VanMeter solicited and demanded payments from nursing home operators. In return, he agreed to backdate documents so a nursing home could receive about $50,000 in illegal funds (Hinton 2000a).

Ten days after the scandal broke, a federal grand jury demanded the Oklahoma Health Department disclose how its officials influenced legislation for using temporary managers at nursing homes. It appeared that VanMeter was not only allowing information to leak before surprise inspections but also giving inside information to companies that take over nursing homes following government closures. Regardless, news reports indicated that the investigation was not just for VanMeter. Nursing home owners such as E.W. "Dub" Jiles of Oklahoma City and John Smart and Jim Smart of Wewoka were under review (Clay & Ellis 2000).

The ongoing investigation revealed that several health department employees received pay but did not perform any work. These "ghost workers," which included former state politicians, a used car salesman, and a college student, were all tied to the health department scandal (Killackey 2000c 1-A). Considering the impact of the scandal, state officials quickly adopted House Bill 2019 in the summer of 2000. The legislation provided more than $260 million in state and federal money for health care in Oklahoma. It set out a plan for improvements in nursing homes by adding more structure to the oversight process. It also enabled nursing homes to increase wages and staffing, and allow the state health department to hire additional nursing home inspectors. The bill also made

Table 1: Nursing Home References by Category

Issue	Number	Percentage
Structural Foundations	11	2
Perceptions and Punishment Demands	172	35
Triggering Events	275	56
Legislation	31	7
Totals	489	100

Note: Numbers based on rounding methods.

it a felony for any health department worker to accept anything of value in return for information and favors relating to nursing home services (Greiner 2000a).

METHODS

The Examination of Articles

This analysis used documents produced by the Oklahomans for the Improvement of Nursing Care Homes - OK INCH. However, the primary data involved a content analysis of Oklahoma's statewide newspaper, the *Daily Oklahoman*. Using Newsbank's online records as a search tool, this project focused on articles using the search term "nursing home" (for elaboration see Newsbank 2002). It examined articles from January 1, 1999 to December 31, 2001, focusing on events relevant to nursing home lawmaking. This includes the years prior to, during, and after the Oklahoma Health Department scandal. The search revealed 1,745 articles. A review of each article provided insight on themes. It was not necessary to include all articles. The excluded articles focused on topics including obituaries, guidelines for census procedures, flu shots, and community fundraising. Table 1 identifies 489 newspaper articles about nursing homes that were relevant to this study.

Content Categories

In relation to the integrative conflict model, the first category included 11 articles (2%) on structural foundations. In this research, this included articles looking at age as a structural factor and perceptions of the elderly as a cultural factor. The second category included 172 articles (35%) on perceptions of crime and demands for punishment. Any article focusing on the exposure of nursing home problems fell into this category. This included articles questioning existing regulations and articles discussing public demand for new regulations. The third category included 275 articles (56%) involving triggering events. This involved articles focusing on political entrepreneurs, moral entrepreneurs, political campaigns, interest groups, and reform group activities. Articles discussing specific criminal acts in nursing homes and subsequent articles covering these acts were also included. The large count for this category reflects the broad definition of triggering events provided in the literature (see McGarrell & Castellano 1991). The final category of legislation focused on articles covering laws proposed and passed in the nursing home law formation process. This included 31 articles (7%).

GENERATING LEGISLATION FOLLOWING SCANDAL: THE INTEGRATIVE CONFLICT MODEL AND NURSING HOME LAW

Oklahoma's Health Department scandal had a significant impact on the state and its people. The most significant impact involved legislation passed following the scandal to improve the nursing home industry and deter criminal behavior. Regardless of the scandal's impact, the process of lawmaking involves more than the influence of one event. Explaining the passage of legislation involves multiple factors. This section will analyze those factors with the integrative conflict approach.

Structural Foundations

Structural factors. Advancements in technology have decreased death rates and increased the number of elderly (Riekse & Holstege 1996). Consider the last century. In 1900, the elderly population was 3,080. In the year 2000, it was 34,991,753 (U.S. Census Bureau 2001a). Americans can now expect to live until they are 77, and in the year 2025, life expectancy will reach 81 (U.S. Census Bureau 2001b). These structural changes set the stage for changes in elder

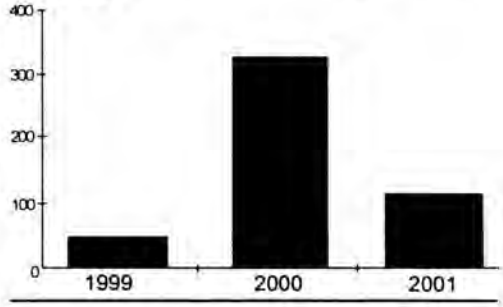
care. This study shows they are also influencing government policy.

News reports examined from the *Daily Oklahoman* focused on structural factors before the health department scandal occurred. In early 1999, a news report indicated one rural Oklahoma community, Alva, was tired of watching their aged population move away in search of housing for seniors. Aware of age as a structural factor, the city built their own long-term care facility (Bittner 1999). Another report revealed that the number of elderly would soon exceed the number of children and that issues of elder care should be not be overlooked (Peterson 1999c). Reports in the *Daily Oklahoman* also explained the increased need for elderly housing (Peterson 1999d; Cato 2000). In turn, it seems the people in the state of Oklahoma were aware of structural factors and nursing home issues even before the Health Department scandal. However, acts relating to cultural factors can make us question their level of concern.

Cultural factors. Continued reports of nursing home crime appeared in the *Daily Oklahoman* following the passage of House Bill 2019. It is possible to attribute the lack of efficacy surrounding House Bill 2019 to cultural attitudes of the aged. For decades, analysts have explained that our culture emphasizes the quality of youth and expects the aged to play a decreasingly active role in social life (see Tuckman & Lorge 1953; Drake 1957; Perril 1963; Weinberger & Millham 1975). These cultural perceptions lead to misconceptions concerning the elderly and help to develop the dominance of negative stereotypical images of the aged (Palmore 1990). With this in mind, it is possible to argue that cultural attitudes devalue the aged.

Consider that only one letter to the editor concerning nursing homes appeared in the *Daily Oklahoman* during 1999. The letter discussed nursing homes in relation to Medicaid costs. No discussion of fraud or abuse occurred. However, the number of letters to the editor did increase substantially in the year 2000. Part of this increase is attributable to the exposure given to the health department scandal. However, many of the articles defended the actions of the industry and downplayed the significance of the scandal. One contributor demanded to know "when will the witch-hunt end" (Sparks 2001 6-A). Another explained the occurrence of

Figure 2: Articles Referencing Nursing Homes



fraud was only natural because of the "pitiful reimbursement rates" provided by the federal government (Ames 2000 9-A). Those who did criticize the abuse of the aged were often repeat contributors (see Bennett 2000a, 2000b). These findings indicate a sense of apathy surrounding the treatment of the elderly and care for the aged in Oklahoma regardless of atrocities uncovered through the scandal investigation. Though structural factors concerning the aged and housing for the elderly set the stage for nursing home legislation, there does not seem to be a consensus of cultural values indicating new laws were absolutely necessary.

Perceptions of Nursing Homes and Crime

Views of nursing home problems. Issues surrounding nursing homes before the health department scandal were oriented toward low level staff. News reports indicated the largest concern to be staff training. The *Daily Oklahoman* had a series of articles dealing with a bill focused on certification requirements for nursing aides. The House Human Services Committee passed the bill unanimously requiring 75 hours of training time and supervised work for all nursing aides (Peterson 1999b, 1999e). Reports of criminal activities focused on lower level staff as well (*Daily Oklahoman* 1999a, 1999b; Jones 1999).

Media influence and legitimation deficits. Figure 2 indicates that in 1999, 48 articles on nursing homes existed in the *Daily Oklahoman.* In the year 2000, the year of the scandal, 319 articles focusing on nursing homes existed. In the final year reviewed, 122 articles were present. The reports from the *Daily Oklahoman* were predominately negative following VanMeter's arrest. They painted a critical picture of the industry. Reports indicated

that the health department manipulated inspections for years, and one-eighth of nursing homes were on a watch list (Killackey 2000d; Ellis 2000b). These reports aided in the perception that the government was not doing enough. They shifted concern away from low level staff to issues concerning owners and state officials.

Other reports increased awareness by providing information. The reports detailed how to choose a good nursing home, demographic data on who lives in nursing homes, and a description of the nursing home resident bill of rights (Killackey 2000e; *Daily Oklahoman* 2000a, 2000b). One article even provided the hotline telephone number for complaints (Killackey 2000f).

Public demands. Following the presentation of the information, the number of complaints given to the health department increased. By the end of May 2000, complaints quadrupled (Tatum 2000). In early 2001, a backlog of 800 complaints were waiting to be reviewed (Killackey 2001a). Regardless of the aforementioned limited interest from the public by way of letters to the editor, families of nursing home members demanded improvements. In this study, one report indicated complaints went from 989 in 2000 to a projected 4,000 in 2001 (Killackey 2001b).

Triggering Events

Sensationalized criminal behavior and media campaigns. When coupling the occurrence of the scandal with media coverage of nursing homes following VanMeter's arrest, a powerful call for legislative action is evident. With the integrative conflict perspective, the emergence of crime legislation is rarely the result of a fully developed legislative program. It is more often the result of the media sensationalizing particular crimes and bringing issues surrounding the crime to public attention (McGarrell & Castellano 1991). Thus, VanMeter's heinous crime and subsequent media attention acted jointly as triggering events helping to produce a new nursing home law. As a headline from an Oklahomans for Improvement of Nursing Care Homes newsletter stated: "The Stage is Set for Real Reform" (OK INCH 2000).

Reform and interest group activities. Here we can consider news reports involving reform groups. Even before the scandal broke, these groups were active. In the summer of 1999, one article detailed the activities of the state Council on Aging. The group, headed by long time activist Bill Anderson, was pressuring the Oklahoma Health Department to evaluate its internal activities before the VanMeter incident. The Council on Aging was also pushing for increased levels of staffing in nursing homes. Anderson explained that his group had been lobbying the state legislature for several years to increase requirements for staff ratios but continued to be unsuccessful (Peterson 1999f).

Following the scandal, pressure from reformers intensified. Consider the work of Oklahomans for the Improvement of Nursing Care Homes - OK INCH. News reports for this research indicated that this group worked hard to pull together stories related to the worst nursing home complaints on record to increase public concern. One member, Monty Boxell, argued that lawmakers needed to accept some of the blame. She stated, "I wish our legislators would spend a month in a nursing home" (Killackey 2000b 4-A). Other influential groups, such as the Silver Haired Legislature, a body of 22 senators and 44 representatives, pushed for changes in nursing home law. The group, which since 1981 has evolved into a major advocacy group, submitted five bills to Oklahoma's legislature in the year 2000. One of the bills actually laid the foundation for House Bill 2019 (Killackey 2000g).

Though nursing home reform groups had a considerable influence, interest groups had just as much. Reports for this study showed that the nursing home industry funneled over $300,000 into political campaigns from 1995 to 2000. Scott Adkins, a Republican legislator from Broken Arrow, received $14,850 since 1995. Coincidentally, he authored a bill to eliminate the state fire marshal's role in making fire safety inspections of nursing homes. The breakdown of contributions did not fall along party lines. State Representative Mike Mass, the chairman of Oklahoma's Democratic Party, even received $5,800 from the nursing home lobby (Greiner, English, & Hinton 2000).

The leading lobby group for the industry is the Oklahoma Nursing Home Association - ONHA. Reports for this research indicated that ONHA spent over half a million dollars on political related activity from 1997 to 2000. They showed that previous numbers relating to contributions from the nursing home lobby were underestimates. Consider that

in 1998, ONHA alone spent $319,761 on activities related to politics and lobby efforts. The ONHA executive director stated money spent was

> a reflection of us trying to get our rates up in nursing homes and trying to take care of the severe financial problems affecting the viability of the industry. (Ellis 2000c 9-A)

The struggle for power between reform and interest groups peaked in 2001. One year after the Oklahoma Health Department scandal, a group designed to discuss long-term care options for the elderly was still meeting. The Continuum of Care Task Force included nursing home owners, bureaucrats, and advocates. The nursing home lobby was running the group. One physician from Tulsa quit the group in the summer of 2001. She claimed that the nursing home industry was dominating the Continuum of Care Task Force's activities. In fact, reports for this work showed that nine of the 27 task force members had significant ties to Oklahoma's nursing home lobby (Killackey 2001c).

The situation became so intense that one reform group, A Perfect Cause, sent a letter to Governor Frank Keating demanding resignations. In addition, they voiced concern that many of the members on the committee that owned nursing homes had facilities with deficiencies well below the national average (*Daily Oklahoman* 2001a). Despite the exposure of corruption and abuse in Oklahoma's nursing homes the previous year, it appeared that the nursing home owners were still in control. The power of reform groups was waning. Almost two years after the scandal, OK INCH discontinued their educational meetings held four times a year. Their newsletter explained that for fourteen years they had many members and friends. It implied that they hoped their efforts were not wasted (OK INCH 2002).

Political entrepreneurs and campaign politics. Oklahoma State Senator Penny Williams, a Democrat from Tulsa, discussed the nursing home scandal and its implications with the *Daily Oklahoman* after VanMeter's arrest. She pointed out that she was grateful that the scandal occurred because it allowed for needed reform to continue occurring in the state (*Daily Oklahoman* 2000c). However, other Democrats involved in the scandal could not claim its benefits. The ghost employee issue involved in the scandal created benefits for Republicans looking for Democratic flaws. Many of the alleged employees taking pay without work had connections to the Oklahoma Democratic Party. One news report indicated connections between the party and the scandal would significantly influence campaign politics (*Daily Oklahoman* 2000d).

Democrats complained that the scandal was less about reforming the industry and more about politics. Mike Mass, Oklahoma's Democratic Party leader, explained that the governor wanted his interim Department of Health Commissioner Jerry Regier to target problems relating to Democrats. He was referring to ghost employees. Mass implied that the targeting of ghost workers was ironic since many of them were connected to the Democratic Party. He exclaimed that Regier

> went into the health department and in two days, his focus was off nursing homes... he quickly shifted focus to the Democratic Party. (Greiner 2000b 3-A)

Governor Keating stated that

> Mike Mass needs to join the cleanup, not contribute to the cover-up... I really don't have any influence over him, but I suspect he will regret the day he took a stand for corruption and waste and against the determined efforts of Secretary Jerry Regier to clean up this mess. (Greiner 2000b 3-A)

Regardless of political debates, one politician reaped serious benefits from the scandal – Brad Carson. Reports related to Carson first emerged concerning a Democratic primary runoff for the U.S. 2nd District congressional seat. Carson defeated his opponent, Bill Settle, with 57 percent of the vote. Settle had support from the ONHA while Carson did not (Hinton 2000b). In fact, Carson criticized the nursing home industry and then eventually won the overall election. In February of 2001, he spearheaded a move to get federal investigators to start new investigations into the Oklahoma nursing home industry. Using the Oklahoma Health Department scandal to his advantage, he stated that his agenda was to

> make this not the last, but instead only the

> first step in a personal crusade to make sure we take better care of those loved ones when they are at the last stages of their lives. (Casteel 2001 1-A)

The *Daily Oklahoman* (2001b 10-A) explained that Carson was merely "carrying out a campaign promise" to reform nursing homes in his state.

CONCLUSIONS

On October 11, 2000, jurors began hearing testimony on acting Oklahoma Health Department Commissioner VanMeter's illegal actions (Clay 2000a). The following day, jurors heard FBI tapes in which VanMeter discussed payments and sexual promiscuity with nursing home owner Jim Smart. On the tapes, VanMeter demands "2%" to fix some of Smart's problems. This was followed by a conversation about getting together to "whore around a little" (Clay 2000b 1-A). A few days later, the jury found VanMeter and Smart guilty of bribery (Clay, Ellis, & Killackey 2000).

The judge sentenced both VanMeter and Smart to three years in prison and fined them each $50,000. Smart, whose net worth before the sentencing was $9 million, simply paid his fine on the spot. VanMeter denied he did anything wrong. He stated that the comments heard on the FBI tapes were him only joking around. Esther Houser, long-term care ombudsman for the Oklahoma Department of Human Services, stated that VanMeter had some time to find out what it was like to be confined to a nursing home. She stated,

> This now gives Mr. VanMeter some measure of comparison...He won't be in charge or have control over his day's activities - someone else will. (Clay & Killackey 2000 1-A).

VanMeter and Smart entered federal prisons in January of 2001 to begin their sentences (Killackey 2001d).

This analysis examined processes contributing to nursing home legislation in relation to the Oklahoma Health Department scandal. Findings indicate more than a heinous crime led to a recent Oklahoma nursing home law. They reveal the significance of structural foundations and media influence. Recent nursing home legislation in Oklahoma seems to be a result of an increase in the aging population, media exposure to nursing home issues, and interest group influence. The efficacy of the legislation remains questionable considering cultural issues concerning the elderly and continuing reports of substandard elder care in Oklahoma (see Killackey 2002a).

Legislation on nursing home problems continues to focus on nursing aide training just as it had before the scandal (Killackey 2002b). This gives the impression that strict penalties connected to nursing home crimes, in the wake of the Oklahoma Health Department scandal, were more symbolic than instrumental. As Gusfield (1967 177) explains, often the state appears to be "utilizing law to proclaim one set of norms..." and using "another set of norms" in actually controlling behavior.

Regardless of efficacy issues, the findings of this analysis add to literature examining the origins of law (see for example Sutherland 1924; Becker 1963; Chambliss 1964; Taylor, Walton, & Young 1973; Galliher & Cross 1982, 1983; Cross 1991; McGarrell & Castellano 1991). They specifically build on the integrative conflict model in several ways. First, they extend the model to include issues specifically related to elder care law. Second, though findings are limited to this study, they provide a seminal foundation for the origins of law considering age as a structural factor. Third, the findings indicate that the lack of effectiveness surrounding laws to protect the aged may be limited based on cultural perceptions of the elderly.

Analysts should continue to use other methodologies to explore lawmaking processes in elder care. It would be beneficial to review the lawmaking process in terms of national laws regulating care for the aged. It would also be interesting to examine legislation on other forms of elder care besides nursing homes. Options such as assisted living and home health care are increasing in popularity (Montgomery 1992). As elder care laws continue to evolve and the elderly population rises, analyses involving the origins of law shaping these industries will be important.

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THE CONTINUED SOCIAL INJUSTICE OF NATIVE AMERICAN EXPLOITATION*

Laurence Armand French, Prairie View A&M University

ABSTRACT

Native Americans have long lived in dire poverty, way below any other ethnic group in the United States, despite treaty-obligated federal services in Indian Country. An analysis of distributive justice under the policy of federal paternalism provides disturbing results - the most marked being the 10 billion-dollar mismanagement of the *Individual Indian Money* (IIM) trust fund. This paper explores the historical, cultural and legal ramifications of this on-going controversy.

INTRODUCTION

Native aboriginals of North America have long suffered from both physical and cultural genocide at the hands of the European colonists. This situation was especially true in the United States where federal policy originally sanctioned ethnic cleansing in the form of genocide and forced removal. These policies decimated the Native American population from tens of millions to less than a million by the time of President Grant's *Peace Policy* of 1870. This was the beginning of a more sublte form of discrimination under the pretense of *distributive justice*. And with the pretense of distributive justice came the justification for the abolition of treaty making with Native American tribes. The problem with distrubitive and procedural justice in the United States at that time was that Native Americans were still disenfranchised and did not have the weight of a non-Indian before the courts, federal or state. Hence, the practice of *federal paternalism* stemming from President Grant's Peace Policy served to obviate critical elements of decision and process control. Clearly there was no fairness in this pseudo-model of distributive justice. The *interactive justice* process was one-sided with Indian tribes having no real power or authority to accept, reject, or otherwise influence decisions about their fate (Beugre & Baron 2001; Morris & Leung 2000; Sweeney & McFarlin 1993; Taylor 1994; Tyler, Boeckmann, Smith & Huo 1997; Walzer 1983; and Young 1990).

Grant's main architect for the peace plan was his choice to head the Bureau of Indian Affairs, Commissioner of Indian Affairs Ely Parker. Parker was of mixed Indian (Seneca) and white blood and served as a brigadier general in the Union Army. A trusted protege of President Grant and strong supporter of this new dimension of ethnic cleansing, he supported these efforts to not only uproot tribes but force them to abandon their traditional ways in lieu of the Western-Christian perspective. Removal continued to be the primary vehicle of ridding lands of unwanted Indians desired by white settlers and the railroads. Congress aided the Executive Branch in this process by refusing to ratify any more Indian treaties. In 1854, the U.S. Senate, in executive session, read each unratified U.S./ Indian treaty three times, as required by law, and then denied ratification for all. The tribes involved were not notified of this clandestine move and had little recourse after-the-fact (French 1994).

After most of the remaining tribes were removed to *Indian Territory* (Oklahoma) efforts were underway to take this land away from them, including the *Five Civilized Tribes*. They were termed such due to their adoption of the Euro-American legal and economic model during the early years of the Republic and they brought their U.S.-styled laws, courts, police and corrections with them to Indian Territory (Oklahoma) during Removal. Given that they had already accommodated the western-model of justice, they were generally exempt from the dictates of the Courts of Indian Offenses and other federally-imposed judicial authority except for that which dealt with non-Indian offenders within Indian country. However, the civilized tribes fell out of favor with the federal government for their support of the Confederacy during the Civil War and suffered severe sanctions during Reconstruction. This set in motion plans to include them in the allotment plan -- the foundation for cultural genocide at this time -- which was already being imposed on other tribes (*Curtis Act* 1898; Meriam 1928).

Allotment represented the imposition of the Western Protestant Ethic model of economic competition and individual responsibility that was diametrically opposite the ab-

original communal, collective responsibility model. Moreover, the aboriginal traditional Indian cultural model reflected *social communism*. The 160-acre family allotments were comparable to the land alloted to *homesteaders* who staked claims on federal public lands opened to settlers. This plan would free up so-called *surplus lands* held in common by the tribe through treaties. Some of this land was used to relocate other removed tribes in the past but the plan now was to make this land available to non-Indian homesteaders. Initially, the alloted Indian land was to be held in trust by the U.S. government in order to prevent the land from being taxed or being taken illegally by non-Indians. Nonetheless, many Indians lost their allotment when challenged in court. Lastly, the Allotment Act was intended to have universal application within Indian country and was imposed without any requirement of consent of the tribes or Indians affected. The program was quite effective in that the total amount of treaty-granted, Indian-held land fell from 138 million acres in 1887 to 48 million acres in 1934, with much of this being desert or poor agricultural land. Besides, many Indian landowners eventually lost their allotments to the states for failure to pay property taxes (Canby Jr. 1988; French 1987).

All told, allotment was a great success for proponents of manifest destiny and another dire failure for American Indians. It was during this time and under these circumstances that the current federal fraud was initiated cheating the Indians of ten billion dollars via the treaty-bound trust relationship with the U.S. Departments of Interior and Treasury. In summary, the *General Allotment Act* (Dawes Act) of 1887 the U.S. Congress took back 90 million acres from Indian tribes and gave them to white homesteaders. The remaining 54 million acres of Indian lands were determined by allotments ranging from 40 acres to 30 acres with those lands not individually allotted held in trust by the U.S. Government. Today the allotted trust lands belong to some 300,000 American Indians. Herein lies the current problem. These lands were then unilaterally leased out to non-Indian enterprises (grazing, timber, oil and gas activities) with the money going to the U.S. Treasury supposedly held in trust for distribution to individual Indians under a program known as the Individual Indian Money (IIM) trust. The mismanagement of these monies was first noticed by the General Accounting Office, the independent investigative arm of Congress in 1928. This was part of the reform movement leading to the Meriam Report. The mismanagement continued and was not addressed until 1994 with passage of the Indian Trust Reform Act (Collier 1934; Dawes Act 1887; Title 25 2002).

There is also suspicion that this effort to defraud Native Americans paved the way for the rationale for both Termination and Relocation during the Eisenhower administration during the 1950s. These federal policies were renewed efforts to again attempt to destroy the American Indian traditional communal lifestyle. A curt introduction to this section is provided by the 1999 *Memorandum Opinion: Findings of Fact and Conclusions of Law* document resulting out of the *Eloise Pepion Cobell et al., v. Bruce Babbitt, Lawrence Summers, and Kevin Gover (Civil No. 96-1285)*:

> Less than two decades after the Reorganization Act was passed, in the early 1950s, congressional policy swung in a new direction. According to Assistant Secretary Gover, "This time the policy was called the 'termination policy.' Termination basically meant the severing of the relationship between the tribe and the United States, and, specifically, the severing of the trust relationship." Congress directed BIA to identify tribes that were said to be "ready for termination, ready to be released from federal supervision because by this point the conclusion had been reached that the real problem with Indian affairs, and the real reason the Indians are poor is that they're under the thumb of the federal government." Following that direction, the United States withdrew recognition of the existence of certain tribes and forswore any responsibility to those tribes or their people as Indians. The tribal assets were gathered up and either administered by a corporate entity or distributed among the tribal members. Much like the allotment policy, this policy devastated the tribal communities. The termination policy ended quickly. After the 1960s, no further tribes were terminated. (Lamberth 1999)

Interestingly, President Eisenhower appointed Dillon Myer, a former head of the Japanese-American Relocation Centers, to the position of Commissioner of the Bureau of Indian Affairs during his administration. His dictatorial style set the stage for a combined

Executive and Congressional endeavor to reverse the progress gained under the Wheeler-Howard and Johnson-O'Malley acts. The first act in this series was *House Concurrent Resolution 108*. On August 1, 1953, the Eighty-third Congress enacted a fundamental change in Indian policy which again reinforced the concepts of cultural genocide and ethnic cleansing by attempting to abolish federal obligations to Indian groups. By passing an "act of Congress," they attempted to deny American Indians any special recognition and thereby relegate them common members of the states where their reservation existed (Canby Jr. 1988; IRA 1934; Philip 1977).

Two weeks later Public Law 280 went into effect. It extended state criminal jurisdiction over offenses committed by or against Indians in Indian country by taking this authority from the tribal courts. A major problem with this legislation was that it exacerbated the often hostile relationship that existed between non-Indians and Indians in states where reservations exist. This provided the non-Indians their chance to further exploit their American Indian neighbors now that they no longer had federal protection. Less that a year later, in June 1954, the Menominee Indians of Wisconsin were added to the list by Congress. They soon became the example of how devastating the policy of Termination was in Indian country. Termination and Public Law 280 were unilateral policy decisions made by the U.S. Congress and forced upon Indian tribes. No tribe has ever accepted the terms of Public Law 280. Despite this fact, it continues in those so-designated States (*House Concurrent Resolution 108* 1953; Morgan 1892; *Public Law 280* 1953; *Termination of Menominee Indians* 1954).

Another component of this plan to Terminate federal Indian obligations included the transfer of Indian health from the Bureau of Indian Affairs (BIA) to the Public Health Service of the then U.S. Department of Health, Education, and Welfare. This new service under the Public Health Service became known as Indian Health Service (IHS). However, one of the most devastating aspects of Termination was the twentieth century method of Indian Removal, the BIA's Relocation program where young Indians were enticed out of Indian country, away from their culture and language, to targeted urban settings. Relocation was operated by the Bureau of Indian Affairs' Branch of Relocation (BIA) with grants paid to Indians willing to leave Indian country for urban areas (Emmons 1954; *Transfer of Indian Health Services from BIA to Public Health Service* 1954).

If anything, the combination of Termination and Relocation contributed to a new social problem -- that of psychocultural marginality -- whereby American Indians were caught between two worlds without being allowed to fully belong to either. This represented the ultimate form of cultural genocide. With their culture and language again being attacked by the combined effects of Termination and Relocation, a new generation of American Indians living off reservations and in urban Indian ghettos were socialized in a world of both psychological and cultural ambiguity -- the foundation of marginality. With this process came increased social, health and legal problems. Costo and Henry noted this process in their book, *Indian Treaties: Two Centuries of Dishonor*:

> Religious groups and white-controlled humanitarians organizations generally embodied the worst of the growing paternalism toward the Natives. Finally, the federal government, jockeying precariously between policies of assimilation and the growing recognition that the tribes simply would not disappear together with their unique cultures, originated what has become known as the "Relocation Program." Indians were induced to go to the cities for training in the arts of the technological world. There they were dumped into housing that in most cases was ghetto-based, into jobs that were dead end, and training that failed to lead to professions and occupations. The litany of that period provides the crassest example of government ignorance of the Indian situation. The "Indian problem" did not go away. It worsened. The policies of the Eisenhower administration, which espoused the termination of federal-Indian relationships, was shown to be a failure, a gross injustice added to a history of injustice. (Costo & Henry 1977)

Termination ended with the failed Menominee experience but did nothing to reverse the damage done by either Relocation or Public Law 280. Wisconsin exemplified state hostility toward Indians within their boundaries. Indeed, the state went too far in its interpretation of the combined authority of Termination and Public Law 280. Wisconsin felt that the

law made all state statutes applicable to the dissolved reservation including specified exemptions such as hunting and fishing rights. In 1964, the U.S. Supreme Court held that the Termination Act did not abrogate Indian treaty rights since these rights were reserved by Public Law 280 which was passed by the same Congress. Continued poverty and exploitation eventually led to the *Menominee Restoration Act* in December 1973 which repealed the Termination Act of June 17, 1954 restoring tribal status and federal supervision (*Menominee Restoration Act* 1973).

COBELL V. NORTON

This suit was filed with the aid of the Native American Rights Fund (NARF) on June 10, 1996 when Babbitt was in office. In the original suit, the Assistant Interior Secretary (BIA Director) was Ada Deer and Robert Rubin was the Secretary of the Treasury. The suit was filed by Elouise Cobell, a Blackfoot Indian and Montana banker, who, along with the NARF lawyers, accuse the U.S. government of violating their trust responsibility for the collection of monies from the leasing of Indian lands to non-Indian businesses for grazing, logging, mining and oil drilling. The plaintiffs note a 10 billion dollar shortfall due to either theft, corrupt deals or shoddy bookkeeping practices.

In describing the suit, John Echohawk, Executive Director of the Native American Rights Fund noted that:

> The Bureau of Indian Affairs has spent more than 100 years mismanaging, diverting and losing money that belongs to Indians. They have no idea how much has been collected from the companies that use our land and are unable to provide even a basic, regular statement to Indian account holders. Every day the system remains broken, hundreds of thousands of Indians are losing more and more money. (Echohawk 2001)

The catch-22 is that the Department of Interior approves all leases of resources in Indian country. Moreover, the law requires Indians to use the federal government as their bank so these transactions occur without Indian input or accountability.

DECLARATIVE JUDGMENT OF INDIAN SUIT AGAINST THE U.S. GOVERNMENT

A comprehensive text describes *Eloise Pepion Cobell, et al., v. Bruce Babbitt, Secretary of the Interior, Lawrence Summers, Secretary of the Treasury, and Kevin Gover, Assistant Secretary of the Interior* (U.S. District Court, District of Columbia, Civil No. 96-1285 (RLC)). In the text the Plaintiffs, representing federally-recognized Indian tribes whose monies are administered by the BIA and U.S. Department of the Interior, claim that the Defendants, the BIA and U.S. Department of the Interior, have mismanaged the federal program known as the *Individual Indian Money* (IIM). In the Introduction to the Memorandum Opinion it was noted:

> It would be difficult to fina a more historically mismanaged federal program than the Individual Indian Money (IIM) trust. The United States, the trustee of the IIM trust, cannot say how much money is or should be in the trust. As the trustee admitted on the eve of the trial, it cannot render an accurate accounting to the beneficiaries, contrary to a specific statutory mandate and the century-old obligation to do so. More specifically, as Secretary Babbitt testified, an accounting cannot be rendered for most of the 300,000-plus beneficiaries, who are now plaintiffs in this lawsuit. Generations of IIM trust beneficiaries have been born and raised with the assurance that their trustee, the United States, was acting properly with their money. Just as many generations have been denied any such proof, however. "If courts were permitted to indulge their sympathies, a case better calculated to excite them could scarcely be imagined." *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1, 15 (1831) (Marshall 1831).

The Court ordered the following action:

Declaratory Judgment

Pursuant to the Declaratory Judgment Act, 28 U.S.C. Section 2201, and the Administrative Procedure Act, 5 U.S.C. sections 702 & 76, the court HEREBY DECLARES that:

1. The Indian Trust Fund Management Reform Act, 25 U.S.C. Sections 162a *et seq.* & 4011 *et seq.*, requires defendants to provide plaintiffs an accurate accounting of all money in the IIM trust held in trust for the benefit of plaintiffs, without regard to when the funds were depos-

ited.

2. The Indian Trust Fund Management Reform Act, 25 U.S.C. Sections 162a *et seq.* & 4011 *et seq.*, requires defendants to retrieve and retain all information concerning the IIM trust that is necessary to render an accurate accounting of all money in the IIM trust held in trust for the benefit of plaintiffs.
3. To the extent that prospective relief is warranted in this case and to the extent that the issues are in controversy, it has been shown that defendant Bruce Babbitt, Secretary of the Interior, and defendant Kevin Gover, Assistant Secretary of the Interior, owe plaintiffs, pursuant to the statutes and regulations governing the management of the IIM trust, the statutory trust duty to:
   (a) establish written policies and procedures for collecting from outside sources missing information necessary to render an accurate accounting of the IIM trust;
   (b) establish written policies and procedures for the retention of IIM-related trust documents necessary to render an accurate accounting of the IIM trust;
   (c) establish written policies and procedures for computer and business systems architecture necessary to render an accurate accounting of the IIM trust; and
   (d) establish written policies and procedures for the staffing of trust management functions necessary to render an accurate accounting of the IIM trust.
4. To the extent that prospective relief is warranted in this case and to the extent that the issues are in controversy, it has been shown that defendant Lawrence Summers, Secretary of the Treasury, owes plaintiffs, pursuant to the statutes and regulations governing the management of the IIM trust, the statutory trust duty to retain IIM trust documents that are necessary to render an accurate accounting of all money in the IIM trust held in trust for the benefit of plaintiffs.
5. Defendants are currently in breach of the statutory trust duties declared in subparagraphs II(2)-(4).
6. Defendants have no written plans to bring themselves into compliance with the duties declared in subparagraphs II(2)-(4).
7. Defendants must promptly come into compliance by establishing written policies and procedures not inconsistent with the court's Memorandum Opinion that rectify the breaches to trust declared in subparagraphs II(2)-(4).
8. To allow defendants the opportunity to promptly come into compliance through the establishment of the appropriate written policies and procedures, the court HEREBY REMANDS the required actions to defendants for further proceedings not inconsistent with the court's Memorandum Opinion issued this date.

III. Continuing Jurisdiction and Further Proceedings

To ensure that defendants are diligently taking steps to rectify the continuing breaches of trust declared today and to ensure that defendants take the other actions represented to the court upon which the court bases its decision today, the court will retain continuing jurisdiction over this matter for a period of five years, subject to any motion for an enlargement of time that may be made. Accordingly, the court ORDERS that:

1. Beginning March 1, 2000, defendants shall file with the court and serve upon plaintiffs quarterly status reports setting forth and explaining the steps that defendants have taken to rectify the breaches of trust declared today and to bring themselves into compliance with their statutory trust duties embodied in the Indian Trust Fund Management Reform Act of 1994 and other applicable statutes and regulations governing the IIM trust.
2. Each quarterly report shall be limited, to the extent practical, to actions taken since the issuance of the preceding quarterly report. Defendants' first quarterly report, due March 1, 2000, shall encompass actions taken since June 10, 1999.
3. Defendants Secreatry of the Interior and Assistant Secretary of the Interior - Indian Affairs shall file with the court and serve upon plaintiffs the revised or amended High Level Implementation Plan. The revised or amended HLIP shall be filed and served upon completion but no later than March 1, 2000.
4. Defendants shall provide any additional

information requested by the court to explain or supplement defendants' submissions. Plaintiffs may petition the court to order defendants to provide further information as needed if such information cannot be obtained through informal requests directly to defendants.

5. The court DENIES plaintiffs' request for prospective relief that have not already been granted by this order. The court based much of its decision today - especially the denial of more extensive prospective relief - on defendants' plans (in both substance and timing) to bring themselves into compliance with their trust duties declared today and provided for explicitly by statute. These plans have been represented to the court primarily through the High Level Implementation Plan, but also through the representations made by government witnesses and government counsel. Given the court's reliance on these representations, the court ORDERS defendants, as part of their quarterly status reports, to explain any changes made to the HLIP. Should plaintiffs believe that they are entitled to further prospective relief based upon information contained in these reports or otherwise learned, they may so move at the appropriate juncture. Such a motion will then trigger this court's power of judicial review.

IV. Certification of Order for Interlocutory Appeal

For the reasons stated in the court's accompanying Memorandum Opinion, and pursuant to 28 U.S.C. Section 1292(a)(4), the court HEREBY FINDS that it is of the opinion that this order involves controlling questions of law as to which there is substantial grounds for difference of opinion. An immediate appeal of the court's order may materially advance the ultimate termination of the litegation. Accordingly, the court HEREBY CERTIFIES this order for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b). Further proceedings in this case shall not be stayed during the pendency of any interlocutory appeal that may be taken. So Ordered. Royce C. Lamberth, United States District Judge.

Not only did the defendants not comply, they were charged by the plaintiffs with engaging in an Oliver North procedure - the deliberate destruction of records. Judge Lamberth subsequently held the defendants in contempt of court in February 2000 for admitting to the improper destruction of thousands of records and for not filing the required quarterly reports. The American Indian plaintiffs are requesting appointment of a "Special Master" to enforce Judge Lamberth's Court Order. And this action comes from one of the most Indian-friendly administrations in U.S. history! Clearly, contravening U.S. policy and procedures toward American Indians continues unabated into the 21st Century.

CONTINUED STONEWALLING BY THE BUSH ADMINISTRATION

The court-appointed federal monitor reported to the court that Secretary of the Interior, Gale Norton, presented compulsory reports that were untruthful hence leading to a contempt charge leveled against her. That placed her in the same status as her predecessor, Bruce Babbitt. Moreover, the Native American Rights Fund notified Judge Lambert that sixteen Federal Reserve Banks, including the New York Fed, have been on an Anderson/Enron-like binge of destroying Indian trust account documents clearly in violation of the federal judge's order. The federal judge has now held Secretary Norton in contempt of court - a distinction that has not been assigned a high-ranking member of the U.S. administration since the 1800s.

During the six years of the suit other tribes have looked at their trust funds for evidence of corruption and deals between U.S. corporations and the U.S. Government. The Navajo, the largest Indian tribe in the United States with the largest reservation discovered secret deals between the U.S. Department of the Interior and Peabody Coal greatly restricting fair market royalties for coal taken from their land. The Navajo suit is for 600 million dollars. Distrust in Indian country over these blatant abuses which have contributed to much of the social and health problems long plaguing Indian country due to a severe shortfall of monies due them is mounting dramatically. Indeed, the National Congress of American Indians (NCAI), the most senior and respected voice in Indian country, has voiced its distrust of the U.S. Federal Government in general and the Bush administration in particular:

The trust is a shambles and in need of top-

to-bottom reconstruction. We hope, and expect, that the Court will not delay justice for another six months or a year while the Secretary (Norton) rearranges the chairs at her Department - stripping the Native American employees of the BIA, in the meantime, of their trust responsibilities, as if this mess is their fault. (Martin 2001)

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PERCEIVED DISCRIMINATION IN TOPEKA, KANSAS

Michael L. Birzer and Richard B. Ellis, Washburn University

ABSTRACT

Objective. This study describes perceived discrimination in Topeka, Kansas. *Methods*. A 21 item survey questionnaire shows perceived levels of discrimination and the nature and type of discrimination experienced by citizens. Nine focus groups were conducted by the researchers to better understand the nature of discrimination in this community. *Conclusions*. A significant portion of participants experience some form of discrimination. Data from both survey responses and focus groups reveal that discrimination is experienced across all population groups. The findings convey a sense of victimization and a strong sentiment that it is an active undercurrent within this community. These findings suggest that community leaders need to be cognizant of community perceptions of discrimination as they prepare for the 50th anniversary of Brown vs. Topeka Board of Education.

Discrimination has a long and deplorable history in the United States, and is closely related to historical patterns of immigration and migration, particularly in the flow of newcomers to northern states (Chan 1991; Heer 1993; Kull 1992; Massey & Denton 1993; McClain 1994; Middleton 1992; Roediger 1991; Steinfield 1970; Swift 1991). Early federal government support of slavery attests to a record of racist ideology which has perpetuated discrimination experienced by many persons of underrepresented groups (Fishbein 2002; Feagin, Vera, & Batur 2001; Feagin 1991; Patterson 1998). Nineteenth and twentieth-century restrictive immigration laws based on race and the imprisoning of Japanese-Americans during World War II are merely two examples that illustrate racist ideology which has nurtured a long and systematic pattern of discrimination (Yates 1995a).

Discrimination results from deep prejudices held by individuals and can be found more significantly in the form of institutional and economic discrimination. For example, Ayres (1991) found clear patterns of discrimination between whites and African Americans in purchasing vehicles with African American men paying an average of $421 more for a car compared to white men and African American women paying about $875 more. Similarly, Yinger (1995) found that home mortgage lenders are 60 percent more likely to turn down a mortgage request from a minority applicant than from an equally qualified white.

THEORETICAL CONSTRUCTS

The literature that centers on prejudice and discrimination is framed primarily on four main theoretical constructs; 1) scapegoating; 2) authoritarian personality; 3) exploitation, and 4) normative. The first, scapegoating theory based on the work of Bettelheim and Janowitz (1964), contends that prejudiced people believe they are society's victims. The scapegoating theory suggests that individuals, rather than accepting guilt for some failure, transfer the responsibility for failure to some susceptible group. This is often seen when unsuccessful applicants assume that a minority candidate or woman got the job that they were denied.

Authoritarian personality theory based on work of Adorno, Frenkel-Brunswik, Levinson, and Stanford (1950) views prejudice as an isolated incident that anyone may possess. The authoritarian personality centers on an adherence to conventional values, uncritical acceptance of authority, and a concern for power. This personality is in turn aggressive toward persons who do not conform to conventional norms or authority structures. In essence, a person who is raised in an authoritarian environment will then later treat others as he or she had been raised. Discrimination would then be acted out against persons or groups who celebrate customs or cultures which are different from the conventional.

Exploitation theory draws from the Marxist social thought which emphasizes exploitation of the lower class as an integral part of capitalism. In many cases racial discrimination is used to justify the subordination of groups. Cox (1942) asserted that exploitation theory views prejudice and discrimination against minority groups as an extension of the inequality faced by the entire lower class. In essence, racism and discrimination stigmatizes a group as inferior so that

the exploitation of that group can be justified.

The normative theoretical approach takes the view that prejudice and discrimination is largely normative based. The normative theory as advocated in the classical work of Pettigrew (1958, 1959) contends that prejudice and discrimination are influenced by societal norms and is found in situations that serve to encourage or discourage tolerance or intolerance of minority groups.

THE NATURE OF DISCRIMINATION

Discrimination is evident in activities that disqualify members of one group from opportunities open to others. For example, discrimination occurs when African Americans are refused jobs made available to whites, or a landlord refuses to rent to an individual because of his or her sexual orientation. Generally, discrimination has been defined in the social science literature as

> practices and actions of dominant racial and ethnic groups that have a differential and negative impact on subordinate racial and ethnic groups. (Feagin & Eckberg 1980 11)

Although prejudice is often the precursor to discrimination, the two may actually exist separately from one another. It is possible for persons to have prejudiced attitudes but never act upon them. Moreover, discrimination may not necessarily derive directly from prejudice. For example, a business owner might steer away from opening a business in a predominately African American neighborhood not because of attitudes of hostility, but because of concerns about selling and marketing a particular product in the area, attracting customers, or perhaps because of declining property values making it difficult to sell the business in the future.

Discrimination can also be played out when an individual(s) is willing to sacrifice money, wages, or profits in order to cater to their prejudice (Becker 1957, 1993). In this case, the prejudice is already part of the utility function and may reflect some dislike, anger, or similar emotions toward a certain group of people (Becker 1993).

In general, the body of research on discrimination reveals that it is widespread and varying in nature. For example, discrimination has been played out in such variables as race, ethnicity, weight, gender, sexual preference, class status, in employment, in housing, and in physical appearance to name a few. Some forms of discrimination may result from a lack of understanding, socialization or dogmatism while other forms of discrimination may be nurtured and exacerbated by current events. Since the terrorist attacks of September 11, 2001 a spike of workplace and other forms of discrimination have been reported against Muslims and Arab-Americans (Adelman 2002). This may be explained by what Boulding (1989) referred to as disintegrative power which is achieved through hatred, fear, and threat of a common enemy.

Sexual Orientation

In recent years, there is a growing body of literature that indicates an increasing pattern of discrimination against gay and transgendered persons in a plethora of venues. Lombardie, Wilchins, Priesing and Malouf (2001) found that there is a pervasive pattern of discrimination and prejudice against transgendered people within society. Badget (1995) found patterns of wage discrimination against homosexuals. Similarly, Berg and Lien (2002) found significant disparities in wages of homosexual workers in the United States with homosexual men earning 16% to 28% less than heterosexual men with similar demographic characteristics. Discrimination has also been found to exist against same sex couples when making hotel reservations (Jones 1996).

Race

Discrimination based on race has been quite prevalent in America when compared to other variables. Likewise, a disproportionate amount of the literature centering on discrimination pertains to race. Some scholars have argued that contemporary discrimination based on race is particularly pervasive in the American criminal justice system (Bushway & Piehl 2001; Miethe & Moore 1986; Parker 2002). Perhaps one of the more perplexing issues facing the criminal justice system today is the allegation that some contemporary police practices are motivated by discrimination and racism. Some observers have accused the police of systematically stopping minority motorists simply because of the color of their skin, while the police themselves emphatically deny these allegations.

The general scholarship on the U.S. criminal justice system offers clear and convincing evidence of a long history of not only ra-

cial, but also cultural, and class group biases in its administration (Yates 1995b). Similarly, research has pointed out that police routinely discriminate by labeling African American teenagers as delinquent and in doing so refer them to juvenile court disproportionately more than white teenagers who engage in the same or similar behavior (Huizinga & Elliot 1987). Moreover, the literature has made clear that people of color in the United States are imprisoned at significantly higher rate than whites (Bishop & Frazier 1988; Petersilia 1983; Walker, Spohn & DeLone 2000). Discrimination based on race has also been found to act as a barrier in the legal profession in as much that it sometimes keeps minority attorneys from advancing in the profession (Foley & Kidder 2002). Research has also suggested wide patterns of disparities in income of minority employees when compared with white employees in some professional occupations (Hirsch & Schumacher 1992).

Native Americans have long held that they have been subjected to systematic discrimination in names, images, and mascots that symbolize Native Americans, particularly in sports and advertising (Hatfield 2000; King & Springwood 1999). Others have asserted that American society has long created an image of Native Americans that is a racial stereotype, an image that is a reflection of the dominant society which leads to discrimination (Farris 1997). It is clear that Native Americans are outraged about the symbolization of Native American names in sports and other advertising schemes (Hatfield 2000).

Gender

Not only has race been a significant factor in discrimination in American society but gender discrimination has been quite prevalent. Wilcox (1997) found that African American women face discrimination on the bases of both race and gender and scholars have argued that their double status disadvantage should predispose them to high levels of group consciousness. Similarly, Weinberg (1998) found that Mexican American women face discrimination not only because of race but also because of gender. Levin, Sinclair, Veniegas, and Taylor (2002) described this as the double-jeopardy hypothesis inasmuch that women of color will expect to experience more general discrimination than men of color, white women, and white men because of perceived stereotyping that they are members of a low status group.

Research has also pointed out that gender is a better predictor of salary when compared with job position, experience, or education. York, Henley and Gamble (1987) found in administrative careers that males earned an average of $5,645.00 more per year than females. While still other scholars have found gender bias to be prevalent in textbooks and other materials and that most teachers in practice do not treat male and female students equally (Recchia 1987).

METHODOLOGY

Background and Sample

This study utilized a descriptive design. As Merriam (1988) pointed out, descriptive research is undertaken when description and explanation rather then prediction based on cause and effect are sought. Thus, we were interested in describing discrimination as perceived by the participants. The setting for this research was Topeka, Kansas which according to the latest United States Census information has a population of about 123,993. This community was selected for three primary reasons:

1) It is one of the larger metropolitan areas in the immediate geographical area in order to draw from a diverse population.
2) Topeka, Kansas is the center of the landmark 1954 Supreme Court Decision, Brown vs. Topeka Board of Education which made "separate but equal" practices illegal.
3) The researchers had access to participants and the necessary support to administer surveys and to hold focus groups throughout the community.

In the current study, a mailing list of all registered voters in Topeka was obtained from the county election commissioner. The survey instrument and set of guiding questions, which would appropriately glean citizens' perception of discrimination, was mailed to every third registered voter. If there was more than one registered voter in a household, then a survey was mailed to only one individual in that household. A total of 18,000 surveys were mailed.

The 21 item survey instrument was de-

Table 1: Demographic Makeup of Research Sample

	City of Topeka	Research Sample
White	89%	81%
African American	9%	7%
Hispanic	6.5%	2.5%
Native American	1%	2%
Other	1%	1.4%

Note: Hispanic origin represents 6.5% of the population which is included in each of the above racial distributions. (Based on Census 2000 figures.)

signed to measure discrimination as perceived by the participants. Items 1-16 queried the participants to respond either "Yes" or "No" pertaining to various forms of discrimination (i.e. any form of discrimination, race, religion, sexual orientation, social class, gender, age). Items 17-21 asked the participants to rate the five statements such as "The Topeka community treats all citizens equally" 1) strongly agree; 2) agree; 3) neutral; 4) disagree, and 5) strongly disagree. There was also space reserved at the end of the survey for participants to add their own personal commentary pertaining to discrimination. These written comments were analyzed for similar or recurring themes.

In addition to survey data, nine focus groups were held over the course of nine weeks (one from each city council district). The purpose of the focus groups was to query information about personal experiences with discrimination. A semi-structured format was used to conduct the focus groups. The questions concentrated on two main areas: the participant's perceptions in general of discrimination in the community, and their personal experiences with discrimination.

Focus groups provide descriptive data; therefore, when analyzing qualitative data, the researcher searches for patterns that emerge (Silverman 1993). Using the two main areas of questioning, we looked for patterns within each and noted common themes. Then, we looked for other accounts that offered alternative perspectives to the common themes. Furthermore, qualitative data from focus groups enabled the researchers to make better sense of the survey data thus developing a broader understanding of experienced discrimination.

Results

Recall that 18,000 surveys were mailed to every 3rd registered voter with 1,633 valid surveys returned. Of these, 578 returned surveys were from males, 1038 from females, and 8 reported being "other". Of the returned surveys, 1,529 reported that they were heterosexual, 59 reported being homosexual, 35 reported being bi-sexual, and six responded in the "other" category. The racial demographic breakdown of the sample was similar to the census configuration of the city of Topeka, suggesting that the persons responding to the survey were demographically similar to the larger population of the city. Table 1 depicts the demographic makeup of the participants compared to the city of Topeka.

The researchers found that discrimination was experienced by 50 percent of the 1633 respondents. The respondents reported discrimination on the basis of gender 37% (n=610); age discrimination 30% (n=489); racial discrimination 25% (n=408); religious discrimination 13% (n=213); discrimination because of disability 3% (n=210); discrimination because of sexual orientation 9% (n=144), and discrimination because of gender identity 7% (n=121)[1].

When the data was analyzed by racial and ethnic groups, it was revealed that 88% (n=36) of Hispanics; 82% (n=96) of African Americans; 82% (n=44) of those self-identified as bi-racial; 78% (n=28) of those self-identified as multi-racial; 70% (n=19) of Native Americans and 44% (n=585) of whites reported experiencing discrimination.

When analyzing the data by sexual orientation, 83 percent (n=49) of persons self-defined as homosexual, and 60 percent (n=21) of persons self-defined as bi-sexual reported experiencing discrimination.

Minority groups were also asked to identify characteristics of the discrimination they experienced. Of the total sample, 8 percent or 138 minorities reported experiencing physical violence; 30 percent or 485 minorities

Table 2: Experiences of Discrimination Based on Group

Experience	African American N=117	Homosexual N=59	Bi-Racial N=54	Hispanic N=41	Multi-Racial N=36	Native American N=27
*General Discrimination	96 82%	49 83%	44 81%	36 88%	28 78%	19 70%
*Verbal Violence	65 56%	21 36%	33 80%	24 59%	28 78%	12 44%

*p < .05

reported experiencing employment discrimination; 9 percent or 143 minorities reported experiencing discrimination in housing; 9 percent or 156 minorities reported they had been denied employment benefits due to discrimination, and 6 percent or 102 minority participants reported being denied social services due to discrimination. It should be noted that since many respondents indicated having experienced more than one form of discrimination, the total number of reported experiences of discrimination does not equal the number of subjects in the groups. Table 2 depicts reported discrimination by minority group.

Chi-square tests were calculated to see if there were statistically significant differences based on race and/or sexual orientation and the categories of discrimination which were queried on the survey: 1) discrimination in general; 2) verbal violence; 3) physical violence; 4) housing discrimination, and 5) employment discrimination. Chi square analysis revealed statistically significant differences in two categories: general discrimination $Ç^2 = 19.16$, $df = 5$, $p < .05$, and verbal violence $Ç^2 = 26.73$, $df = 5$, $p < .05$. The data suggests that there is a relationship between race and/or sexual orientation and general discrimination, and between race and/or sexual orientation and verbal violence. In other words, this analysis of the data suggest that those participants who identified themselves as members of minority groups experienced generalized discrimination and/or verbal abuse (based on their race and/or sexual preference) with a frequency that was significantly greater than random chance.

THEMATIC SUMMARY

As part of this research nine focus groups were held throughout the community. The purpose of these focus groups was to glean a better understanding of individual experiences with discrimination. From the analysis of the qualitative data, two major themes emerged. These themes were congruent with the findings from the survey data and furthermore corroborated the survey findings.

Theme # 1: Racial Discrimination

There was an overwhelming amount of qualitative data that directly related to racial discrimination in Topeka. Some of the common forms of this discrimination were lack of opportunities, housing, and employment issues. There were frequent comments on the difficulty that people of color have in starting businesses and buying houses. Many spoke of an overall attitude of unequal treatment, prejudice, and disharmony. This attitude showed up consistently in the comments. For example,

> I did not experience racial discrimination until I moved to this city.

> I feel on the average that Topeka is a very racist community and that whites blame blacks for everything that goes wrong.

> Prejudice based on race is subtle but nevertheless exists.

> Although it is supposed to be a great place to live, I find that it is full of prejudice.

> This community as far as I am concerned is a very racist place. It's no environment to raise children.

> There are a lot of black people here who are mentally challenged as a result of the cold harsh conditions in this community.

> I was born here. My father had to leave in

> 1939 due to racism. I have experienced discrimination and racism in Topeka all of the years I have lived here and it is worse and even more covert now.

One other theme that was consistent was the prevalence of segregated neighborhoods. For example:

> I have lived on both coasts and I have found Topeka to be an unusually racially segregated city. I would not live here if I was a minority.

> Blacks are confined to live in only certain parts of the community; housing patterns in this community are not equally based.

> Minorities are not given house loans to buy in certain parts of the community.

On the reverse side of racial discrimination against people of color, interestingly, many Caucasian individuals indicated that, based on race, they also felt discriminated against. They felt that they were being passed up (particularly in employment situations) for people of color to meet a "quota". Based upon these comments, it appears that there is a lack of understanding and education regarding power, privilege and who holds it in our society and how this contributes to the broader issue of discrimination so widely experienced in this community.

Theme #2 - Sexual Orientation

There were a significant number of comments and similar themes regarding discrimination due to sexual orientation. Most of these seemed to revolve around issues of harassment and a generalized feeling of being unwanted. Comments such as "homosexuals know where we are welcome and where we are not welcome" and "Topeka is not a friendly environment for gay people" reveal this sense of being unwelcome.

CONCLUSIONS AND IMPLICATIONS

The findings from this research are quite informative regarding the perceptions and nature of discrimination in this community. As noted previously, statistical data were augmented by a significant amount of qualitative data obtained from focus groups. The focus groups provided data from approximately 60 individuals; the survey provided comments from an additional 450 individuals. These qualitative data provide a vivid sense of the pain and distress that respondents have experienced with discrimination.

This study was organized around the concept of "discrimination" but the word itself was not defined. Respondents were not constrained by any pre-determined definition of just what did or did not constitute discrimination. As a result, the study identified discrimination in and by minority groups, as might be expected, but it also revealed a significant sense of discrimination among the majority (white) group as well. This finding seems to parallel other research which has found consistent patterns of perceived discrimination across all racial and ethnic groups including white non-Hispanics (Kessler, Mickelson, & Williams 1999). For example, Kessler et al (1999) report that perceptions of discrimination are common across racial/ethic groups: whites report a rate of 30.9 percent compared with 48.9 percent for African Americans and 50.2 percent for other racial and ethnic minorities.

There were a number of strong statements about experiences with "reverse discrimination." Reverse discrimination has been defined as government actions that cause better-qualified white males to be bypassed in favor of women and minority men. The paradox here is that this is an extremely emotional issue because it conjures up the notion that somehow women and minorities will subject white males to the same treatment received by minorities during the last three centuries. This has lead some to call for color blind policies, however, the problem herein is that color blind policies imply a very limited role on the part of the state in addressing social inequality between racial and ethnic groups (Mack 1996; Winant 1994).

On the other hand many of the minorities who participated in the focus group sessions and many that responded on the comment section on the survey form, voiced a similar theme of being segregated into certain areas of the community because of what they called "discrimination in mortgage lending and leasing." Recall that some of the participants expressed that segregation in housing patterns in Topeka are worse than other areas they have lived in the United States. There is some literature that suggests that pervasive segregation in housing creates

and perpetuates underclass communities (Massey & Denton 1993; Wilson 1987, 1996). Massey and Denton (1993) have argued that segregation is the lynchpin of the underclass and that not only does discrimination lead to segregation, but segregation, by restricting economic opportunities for blacks, produces economic disparities that incite further discrimination and more segregation. This may be one explanation of the frustration and pervasive feelings of discrimination perceived by many of the minority participants in this study.

The data from the focus groups convey a pervasive feeling of being victimized, suggesting that feeling discriminated against is a widespread experience in this community. One respondent said

> The main type of discrimination I have experienced is because of my long hair. Being watched more closely in stores, things of that nature.

Another referred to feeling discrimination because she is overweight. Others spoke of feeling discriminated against because they are single. There were references to feeling discriminated against for being a smoker, being pro-life, being less well trained and less experienced on their jobs, being poor, and even being well-to-do. Blame for these distressing experiences is ubiquitous and appeared to be diffusely projected against the monied class, city government, the human relations commission, the police department for racial profiling, the fire department for hiring so few minorities, local restaurants, stores and banks. In short, there were few social and commercial institutions that were not blamed for the experiences of discrimination reported by the respondents to the survey.

The statistical findings combined with the qualitative data suggest that "discrimination" is not an isolated experience connected just with work and housing. It is a part of daily living for a great many people in this community. The data indicated a statistically significant incidence of verbal violence combined with examples of physical violence suggesting that persons who are targets of discrimination are very frequently confronted with it in a wide variety of situations. This seems to lend itself to a normative theory of prejudice and discrimination. The normative theory as advocated in the classical work of Pettigrew (1958, 1959) takes the view that prejudice and discrimination are influenced by societal norms and situations that serve to encourage or discourage tolerance of minority groups. A major thematic issue found in this study was that many participants felt that discrimination was a part of daily living in this community. It is possible that a culture of intolerance has been shaped in a latent normative fashion in this community.

One of the factors that went into selecting this community for the study was that it is the centerpiece of the landmark mark 1954 Supreme Court decision, Brown vs. Topeka Board of Education. This decision stated that "separate but equal" facilities', including educational, was unconstitutional. This research was conducted nearly 49 years after the Brown vs. Topeka Board of Education decision. Thus, one would hypothesize that due to the historically legal significance of desegregation in this community that the perception of discrimination would be much less than what the data bore out. In fact, it may have been presumed that the Brown decision in 1954 would have lead quickly to massive change. Moreover, and perhaps more importantly, these data lend themselves to the conclusion that even some 49 years after Brown vs. Topeka Board of Education, this decision and other corollary judicial decisions, have been slow to change or influence discrimination.

This study also revealed significant amounts of perceived discrimination against those defining themselves as gay. The survey and focus group data seemed to indicate that homosexual's feel isolated and in many situations avoided in an obvious manner when their sexual orientation is known. This parallels other research which has found that people still openly avoid homosexuals and that persons feel at relative ease in expressing their homophobic feelings (Nava & Dawidoff 1994).

The Civil Rights Act of 1964 covered discrimination based on race, color, creed, national origin, and sex. However, with the growing problem of discrimination against the gay community there remains little legal protection and a fierce debate continues on the status of gay men and women and discrimination laws. Many communities across the United States have adopted ordinances which specifically address discrimination

against gays. The community where this study was conducted does not have an ordinance which specifically addresses discrimination against gays. Interestingly, a few months after this study was completed, an ordinance initiative was brought before the city council to include gays in the city's anti-discrimination ordinance. The initiative failed to receive the votes necessary to be enacted into law and the ordinance initiative failed.

This research suggests that a significant portion of the participants have experienced some form of discrimination in this community. From both the survey responses and the comments of the focus group participants, it is evident that discrimination has been experienced across all population groups. This is confirmed by the fact that most of the respondents (n=932) disagreed with the survey statement that "the Topeka Community treats citizens equally."

Even though this study was limited to 1,633 respondents in one urban area, and is a one shot descriptive study of sorts with limited generalization, it points to promising areas of new research. This study sheds light on perceptions of discrimination, and reveals that a community preparing for the 50th anniversary celebration of the Supreme Court decision in Brown vs. Topeka Board of Education has not made significant progress respecting diversity and differences. The sense that we gleaned, especially from the focus group data, was that discrimination, although not in a blatant form, is a salient undercurrent in this community. Because this small study was limited to one municipal community of 123,993 citizens, we suggest that future studies be conducted in other communities that celebrate significant Civil Rights events in their history to determine whether the findings of this study can be replicated in other community settings.

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END NOTES

[1] Note: Many respondents reported discrimination in more than one area so the total categories of reported discrimination does not equal the sample of N=1633. The total number of reported discrimination in each category is more than N=1633.

19TH CENTURY *ASYLUMS* FOR NATIVE AMERICAN YOUTH

Jeffrey R. McDade, Graceland University

INTRODUCTION

In the history of European contact with the Native American, Christian missionary societies and the missionaries they sent among the native peoples have played a key role. From the first contact, the Europeans in North America attempted to bring European civilization and Christianity to a people they viewed as uncivilized. One of the most respected historians of the Protestant missions to the Native Americans, Robert Berkhofer (1963 176), noted that the early colonial efforts of missionaries were generally viewed as failures by the early 19th century. By the 1820s, however, there was a climate of optimism and enthusiasm for a new strategy of missionary work, the *manual labor boarding school* (MLBS) for Native American youth (Berkhofer 1963).

Berkhofer (1963) suggested that the development of the MLBS was not the result of special conditions on the frontier, where these special schools were established, but a result of cultural assumptions already prevalent in the East. "The activities of missionaries were determined in main outline before they ever arrived in the wilderness" (Berkhofer 1963 190). For Berkhofer, that meant the frontier followed a model and set of assumptions about the manual labor boarding school that had already been established at a few eastern missions in the decade prior to 1820. What Berkhofer and subsequent authors on the mission efforts did not establish was the cultural origin of the model and the supporting theory for these very specialized institutions for the education and acculturation of the youth. It is my intent to establish the cultural roots of the manual labor boarding school and the link between it and other new types of institutions that came into existence in America during the early 19th century.

From the late eighteenth century through the first half of the nineteenth century, a dramatic change was underway in America and Europe in regard to the philosophy and practice of punishment and/or control of perceived problem populations, criminals, the insane, wayward youth, the chronically unemployed, etc. Writers of the "revisionist" school of penal history, most notably David Rothman, Michael Ignatieff, and Michel Foucault, have attempted to describe this transformation of the concept of punishment and social control in the Western world. Key elements of this transformation include the mind replacing the body as the object of punishment and control; the increased segregation of deviants into institutions specifically designed and built for that purpose; the prison model as the dominant instrument for modifying behavior; and the increasing involvement of the state in the management of social control (Cohen 1983 102-103; 1985 13).

Ignatieff noted that the

> ...emergence of the prison cannot be understood apart from the parallel history of the other total institutions created in this period. (1985 82)

The penitentiary and other new institutions arose as a new strategy for control of perceived problem populations within the new Republic. Native Americans were certainly a major population group that was of constant concern to the dominant culture during the 19th century, but have so far escaped scrutiny by theorists of punishment and control. Were the new control strategies championed by this social movement applied to the Native American population, represented by the establishment of the manual labor boarding schools? I believe that the evidence presented in the following pages will answer this question.

Any discussion of social control is intricately linked to the problem of socialization faced by any group (Cohen & Scull 1985). In the case of criminals and other forms of social deviance, the problem becomes one of resocialization; or, in language of the time, a problem of reform. The Native American population represented a unique problem to white, European culture. Since they already had been socialized into a vibrant and sustained culture, the problem was one of cultural conversion. Such a process by necessity involved the destruction of the existing culture of the native population before it could be replaced with European culture. It is the means by which this conversion was to be achieved that has been problematic through-

out the history of religious mission efforts to Native Americans.

The development of and reliance upon specially constructed institutions in the 19th century, such as the penitentiary, represent a societal shift to an increased use of formal coercive control by the state over its population. The primary purpose of these was to control problem individuals and groups, primarily immigrants, through their confinement and resocialization. The establishment of specialized institutions of *coercive* control is the focus of the revisionist school of penal history. But, any discussion of such a change in control strategies must involve more than just a description of the development of specific forms and practices of coercive control. At its core, the discussion must take into account the universe of discourse, i.e., the shared meanings, within which discussion of the forms and practices takes place.

It is within this context that the dominant European culture, primarily through Protestant Christian missionary efforts, sought to achieve cultural conversion and thus control through the resocialization of Native Americans. From the colonial period through the 19th century, the major efforts toward this goal were carried out by denominational and inter-denominational religious societies, in the form of missionaries and missions. While there was great diversity among the various missionary societies, their common theme was an effort to "Christianize" and "civilize" the native population (Szasz 1988 5). In effect, their efforts were directed at the cultural conversion of this population by affecting the destruction of tribalism as a cultural value and replacing it with the individualism of European civilization. Missionaries of the 1840s held strictly to the belief that Indianness and Western Christian civilization were in direct conflict, which they clearly were, and that in order to survive extinction the Indian must give up their concepts of tribes and nations to live as individuals (Berkhofer 1978 151).

> For government officials, Christian civilization increasingly became the only pacific method of dealing with the Indian problem in the nineteenth century. (Berkhofer 1978 151)

The prevailing thought of the early nineteenth century was that the Native American was equal to the white in potential and only needed a change in circumstance to overcome the weakness in environment and develop the proper habits of civilization (Prucha 1984 136).

In the early 19th century, the manual labor boarding school appeared to the missionaries and the federal government as the most promising method of achieving the goals of cultural conversion, assimilation, and control of the native population. In order to understand this unique institution and its development, it is necessary to understand the paradigm shifts occurring within that time period.

THE THEORY AND PRACTICE OF THE ASYLUM

The paradigm shift in strategies for social control was driven by a large and diverse group of social reformers. The goals, beliefs, and intentions of these reformers as well as the social, political, and economic context within which they operated are analyzed in great detail by writers such as Rothman and Ignatieff (Cohen & Scull 1985 2). While mainstream history has often represented such reform movements as emanating from motives of benevolence, these authors turn their attention to motives intended more to achieve the maintenance of social order and to issues of power and conflict among different social and cultural groups in this time period. The emphasis upon ideology and social conflict is not exclusive to the revisionist school of penal history. It also appears as a central theme in the works of authors who have charted the development of the Temperance movement in the same historical period (Gusfield 1963; Duster 1970; Rumbarger 1989). The relationship between ideology and practice has always been seen as crucial because "...the conception of the cause of a problem determines the way in which the solution is seen" (Duster 1970 115).

In the beginning of the nineteenth century, "...the dominant culture and mental habits of one period were being slowly replaced by those of another..." (Garland 1990 206). The changes in the theory and practice of social control that were taking place arose in the aftermath of the American revolution and involved a reordering of the ideological universe of the actors in this period (Dumm 1987 87). The question of agency, of which actors directed the changes so that prisons re-

sembled factories and vice versa, is answered by Ignatieff,

> ...because public order authorities and employers shared the same universe of assumptions...identifiable social constituencies of individuals...managed to secure political approval for penal change through a process of debate and argument in the society's sites of power. (1985 92-94)

Rothman (1990) used the word "asylum" as a generic term that encompassed all of the specialized institutions of control that arose in the 19th century. Operating within this shared universe of assumptions, the development of the pattern of the asylum, emphasizing the values of order and regularity, uniformity and punctuality, and the devotion to steady labor and habits of discipline, is explained by a process of linking those values which the asylum sought to *inculcate* within the larger social agenda (Rothman 1990 xxiv). These values were those of a growing white American middle-class and a nation at the early stages of industrialization. The need for a workforce that adhered to such values was seen as essential to the success of the new nation. With the changing universe of assumptions, "the penitentiary became a primary institution which a new set of techniques of pedagogy developed" for the purpose of management and control of specific individuals or groups of individuals (Dumm 1987 87).

The asylum was part of a greater movement and its techniques were developed not just with the resocialization of deviants in mind, but as proper techniques for all forms of instruction in social values or normative behavior. According to Foucault (1979 211), its "...disciplines can, in effect, be adapted beyond the institutional fortress..."; as the punitive procedure of the past is transformed into a penitentiary technique that can be transported from "...the penal institution to the entire social body" (1979 298).

> In the crisis years of early industrialization, after 1815, the disciplinary ideology was taken up by the evangelized professional, mercantile, and industrial classes seeking to cope with the dissolution of a society of ranks and orders and the emergence of a society of strangers. (Ignatieff 1985 87)

This ideology involved a "...common belief in the reformative powers of enforced asceticism, hard labor, religious instruction and routine" (Ignatieff 1985 82). Persons who did not adhere to these principles were drawn into this new coercive disciplinary network to be reformed.

The belief in reform was based on an underlying assumption that social conditions could contribute to crime and disorder, an early form of social environmentalism. One of the fundamental ways to alter the effects of adverse social conditions was the segregation of the deviant away from the corrupting influences of the environment. A well-ordered institution would reeducate and rehabilitate (Rothman 1990 82). The belief in the possibility that an institution could reform an individual represented a major paradigm shift from earlier conceptions relating to the purpose of punishment and the underlying causes of human behavior, especially various forms of deviance. The development of special institutions as constructed model environments was designed to separate the offender, the mental patient, the unrepetetant idler from all contact with sources of corruption (Rothman 1990 82). Quarantine was seen by the reformers as a necessary precondition for moral reeducation, severing the ties to the world outside the walls (Ignatieff 1978 102). But simple isolation was not enough. The artificial environment also had to be ordered in such a way as to inculcate those important values noted above.

One founding principle of the reform movement is the benefit of hard labor and the virtues to be derived from it (Rothman 1990; Ignatieff 1983; Foucault 1979; Hirsch 1992; Jones 1986). As a principle component of the new ideology, the central importance of labor was both moral imperative and guiding principle in practice. Applying discipline as an *instrument of control* over others was conceived as the only practical method of instilling the proper self-discipline in individuals (Ignatieff 1978 58). For those individuals who somehow managed not to have acquired the necessary self-discipline as defined by the Christian leadership of the time, usually attributed to an improper upbringing in a corrupting environment, the coercive asylum stood as the remedy.

In the process of rationalizing the institution, the reformers focused on the physical aspects of the institutions; its architecture,

structure, rules, and procedures (Hirsch 1992 66). The divisions of space and time within the institution through architecture were elevated to a form of "moral science" (Rothman 1990 83). These specific forms of control were applied to the body as a means of getting to the soul, the seat of habits (Foucault 1979 128-129). Foucault (1979) traced the early roots of the disciplinary ideology to the military model of the professional army of Napolean; the drill as compulsory movements to condition habits within the mind. But many of the other aspects of the regimen of discipline in the new institutions had other roots. The reformers devised the new rules of discipline along the lines of industrial labor with its punch clocks and bells as a means of managing the self and others, analogous to the management of machines (Ignatieff 1978 63-67).

The application of the discipline of the factory regime to those individuals perceived as problems for social order was intended to *reform* the individual through the instilling of proper *habits*. Foucault (1979 129) noted that the purpose of this reform was to render the *obediant subject*, one subjected to "...rules, habits, orders, an authority continually exercised". Such a subject, socialized into a new daily routine, was essential to the new industrial order. This new order represented a very different life from that of the agrarian culture of most immigrants to America or even most of Americans at that time. It was especially alien to Native American culture.

Another key element of the new disciplinary ideology of control was the emphasis on supervision. Foucault (1979), Cohen (1985), and Dumm (1987) use this concept as a cornerstone for their arguments, tracing its roots to Jeremy Bentham's vision of the ideal prison, the Panopticon. The essential element of the Panopticon was the constant, vigilant supervision of the offender, every day, all day and night. The offender was never removed from the watchful eye of the keeper. Hirsch (1992 66) notes how Bentham's concept was championed in the United States by reformers such as Louis Dwight, who argued in 1829 for its extension into all manner of institutions, even *boarding schools and colleges*.

PRE-NINETEENTH CENTURY MISSION EFFORTS

The 17th century saw a diversity of missionary efforts attempting the common goal of Christianizing and civilizing the "natives" (Szasz 1988). However, very little was actually achieved prior to the middle of the century (Bowden 1981; Beaver 1966a). The efforts of the missionaries to the Native Americans could be characterized as following a restraint within the community model (Cohen 1985). White culture attempted to entice Native Americans to voluntarily adopt their concept of "civilization" through a variety of methods. Both Bowden (1981) and Berkhofer (1966) noted that there was general agreement within white culture at the time that the Native Americans were intelligent enough to recognize the superiority of white culture and would eventually abandon the old ways in favor of the new. The task of the missionaries was to demonstrate their Eurocentric sense of superiority to the native peoples through teaching and example.

The most prevalent form of the mission efforts in colonial America was that of establishing the model Christian family. The various tribes of the Northeast were encouraged by missionaries such as Thomas Mayhew to form villages, often referred to as "Praying Villages," in the manner of the white colonists, centered around the church, and following the example of the white colonists in agricultural pursuits on individually owned plots of land (Szasz 1988; Bowden 1981; Beaver 1966a, 1966b; Tracy 1970 [1840]). Unlike Mayhew, many efforts, like those attributed to John Eliot were, in fact, almost nonexistent and amounted to a kind of scam to receive money from missionary societies based in England and then diverting the funds to other projects in the colonies (Jennings 1976 242-247).

Throughout the eighteenth century, the role of the missionary was further developed. Renewed missionary efforts resulted from the Great Awakening and many new experiments for educating Native American youth arose during this period (Szasz 1988; Beaver 1966b). Following the themes of the 17th century, education played a dominant role in the efforts of the missionary societies and the establishment of schools was essential to the goal of Christianizing and civilizing.

Probably the most notable of the 18th century experiments was Eleazer Wheelock's

Moors Charity School, established in Lebanon, Connecticut, in 1754 (Szasz 1988). Wheelock saw important advantages of the boarding school over the day school in educating Native American youth. The main advantages were the separation and isolation from the influence of the parents and the importance of constant supervision. The method of instruction focused on a combination of literary education and religious instruction, in the manner of boarding schools for white children (Bowden 1981 139). Wheelock's school made little lasting impact on Native American youth as most rebelled against the regimen of the school and there was no means of compelling by force of law their attendance at these schools (Bowden 1981 141).

NINETEENTH CENTURY MISSION EFFORTS

The dawning of the 19th century marked the beginning of a long process involving the erosion of the political autonomy of Native Americans that would culminate with the Indian Removal Act of 1830 (McCloughlin 1984; Bowden 1981; Satz 1975; Beaver 1966a; Berkhofer 1966). The Native American population represented an impediment to nationalism and the establishment of a single set of cultural standards for the new republic. The policy of the American government toward Native American culture throughout the first two decades of the 19th century vacillated between that of removal and assimilation (Bowden 1981; Satz 1975; Beaver 1966a). Once removal became the official government policy, it was hoped that the tribes that were relocated to the Indian lands would gradually make the transition to white culture, forming governments on their lands that would resemble those of the whites (Deloria 1985 245).

The loss of power and political autonomy by Native Americans within the borders of the new nation placed them in a position of complete subordination to the dominant culture. Prucha (1985 14-15) noted that statements by Andrew Jackson made it clear that removal was to be the beginning of government control of Native American affairs, for their own well-being and survival. Such policy decisions were based on the assumption that the Indians were incapable of making decisions regarding their own best interests (Deloria 1985 244). Such assumptions represent a change from the previous century regarding the ability of Native Americans to manage their own affairs. In part, this change took place because of the failure of earlier efforts to convert the majority of the native population to white culture and the seemingly intractable nature of Native American culture.

This policy shift greatly affected the mission efforts to the Native American. The original motive of Christianizing and civilizing remained a foundation for missionary work, but a new motive, guilt, would also appear. As the Native American was disappearing from the settled East, it became easier to love them at a distance and become concerned for the wrongs done to them - giving them the Gospel was seen as an act of restitution - especially among the frontier denominations of the Baptists and Methodists (Beaver 1966a 63).

Mission efforts were expanded to the frontier where many tribes were being relocated, assisted by the increasing involvement of the state in subsidizing the civilizing process. Thomas L. McKenney, at one time head of the Office of Indian Affairs, was very influential in forming the links between the government and missionary societies in the period 1812-1830 (Prucha 1984 141). The motive driving the government's increasing involvement was very different from that of the missionaries. Control of the native "problem" was of central concern.

In 1819, the Civilization Fund was established by Congress. This act, in effect, joined the government and the church in a partnership that would last until 1873 and amount to a form of "subsidized philanthropy" (Beaver 1966a 68-70). In addition, the federal government used the annuity program, payments to tribes for land purchases, to subsidize the educational efforts by missionary societies and as a subtle, yet powerful, means of control. With the support and approval of the federal government, the missionary societies set up in the West.

The first two decades of the 19th century saw increasing emphasis on the establishment of boarding schools for Native American youth in order to isolate, supervise, and provide a daily routine to counteract what was seen as a cultural problem of inveterate laziness (McLoughlin 1984; Berkhofer 1963). The first to resemble the MLBS model was established among the Wyandots in the first decade by Joseph Badger with funds received from the Western Missionary Society.

Badger sought to establish a mission that combined religion, education, and agricultural training through linking the school to a farming operation operated by the mission family and the scholars (Berkhofer 1963 181). Badger's limited experiment ended with the War of 1812.

In 1816, Presbyterian minister Cyrus Kingsbury received funds from the American Board of Commissioners for Foreign Missions and the Secretary of War to establish a model school among the Cherokee in Tennessee, named the Brainerd mission. Berkhofer (1963 184) described Kingsbury's mission as *the* model for all future reference:

> Here at last were realized all the principles of the manual labor boarding school. The institution was a self-contained community in the wilderness. The children were removed from their parents into a totally controlled environment. This physical separation deemed so essential here is also demonstrated in other stations in even so small an item as a fence to keep the nonscholars out of the scholars' play yard in order to avoid contamination by savage customs. The varied instruction required a large number of laborers who exemplified Christian and civilized life in the controlled environment... The parents were attracted to view the establishment by their offsprings' presence and they too learned by the demonstration project. Yet the school could not be located too near the Indians' habitations for fear of contamination; instead the adults must travel to the controlled environment.

For the many missionary societies that looked back upon the failures of their previous experiments, this new "...manual labor boarding school seemed the answer to their prayers" (Berkhofer 1963 177).

Berkhofer's description of the Brainerd mission contains many of the key elements of Rothman's "asylum." First, a new emphasis was placed upon an institution as a change agent, specially constructed for the purpose of instilling new values. Second, isolation from outside influence, especially that of their own culture, was deemed essential for its success. Third, the use of the word contamination suggests that the discourse of social influence upon behavior prevalent in the prison reform movement's champions had been adopted by those involved with the mission efforts. Fourth, the emphasis on the mission as a controlled environment suggests that constant supervision and control of the daily routine of the youth was also a feature of this mission. Finally, the institution was to be a demonstration project, a model for influencing not only behavior of the students but of their parents who would come to observe it. What was missing from Berkhofer's description of Kingsbury's mission that would be included in the model asylum of Rothman was the critical element of discipline, equated with the factory model, and the "rule of rules" of Foucault. These were to be incorporated into the MLBS once it reached the frontier in the 1840s, by then the "asylum" had achieved dominance as the means to resolving the social problems that came as a result of industrialization in the East.

The attempted assimilation of the Native American through resocialization increasingly relied on forms of coercion from the third decade of the 19th century onward. One of the early problems with the mission day schools among the tribes, and even the early boarding schools, was the lack of means to compel attendance. The Indian agents used the annuity funds to apply pressure to ensure that youth would remain at the new boarding schools. Since some of the funds, by treaty provisions, were earmarked for education, agents would make it clear to tribal leaders that monies provided to the school from the tribe's funds for any youth's education would not be refunded and would be forfeited to the school if the child did not stay the full term. Thus, tribal leaders were coerced by agents of the government into guaranteeing attendance of their youth at missionary schools under threat of forfeiture of funds. The ability to compel attendance, lacking in the previous century, was gradually being realized through the involvement of the state.

While all of the programs established by the missionaries and funded jointly by the missionary societies and the government in the 1830s were developed under the auspices of humanitarianism, the reality was that these programs provided the government with the means to undermine and control Native American culture (Satz 1975 246). After 1834, Congress, through the establishment of the Department of Indian Affairs with its agents among the tribes, "...had become a surrogate for Indian decision-making in the

important area of cultural and economic relations with settlers" (Deloria 1985 243). The increasing governmental involvement was in part motivated by the fear of having a hostile population on its Western border and located in between the two coasts. With trade to the Southwest increasing during the 1820s and 1830s, protection of trade routes became an important concern. The increasing growth and influence of the Department of Indian Affairs represented the rationalization of control through the development of a bureaucracy, with its hierarchy of agents and subagents extending the government's control over Native American affairs.

The adaptation of the theory and practice of the asylum to the education of Native American youth does differ in purpose in one key area. Whites drawn into the control network of the asylum already belonged to and were aware of the values of the dominant culture. The problem was seen as one of insufficient socialization, for which a period of resocialization was in order. For Native American youth, the purpose was first and foremost to destroy an existing cultural identity and attachment, a form of cultural genocide, before beginning the process of acculturation and socialization into an entirely new cultural identity. Although the argument could be made that since most of the inhabitants of the asylums in the East were members of immigrant populations, especially of non-Anglo-Saxon origin, that they too were being subjected to a kind of cultural destruction.

Berkhofer (1963 185) noted that in the period from 1820-1830 there were forty mission schools that were receiving government aid and were based upon the model of the manual labor boarding school. This statement by Berkhofer would suggest that the model had reached practical dominance in this period. In the 1821 annual meeting of the American Board of Commissioners of Foreign Missions, discussion of the Brainerd school for the Cherokee centered on the lack of profit shown by the farm at the school, specifically noting that "manual labor seminaries have universally been expensive..." but were "...necessary among the Indians, because the pupils must be instructed in agriculture and the mechanic arts" (Tracy 1970 [1840] 99-100). The Methodist Episcopal assembly expressed their optimism upon receipt of the mission reports from Kansas territory in 1840, especially those related to the establishment of the Manual Labor School among the Shawnee: "Great hopes are entertained of its usefulness" (Mudge 1970 [1840] 546). The MLBS model had been successfully transplanted to the frontier.

OBSERVATIONS FROM THE FRONTIER

In this section I will offer samples of statements from missionaries, Indian agents, and observers commenting on the missions established in the first Indian Territory of what is modern day Kansas, from 1830 to roughly 1850. The following excerpts are presented to serve as illustrative examples of the diffusion throughout all denominations and missionaries of the theory and practice of the MLBS model on the frontier. The following examples are linked to the key elements of the asylum as already established.

The following comments emphasize the importance of the establishment of a specialized institution as a change agent and that it should follow a specific model, that of the MLBS. A new teacher at the Shawnee Methodist Mission wrote in his diary upon his arrival in 1836:

> The idea of making this school, to some extent, a manual labor *institution* [italics added] had already been entertained, this year began to test its practicability and importance. (Caldwell 1939a 23)

The Rev. L.B. Stateler noted in his journal in 1838 after a visit to the Shawnee Methodist Mission:

> we have great hope in the final success of this new establishment, as we think it is on the best plan that could be adopted — viz., the manual labor system. (Stanley 1907 98)

In an 1842 letter to the Missionary Society of the Methodist Episcopal Church, E.R. Ames wrote about the Shawnee Methodist Mission.

> I find here a noble institution which promises to be blessing to thousands of the red men. There are now in attendance about one hundred pupils from eleven different tribes. (Kansas State Historical Society 1923-1925 235)

The first principal of the mission to the Iowa and Sac established by the Presbyterian Missionary Society heaps praise upon

the manual labor school model in his 1843 report to the Commissioner of Indian Affairs.

> This institution, while conducted with its present spirit and interest, cannot fail to wield a powerful influence in favor of Christianity and modern refinement. (Hamilton 1843)

Four years later, W.E. Rucker, Indian Sub-Agent, wrote to his superiors regarding the Iowa and Sac school:

> I am fully convinced that the 'manual labor boarding school' system is the only practicable means of their civilization and Christianization... (Rucker 1847)

In an 1843 letter to benefactors in the East asking for financial help for the Shawnee Methodist Mission, Superintendent Berryman lamented that

> if our friends do not help us the 'Indian Manual Labor School,' the grandest enterprise ever undertaken in the Indian country, must decline, must die. (Kansas State Historical Society 1923-1925 244)

T.A. Morris traveled to the Shawnee Manual Labor School in 1844 and witnessed the examination of the Native American pupils at the end of October. He applauded their progress and performance in the school subjects; their skill in mechanical and agricultural arts; and, especially, the religious influence brought to bear on the children (Morris 1853 349).

W.H. Goode traveled to the missions of the West in the early 1840s and wrote of their success while expressing the opinion that previous experiments to educate Native American youth while they lived at home with their parents had not been very successful (Goode 1864 98). As evidence that the model had become the standard of the frontier mission schools, a Baptist missionary to the Delaware tribe, J.D. Blanchard (1843) noted in his report to the Commissioner of Indian Affairs that

> ...some misapprehension seems to exist with regard to manual labor schools; *this, and every other boarding school of which I have any knowledge in the Indian country* [italics added], is conducted on that plan."

The need for isolation of the youth to prevent contamination from the corrupting influences of both their own culture and the worst elements of white culture was seen as essential for success. From the previously mentioned 1843 report to the Commissioner of Indian Affairs, William Hamilton commented on why the MLBS was better than the method of simply sending a missionary family to live among the tribes:

> But how little is the influence exerted by a few individuals upon a number of children, who are continually witnessing the degrading and soul-sickening conduct of heathen parents and companions, to what it might be if those children were *placed* [italics added] where they would not witness such scenes of *pollution* [italics added] and filth, but, on the contrary, have before them Christian example and Christian instruction. (Hamilton 1843)

The need to isolate the youth from corrupting influences was echoed by Baptist missionary J.D. Blanchard (1844) in his report to the Commissioner of Indian Affairs:

> Those who are clinging to the "way of their fathers," to say the best of them, are but on a stand; and others of them are making fearful strides in the vices of low white men. Horse racing, gambling, intemperance, profanity and Sabbath-breaking are taught by precept and example in the army movements among us.

Advertisements for the Shawnee Methodist Mission and Manual Labor School in 1848 not only emphasize the importance of isolation from contamination, but the additional features of constant supervision and control over pupils, rationalized regulations and the importance of discipline:

> As we are removed from the *vices to which youth are exposed* [italics added] about little towns, and have the *entire control of the place* [italics added], we hope to be able to make such *regulations* [italics added] with regard to Both [sic] the *discipline* [italics added] and the boarding of the students... (Scarritt 1924 445)

In their annual reports to the Commissioner of Indian Affairs, the missionaries were

constantly complaining, as the few examples above illustrate, of the negative influence of the low classes of whites in the small settlements that had already reached the edges of the Indian Territories by the 1840s. It seems that many of the Native Americans were picking up aspects of white culture quite well, just not the white culture that the pious missionaries sought to inculcate.

The phrase commonly used by Eastern reformers to describe the beneficial outcome of the new penitentiary, instilling habits of industry, also appeared quite often in the reports and writings of frontier missionaries. A Baptist missionary and Superintendent of the school to the Shawnee sponsored by the Baptist Missionary Society wrote:

> ...In addition to a knowledge of letters, the scholars are trained to *habits of industry* [italics added] in the various departments of life. (Barker 1842)

David Jones, a teacher at the Society of Friends school among the Shawnee, noted some success in his report of 1840:

> The new scholars, being unused to restraint, were at first rather difficult to govern; but they are now very tractable, and may, no doubt...be brought up to *habits of industry* [italics added] and virtue.

Goode (1864 98) noted that the Shawnee Mission represented the

> ...first missionary experiment upon a large scale of educating Indian youth, not only in common English literature, but in *habits of industry* [italics added] and the duties of domestic life, by taking the *entire control of them* [italics added], boarding, lodging, clothing, and instructing them.

One of the most important elements of the asylum model was the disciplinary routine, based upon the factory model of bells and whistles. This feature was necessary to instill a new concept of time, a concept that white culture constantly lamented was seriously lacking in the Native American. To resocialize the Native American youth into this cultural concept, the MLBS, like the penitentiary of its time, was a well-ordered institution. The following excerpts contain descriptions of the daily life of the MLBS.

An 1842 report by then superintendent Rev. Berryman to the Office of Indian Affairs that briefly outlined the daily routine employed at the Shawnee Methodist Mission and Manual Labor School.

> They held school six hours a day except Saturday when they were taught only three hours. The boys not employed in the shops usually worked on the farm...or something of that kind of labor five hours a day. They were at all times under the management of their teachers. The whole school retired to bed, as a general regulation at eight o'clock P.M. and rose at the ringing of the large bell at four o'clock in the morning. (Caldwell 1939a 45; 1939b)

A similar routine was followed at the Society of Friends manual labor school among the Shawnee and described in an 1842 report:

> Six hours in each day is devoted to school-learning, and the remainder of the day at such employment as they are capable of doing. (Wells & Wells 1842)

As a young girl, Belle Greene had grown up on the Shawnee Methodist Mission as her father was a teacher at the institution and she recalled many years later the routine of mealtime as it was in 1842. The assembling for the meals was signaled by the ringing of the large bell. At the sound of the bell the boys and girls would assemble in two lines in front of the building before entering and taking their places at their tables (Greene 1924 457-458). The bell as a signal that set the routine of the day was a prominent feature of the institution. In addition, the meal routine bears a striking resemblance to the lining up and walking from place to place in "lock-step," a prominent feature of the penitentiary of that day and well into the 20th century.

An additional description of the strictly controlled daily routine of the Shawnee Methodist Mission was provided by Lutz (1906 175-176). They were awakened by a bell at four or five o'clock A.M., depending on the season, and they would work until seven o'clock A.M., when the bell summoned them to breakfast. At nine o'clock the bell would summon them to studies until noon. Studies were resumed at one o'clock P.M. and ended at four o'clock P.M., when work began. The bell sum-

moned the children to dinner at six o'clock. The children then prepared their lessons until eight o'clock. There was one half-hour of recreational time before they were to retire to their dormitories and prepare for bed at nine o'clock, at the sound of the bell.

The "rule of rules," control over individuals through the promulgation of regulations governing all aspects of life, figures prominently in Foucault's (1979) discussion of the practical shift in carceral practice in the 19th century. An earlier excerpt regarding the Shawnee Methodist mission indicated that such regulations were an important feature of the school by 1848. Rev. John Peery was a missionary and spent the years 1849-1857 as a teacher and the head of the "Female Department" at the Shawnee Methodist Mission and Manual Labor School. Excerpts from his diary entry of January 1, 1850, mention his manner of treating offenders *against the rules of the school*. Peery's diary entry of Tuesday, January 15, 1850, noted a specific incident that occurred on that day: "Mary Abner sent away from school for conduct" by Superintendent Thomas Johnson. The conduct in question was the use of profane language from the complaint of a teacher at the school, referred to as Brother S.M. Cornatzer.

Finally, it has been suggested that the motive of the Federal government in providing assistance for the establishment of MLBS was to increase its level of control over the tribes. In support of the establishment of the Shawnee Methodist Mission near what is now metropolitan Kansas City, agent Richard Cummins wrote to General William Clark in 1831:

> I have great hope, that after this school is got [sic] into operation, the Indians within my agency will not be so much opposed to complying with the wishes of the government, in the arts of civilization. (Caldwell 1939a 12)

CONCLUSIONS

The manual labor boarding school cannot be understood apart from the parallel history of the other total institutions created in this period. There appears to be a clear link between the MLBS and other forms of specialized institutions that arose in the early 19th century. The MLBS stands as an outgrowth of the same social forces that led to the increasing reliance upon coercive institutions for the purpose of social control.

From 1830-1850, the MLBS, as a coercive institution, became the dominant model to be followed by the missionary societies for the education and resocialization of Native American youth, with the full support of the federal government. Even though lack of funds prevented the establishment of such schools in great number, the MLBS was considered the standard, what every missionary on the frontier saw as the ideal method by which to achieve the eventual destruction of native culture and assimilation of Native Americans. For government officials, it appeared as one important method through which to achieve compliance and obedience, thus control, of a potentially threatening population on its western border.

The need for isolation of Native American youth from what white culture perceived as the corrupting influences of both native culture and the worst elements of white culture, especially alcohol, was of paramount concern to the missionaries. The references made to the vices to which youth are exposed in the writing of the missionaries are evidence that the environmental theory of contagion and contamination popular with Eastern reformers and linked to the birth of the asylum also dominated the missionary's world view.

Like the isolation of the penitentiary, total control could be exercised over the youth in an environment where social and moral training and labor usually superceded academic training. The rigid pattern of discipline, what Foucault called the "rule of rules," was designed to replace the Eurocentric perception of "inadequate" tribal family life and would teach the youth to obey their teachers (Coleman 1985 91). The missionaries stressed the need for constant supervision of their students, the ever watchful eye of Bentham's Panopticon, to ensure complete compliance with the rules of conduct. A key component of the asylum and the MLBS was the carefully routinized activities of the day, designed to instill the proper "habits of industry." The habits of industry were values of individualism and the Weberian "Protestant work ethic," in direct contradiction to the traditional ethos of cooperative harmony that was a part of the native culture into which the youth had already been socialized. In addition, the youth had to be acculturated into a new cultural concept of time. The segmentation of the day

into specific blocks of time, punctuated by the bells and whistles in the manner of the factory, was the accepted method of the period.

The establishment of the MLBS represented a rationalization of the process of control and assimilation. The bureaucratic machinery of the federal government and the missionary societies combined to produce an institution that resembled the penitentiary in practice. A component of the asylum model deemed essential to the resocialization process and transported to the MLBS was the method used for the systematic destruction of the former cultural identity of the youth and its replacement with a new identity, one provided by the missionaries. This method attempted to accelerate cultural conversion through the use of standardized procedures in the missionary boarding schools: cutting of the hair, bathing, donning of white man's clothes, and especially by being forced into accepting a new "English" name. The MLBS appeared to the missionaries as the ideal vehicle by which to destroy the tribal identity of the youth and replace it with a "civilized" identity. By taking the youth away from their families and their tribal group and placing them in a centralized boarding school with children from many different tribes, the missionaries sought to further weaken tribal identity. Combined with the government's coercion of tribal leaders to compel attendance, the MLBS was expected to be more effective than the traditional day school.

The motives of those involved with the attempts to assimilate the Native American into white culture by establishing the MLBS on the frontier were varied. Many missionaries believed strongly that it was the only way for the native peoples to survive and that they were acting in the best interest of Native Americans. Others simply were following their perceived duty of spreading Christianity throughout the world. For many federal officials, whether cultural conversion of these youth occurred or not, it was seen simply as means for control. For the parents, who were deemed already beyond change, another strategy was being developed in the 1840s, the precursor to the reservation era a generation later. One could argue that the government of the U.S. was never really interested in the assimilation of the Native Americans. The Cherokee nation was removed even after adopting many of the "civilized" ways of white culture. The U.S. government was obsessed with fulfilling its vision of "manifest destiny" and the Native Americans had always been an impediment. The MLBS was viewed by its supporters as the long awaited panacea to the Indian problem, just as the penitentiary was seen by reformers to be the solution to the problem of crime and disorder in the 19th century. The government supported the MLBS as one of many control strategies in dealing with Native America, not the only one. Support for such missionary efforts also provided the image of a government with benevolent motives.

The combined efforts in the early 19th century of the missionary societies and the federal government that resulted in the MLBS provided the foundation for future policies of paternalism toward Native Americans and an ever increasing loss of autonomy over their own lives. The ideology of social environmentalism that spawned both the asylum and the MLBS, a form of guardianship by the state over those perceived as unable to make the appropriate decisions for themselves in a civilized society, would subsequently become engrained as national policy toward Native Americans. The MLBS represents the first of the rationalized efforts on a large scale to attempt assimilation under this new ideology. In actual practice, the MLBS most closely resembled the house of refuge for wayward youth, described by Beaumont and Tocqueville (1970 [1833] 112-113) as halfway between a prison and a school, leaning more toward the former than the latter. The frontier MLBS served as *the* model for later, more famous institutions, such as the Carlisle Indian Industrial School, which Berkhofer (1978 171) noted exercised a "...prison-like supervision of the students...".

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A TOUCH OF REALITY: THE TIME AND NON-LABOR FINANCIAL COSTS OF MAIL SURVEYS

Michael E. Lawson and Ronald G. Stover, South Dakota State University

ABSTRACT

An important issue in mail surveys is the response rate. An influential guide for planning and conducting mail surveys to obtain response rates as high as 75 percent is Don Dillman's (1978) *Mail and Telephone Surveys: The Total Design Method*. While effective, the procedures he describes are surprisingly demanding both in terms of time and labor. During the course of a regional mail survey on agricultural biotechnology, detailed records of the time and non-labor financial costs of using his procedures were compiled. They are categorized in this paper into fifteen different phases, and the time and non-labor costs of each phase are listed. The total time taken for the survey was approximately 300 hours at a total cost of close to $10,500. Following all but the final step of Dillman's (1978) procedures resulted in a lower than expected response rate of 33 percent. We attribute this to possible antipathy stemming from of an excessively surveyed sample of farmers. Supporting this view is a response rate of 49 percent from the organic farmers in our sample—a group that has not been as extensively surveyed.

INTRODUCTION

A critical aspect of collecting valid data using mail surveys is the response rate. Surveys with response rates in the low 20 percent range are not uncommon (Chiu & Brennan 1990). Such a low response rate means that over 70 percent of the sample did not complete and return the questionnaire. It also means that any generalization to a population based on the analysis of the data from such a sample is suspect.

In order to enhance their response rate, many researchers have used *Mail and Telephone Surveys: The Total Design Method* (Dillman 1978) as a guide for the mail survey procedures. Dillman (1978 viii) argued that with his procedures, "... a response rate of nearly 75 percent can be attained consistently in mail surveys of the general public," a rate that is substantially higher than the response rates generally obtained with mail questionnaires. In his discussion, he provided both practical and theoretical justifications for the procedures he had found to be productive in terms of response rates. When using Dillman's (1978) procedures in several mailed surveys, one of the authors of this paper had been struck by the number of tasks, the amount of time, and the amount of non-labor financial costs entailed in mailing the surveys to potential respondents. While Dillman (1978) had briefly commented on the time and financial resources his procedures implied, he provided little detail. Clearly time and money are critical issues in terms of the selection and implementation of research methodology.

As part of the research activities investigating the social, economic, and ethical aspects of agricultural biotechnology, a questionnaire was mailed to a randomly selected sample of agricultural farmers in five Midwestern states—Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin—and to a sample of certified organic farmers in those same five states.[1] During the mail-out process, detailed records of the time and financial costs involved were compiled. This paper provides a summary of those records.

TIME AND NON-LABOR FINANCIAL COSTS

Presented in Table 1 is a summary of the activities, time, and non-labor financial costs involved in mailing the survey following Dillman's (1978) procedures. For purposes of description, the activities involved have been categorized into fifteen phases, with the tasks of each phase listed in chronological order. Under the heading, "Time," the approximate number of hours each task entailed is listed. The approximate cost in dollars of each task is listed under the heading, "Non-Labor Financial Costs." No labor costs are included and the time and financial costs of the development of the questionnaire are excluded.

Before detailing the costs, it is important to note Dillman (1978) emphasized every effort be made to personalize the process. To that end, he suggested all correspondence be addressed to a specific individual, that a researcher sign all correspondence with a hard point pen (so the potential respondent could actually feel the signature), and that stamps (as opposed to bulk mail-

Table 1 - Approximate Time and Non-Labor Financial Costs of Mail Survey

Phases	Time	Non-Labor Financial Costs
Phase One		
Purchase Sample List (2,550)	Minimal	$1,250.00
Phase Two		
Personalize Sample List		
1) Long-distance phone calls	20 Hours	$20.00
2) Internet search	10 Hours	None
Phase Three		
Create Mailing List		
1) Convert sample lists to mailing list	40 Hours	None
Phase Four		
Create Introductory Postcards		
1) Compose introductory postcards	Minimal	None
2) Purchase/Print 3,000 postcards	Minimal	$210.00 (7 cents per card)
Phase Five		
Mail Introductory Postcards		
1) Purchase labels	Minimal	$50.00
2) Create mailing labels for postcards	Minimal	None
3) Sign all postcards	9 Hours	None
4) Apply mailing labels to initial postcards	14 Hours	None
5) Mail 2,500 initial postcards	Minimal	$530.00 (21 cents per card)
Phase Six		
Format and Print 6,000 Questionnaires	Minimal	$2,460.00 (41 cents per survey)
Phase Seven		
Format and Print Survey Envelopes		
1) 3,000 (9 by 12)	Minimal	$560.00
2) 3,000 (7.5 by 10.5)	Minimal	$630.00
Phase Eight		
Compose and Reproduce Cover Letters		
1) Purchase 5,500 letterhead sheets	Minimal	$450.00
2) Compose letter	Minimal	None
3) Merge 2,500 cover letters with mailing list and reproduce	Minimal	$130.00
4) Sign 2,500 cover letters	13 Hours	None
Phase Nine		
Mail Questionnaires		
1) Purchase 2,700 stamps	Minimal	$1,620.00 (60 cents per stamp)
2) Apply stamps to 2,700 envelopes	9 Hours	None
3) Number questionnaires	5 Hours	None
4) Apply mailing labels to 2,700 envelopes	13 Hours	None
5) Stuffing envelopes	23 Hours	None
6) Checking and sealing envelopes	14 Hours	None
7) Mail questionnaires	Minimal	None

ing) be used to mail the questionnaires.

Phase One—Purchase Sample List

The first phase involved the purchase of a sample of producers randomly selected from agricultural producers in each of the five states included in the study. The list for the states was purchased from a private business that specializes in selling survey sample lists. A total of 2,550 names were purchased. The cost was $1,250.00.

In addition to the purchase of the list of producers, the names of all 196 certified organic farmers in the five state region were obtained free from Northern Plains Sustainable Agricultural Systems. The time needed to obtain both sets of names was minimal.

Phase Two—Personalize Sample List

The second phase entailed personalizing the sample list, a task that involved replacing the name of the farm or corporation with the name of the individual owner's name(s). This task was accomplished using two tactics—phone calls to the individual involved and Internet searches. The time taken for the former was 20 hours at a cost of $20.00. The Internet search took ten hours. Switchback.com and reversephonedirectory.com are two websites found to be useful in obtaining potential respondent mailing information.

Phase Three—Create Mailing List

The third phase involved converting the sample list into a mailing list. This conversion involved using the information obtained to personalize the sample list to modify the sample list. The purchased sample list was converted to an Excel format and each entry was given a personalized name. A latent function of this task was the identification of organizations that were not involved in agricultural production but whose names somehow appeared on the list of agricultural producers. Those names were removed from the list. Creating the mailing list took about 40 hours.

Phase Four—Create Introductory Postcards

Postcards to be mailed to those selected to be included in the survey and designed to introduce the study and to explain its purposes were created in the fourth phase of the process. The creation of the postcards included designing the postcards, composing the introductory statements to be printed on them, and their purchase. The time needed to compose, purchase, and print them was minimal; the cost for the 3,000 was $210.00.

Phase Five—Mail Introductory Postcards

Five tasks were completed in this phase. First, mailing labels were purchased. The time involved was minimal; the labels cost $50.00. Second, the names and addresses on the mailing list created in phase three were printed on the mailing labels, taking minimal time. Third, all postcards were personally signed by one of the researchers. Signing the postcards took nine hours. Fourth, the mailing labels were applied to the postcards. This process took 14 hours. Finally, the postcards were mailed. The time involved was minimal, but the non-labor financial cost was $530.00.

Phase Six—Format and Print the Questionnaires

The time involved in the construction of the survey instrument is not included in the estimates here. However, there was an effort to create an attractive instrument. Since most of the labor to format the questionnaire was provided by the university's publication editor and not by the researchers involved in the survey, there was minimal labor. Given that a follow-up mailing was planned, a total of 6,000 questionnaires were printed. The cost was $2,460.00.

Phase Seven—Format and Print the Survey Envelopes

Two sets of envelopes were required—one for mailing the questionnaires and one for the respondents to use to return the completed questionnaires. The time involved in formatting the former was minimal, but the cost involved in printing 3,000 9x12 envelopes was $560.00. The time involved in formatting the return envelopes was minimal; the non-labor financial cost for printing the 3,000 7.5x10.5 return envelopes was $630.00. The cost for printing the smaller envelopes was higher because of their unusual size.

Phase Eight—Compose and Reproduce the Cover Letters

Cover letters were purchased, composed,

Table 1 - Approximate Time and Non-Labor Financial Costs of Mail Survey, cntd.

Phases	Time	Non-Labor Financial Costs
Phase Ten		
Process Returned Questionnaires		
1) Post Office (682 surveys)	Minimal	$480.00 (7 cents per return)
2) Log-in returned surveys & modify mailing list	43 Hours	None
Phase Eleven		
Create Reminder Postcards		
1) Design/Compose reminder postcards	Minimal	None
2) Purchase/Print 2,700 postcards	Minimal	$190.00 (7 cents per card)
3) Address postcards	17 Hours	None
Phase Twelve		
Mail Reminder Postcards		
1) Sign 1,900 reminder postcards	8 Hours	None
2) Mail 1,900 reminder postcards	Minimal	$400.00 (21 cents per card)
Phase Thirteen		
Compose and Reproduce Cover Letters for Follow-up Mailing		
1) Compose follow-up letter	Minimal	None
2) Merge 1,900 cover letters with mailing list	Minimal	$100.00
Phase Fourteen		
Mail Follow-up Questionnaires		
1) Purchase 1,900 stamps	Minimal	$1140.00 (60 cents per stamp)
2) Apply stamps to 1,900 envelopes	10 Hours	None
3) Number questionnaires	6 Hours	None
4) Apply mailing labels to 1,900 envelopes	10 Hours	None
5) Signing replacement cover letters	5 Hours	None
6) Stuff envelopes	17 Hours	None
7) Checking and sealing envelopes	9 Hours	None
8) Mail questionnaires	Minimal	None
Phase Fifteen		
Process Returned Surveys		
1) Post office (238 surveys)	Minimal	$160.00 (70 cents per return)
2) Log-in returned surveys	2 Hours	None
3) Modify mailing list	1 Hour	None
Total Labor Hours	298 Hours	
Total Non-Labor Financial Costs		$10,380

Note: In totaling the time involved, the estimates for each phase were rounded to the nearest hour. In totaling the non-labor financial costs, the estimates for each phase were rounded to the nearest ten dollars.

merged with the mailing list, reproduced, and then individually signed by both researchers. Departmental letterhead on which to print the cover letters was purchased. Since a follow-up mailing was planned, 5,500 sheets of letterhead stationary were purchased, taking minimal time but costing $450.00. Composing the letters involved minimal time. Hiring the institution's computer center to personalize each letter by printing the names and addresses from the mailing list onto the letterhead stationary involved a minimal amount of time, but a non-labor financial cost of $130.00. Having both researchers sign each letter took 13 hours.

Phase Nine—Mail the Questionnaires

Mailing the questionnaires involved seven identifiable tasks. First, stamps for the initial mailing had to be purchased. The purchase of the 2,700 60-cent stamps involved minimal labor, but included a non-labor financial cost of $1,620.00.[2] Second, applying the stamps to the 2,700 envelopes took nine hours. Third, individually numbering each questionnaire took five hours. Fourth, applying the mailing labels to the mailing envelopes that would contain the packet of material to be sent to the potential respondent took thirteen hours. Fifth, inserting a cover letter, a questionnaire, and a self-addressed return mail envelope into the mail envelopes took 23 hours. Sixth, checking each stuffed envelope to ensure the names and numbering of the mail envelopes, the numbered questionnaires, and personalized cover letters were coordinated, and then sealing the envelopes took 14 hours. Finally, taking the boxes of envelopes to the campus post office to be mailed took minimal time.

Phase Ten—Process the Returned Questionnaires

Several tasks were included in processing the returned questionnaires. The postage for the returned questionnaires was handled through metered mail. There was no labor for the project, but the non-labor financial cost of the returned questionnaires was $480.00. Records were kept for each returned questionnaire. Those that were completed were noted and their names and addresses removed from the mailing list being prepared for the follow-up mailing. Envelopes returned because of incorrect addresses were corrected or, in the cases of those for which correct addresses could not be found, were deleted from the mailing list. This phase of the process took about 43 hours.

Phase Eleven—The Creation of the Reminder Postcards

The creation of reminder postcards involved three tasks: 1) designing the postcards and composing the reminder note, 2) purchasing and printing the reminder postcards, and 3) addressing the postcards. Since the institution's publication editor again composed and formatted the reminder postcards, their creation involved minimal time and no non-labor financial cost. The purchase and printing of the 2,700 postcards entailed minimal time, but cost $190.00. An alternative procedure to the one used earlier was employed to address the reminder postcards. Instead of printing the names and addresses on mailing labels and then applying those labels to the postcards, the names and addresses were printed directly on the postcards, a procedure that took 17 hours.

Phase Twelve—Mail the Reminder Postcards

Nineteen hundred reminder postcards were mailed. Personally signing the cards took eight hours; mailing them involved minimal labor but cost $400.00.

Phase Thirteen—Compose and Reproduce the Cover Letters for the Follow-Up Mailing

Follow-up cover letters were composed and merged with the mailing list. Composing the letters involved minimal time. Since letterhead stationary that had been purchased earlier was used, there was no extra cost for the stationary at this stage. Hiring the institution's computer center to personalize each letter by printing the names and addresses from the mailing list onto the letterhead entailed minimal time and resulted in a non-labor financial cost of $100.00.

Phase Fourteen—Mail the Follow-Up Questionnaires

Mailing the packets containing the follow-up questionnaires involved the same steps and costs as did mailing the packets containing the initial questionnaires, with the addition of signing replacement cover letters. As noted earlier, enough questionnaires had

been reproduced for both an initial mailing and a follow-up, so there was no additional cost for questionnaires. Nineteen hundred packets were mailed. There was minimal labor in the purchase of the stamps, but their cost was $1,140.00. Applying the stamps to the 1,900 envelopes took ten hours. Numbering the questionnaires took six hours and applying the mailing labels to the envelopes took ten hours; neither task involved any cost. Signing the replacement cover letters took five hours. Stuffing the envelopes with the signed replacement cover letter, a numbered questionnaire, and a self-addressed return mail envelope took 17 hours. As before, the envelopes were sealed only after each stuffed envelope was doubled checked to ensure the names and numbering of the mail envelopes, the numbered questionnaires, and personalized cover letters were all coordinated. This series of steps took nine hours. Finally, the boxes of envelopes were taken to the campus post office and mailed. Again, there was minimal labor and no non-labor financial cost to this step.

Phase Fifteen—Process the Returned Questionnaires

The last phase included all of the tasks associated with handling the returned questionnaires. Having the questionnaires physically delivered from the post office to the researchers involved minimal time, but the metered mail postage cost of the returned questionnaires was $160.00. The processing time to document the return of the questionnaires was two hours, and the time spent modifying the mailing list was one hour.

TIME AND NON-LABOR FINANCIAL COSTS: AN OVERALL ESTIMATE

The estimated cost in terms of the work invested in the mailing of the questionnaires was almost 300 hours. The non-labor financial costs were close to $10,500 (see Table 1).

POSTSCRIPT: A DISAPPOINTING RESULT

As noted earlier, one of the researchers had previously used Dillman's (1978) procedures. He had collaborated in a study of married couples that had obtained a 72 percent response rate (Lichtie 1989) and had collaborated in a study of rural couples that had yielded a 55 percent response rate (Gorham & Stover 2000). In neither case was Dillman's (1978) final step to obtain a high response rate—a third questionnaire sent by means of certified mail—employed. Dillman (1978 21) suggested that the procedures preceding that final step should yield a response rate exceeding 50 percent and that the certified mail tactic would boost the rate to about 75 percent.

However, the response rate for the current survey was disappointing. Even though Dillman's (1978) procedures had been used, the response rate was about 17 percent below what we had expected given there were no plans to send out a third questionnaire using certified mail. Instead of an expected response rate of about 50 percent, the final response rate was only 33 percent.

At this point, we do not know why. Since Dillman's (1978) procedures had been followed as carefully as possible, it is reasonable to suspect there were other factors affecting the response rate. One possibility is that the topic of the survey might have influenced the willingness of potential respondents to fill out and return the questionnaire. It dealt with agricultural biotechnology. Agricultural biotechnology is a controversial topic and the range of opinions on the topic is broad. Negative comments were received from a few potential respondents who refused to fill out the questionnaire claiming it was biased. Procedures had been employed in the initial stages of the development of the questionnaire to address the issue of perceived bias. Both traditional farmers and sustainable agricultural producers had been asked to preview the questionnaire to look for biases and to help eliminate them.

A second possible explanation for the low response rate has to do with the sample. The survey was directed at agricultural producers, a population subjected to a wide range of surveys—from commercial surveys concerning the agricultural products they use, to the Agricultural Census they fill out every five years, to the seasonal and annual crop production surveys of the United States Department of Agriculture. It is possible these producers simply did not want to fill out another questionnaire.

There is reason to believe the latter explanation is the more salient. Our study involved two separate samples and yielded very different response rates for each. The first sample consisted of the five subsamples of agricultural producers from the

five states. The overall response rate for that sample was about 31 percent. The second sample consisted of the certified organic farmers. The response rate for that sample was 49 percent—the rate Dillman (1978) predicted could be expected with the use of his procedures, excluding the use of the certified mail procedure. Since we used the same procedures for both samples, the different response rates of the two samples are not due to the procedures.

Clearly, Dillman's (1978) procedures can work. However, it is also clear that in special circumstances, his procedures might not produce the high response rate desired for mailed surveys.

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ENDNOTES

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2. We purchased 2,700 stamps despite having 2,746 names because some names were unusable.

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DIFFERENTIAL OPPRESSION THEORY AND FEMALE DELINQUENCY

John D. Hewitt, Grand Valley State University and Bob Regoli, University of Colorado

ABSTRACT

The study of juvenile delinquency has focused almost exclusively on males. There are two reasons why: (1) more boys commit serious delinquency and boys commit more delinquency than girls and (2) men dominate the field of criminology. This paper takes a step toward opening a conversation about female delinquency by discussing it in terms of Regoli and Hewitt's *theory of differential oppression*. According to Regoli and Hewitt, girls in patriarchal society are *doubly oppressed*: they are oppressed as children and are oppressed as females. These "modes of oppression" account for both the lower rates of female delinquency as well as the particular adaptive reactions of girls to oppression, which include delinquency.

For over a century, the study of delinquency has focused almost exclusively on the behavior of males. In part, this reflects the simple reality that male law violating exceeds that of females in both frequency and seriousness. According to the most recent *Uniform Crime Reports*, boys were arrested for 82 percent of violent crimes (Federal Bureau of Investigation 2002). But this focus also reflects the nature of the study of criminology, which has been dominated by men who see the world through their own eyes (Daly & Chesney-Lind 1988). According to a report by the American Sociological Association, the overwhelmingly majority of professors who research and teach juvenile delinquency are males (American Sociological Association 2002). In addition, the vast majority of people who create laws, who prosecute and defend offenders, and who administer the juvenile corrections systems have been, and still are, men.

The United States has traditionally been a patriarchal society, one where the social, legal, and political climate values male dominance and hierarchy. Patriarchy not only affects social structures (including the family and the economy), relationships, and definitions of appropriate social roles, but also how people, both males and females, perceive the world around them. Gender stratification as a product of patriarchy has led to unconscious assumptions about female and male behavior and misbehavior (Belknap 2001). To the extent that patriarchy extends to the academic arena of criminological research and writing, the delinquent behaviors of girls and the causes of those behaviors have largely been invisible. While sex is the most statistically significant factor in predicting delinquency, criminologists have rarely shown much concern in including girls in their samples. When females have been studied as delinquents, it has nearly always been in comparison to males: why girls are less delinquent than boys, why girls commit less serious crimes, and how the causes of female delinquency differ from those of male delinquency.

In this paper we briefly examine how patriarchy and gender stratification affect the lives of young girls and the development of girls' gender roles and identity formation and then provide an explanation for the patterns of delinquent behavior of girls as responses to their double oppression as female and child.

GROWING UP FEMALE IN A PATRIARCHAL SOCIETY

The United States has traditionally been a patriarchal society. Patriarchy affects social structures, relationships, and definitions of appropriate social roles, but also how people, both males and females, perceive the world around them. Gender stratification as a product of patriarchy has led to unconscious assumptions about female and male behavior and misbehavior. For example, in Charlotte Brontë's 19th century novel *Jane Eyre*, the young protagonist paces the roof of Thornfield Hall, frustrated over the contrast between her confined existence and the possibilities that lie in the larger world:

> Women need exercise for their faculties and a field for their efforts as much as their brothers do; they suffer from too rigid a restraint, too absolute a stagnation, precisely as men would suffer; and it is narrow-minded in their more privileged fellow-creatures to say that they ought to confine themselves to making puddings and knitting stockings, to playing on the piano and embroidering bags. (Brontë 1971 96)

The frustration that came from realizing the

unfair situation she and other women faced in life because of their sex was not unique to Jane Eyre. In generation after generation, young girls have experienced the same frustration after realizing the same unfairness. Somehow, their place in society has been defined as being different from that of boys. But Jane Eyre's sense of a self-identity as a female was perhaps more consciously formed than that of many other young girls, and such awareness may, in part, explain why some girls feel more frustration than others over their defined place in society.

Throughout most of human history, girls have grown up in societies that have viewed them as being "inferior" to boys. The relegation of girls to more restricted lives also reflects patriarchal society, in which males have managed to maintain control over females. For both boys and girls, one's sense of self, and of oneself in relation to others, is highly influenced by society's perceptions of gender roles. In patriarchal societies, then, growing up female is quite different from growing up male and has significant implications for how girls confront their lives.

One implication may be observed in the delinquent adaptations of girls. For example Chesney-Lind (2001) suggests that female delinquency is accounted for by the gender and sexual scripts in patriarchal families that lead girls, more than boys, to be victims of family-related sexual abuse. In patriarchal societies, male-female relationships are unequal, and young women are defined as sexual objects and seen as sexually attractive by older men. Girls become more vulnerable to both physical and sexual abuse because of norms that give males control over females and keep them at home where victimizers have greater access to them. Furthermore, victimizers, usually males, can call upon official agencies of control to keep girls at home. The juvenile court in the United States has historically been willing to uncritically support parental control and authority over daughters. Girls who react to abuse by running away from home are often returned to their parents by juvenile authorities. If girls persist in running away, the court may then incarcerate them. Girls who successfully run away often find themselves unable to enroll in school or to obtain reasonable jobs and may then be forced into the streets, where their survival may depend on petty crimes, such as theft, panhandling, or prostitution.

Next we will explain how girls' gender roles and their identities that are formed in reaction to them are developed in patriarchal societies.

DEVELOPMENT OF GIRLS' GENDER ROLES AND IDENTITY FORMATION

Today, with new technology such as fetal monitoring systems, creating gender-role identities may begin in the womb. Almost immediately, upon learning the sex of their child, parents begin describing them using typical gender stereotypes. In one study parents described baby boys as being firm, large-featured, alert, and strong, while girl babies were characterized as delicate, fine-featured, soft, and small (Rubin, Orovenzano, & Luria 1974). Parents also respond to toddlers differently on the basis of a child's sex. They discourage rough-and-tumble play by girls and doll play by boys. They listen to girls and respond to them more attentively when girls are gentle or talk softly, but they attend more to boys when boys demonstrate assertiveness (Richmond-Abbot 1992). By age four or five, children have become aware of their gender and the behaviors appropriate for it (Fagot 1984; Lott 1987).

What are the effects of gender-role socialization patterns on girls' identities and self-esteem? The patterns of socialization lead many girls to identify with traditional female roles, anticipate economic dependence and a more restricted adult status, and accept political, social, and sexual privileges secondary to those of boys. Such socialization creates narrower boundaries of opportunities for girls than boys and instills in them a self-perception of powerlessness and dependence (LaGrange & Silverman 1999). Girls also learn "that to be feminine includes the prescription to be nurturing," (Richmond-Abbot 1992) and therefore they focus on relationships. But this emphasis on relationships encourages in adolescent girls the development of a "morality of response," or "care," which emphasizes the creation and maintenance of interdependence and responsiveness in relationships (Gilligan, Lyons & Hanmer 1990).

Girls, then, begin to operate very early with a network of intimate interpersonal ties that reinforce a more nurturing and caring role. And because girls are more likely to define themselves relationally, they do not develop the same precise and rigid ego boundaries that are common to boys (Chodorow 1978). For instance, in a 3-year study of 100 girls, ages 15 and 16, Sue Lees explored some of the problems of identity for adolescent girls. She found that a

girl's sexuality is central to the way she is judged in everyday life (Lees 1989). While a boy's social standing is typically enhanced by his sexual exploits, a girl's standing can be destroyed by simple insinuations; therefore she is often required to defend her sexual reputation to *both* boys and girls. The use of slang terms and insults, such as *slut* or *ho*, functions to control the activities and social reputations of girls. A girl need not actually have slept with a boy to have her reputation threatened. As one girl commented:

> When there're boys talking and you've been out with more than two you're known as the 'crisp' they're passing around.... The boy's alright but the girl's a bit of scum. (Lees 1989 24)

The possibility of being labeled "bad" or a "slut" is a form of "moral censure" reflecting dominant perceptions of departure, or potential departure, from male conceptions of female sexuality. More importantly, such terms are applied to "any form of social behavior by girls that would define them as autonomous from the attachment to and domination by boys" (Lees 1989 25). Consequently, girls are steered into acceptable or "legitimate" forms of sexual and social behavior characterized by having a steady boyfriend, being in love, and, eventually, getting married. In many ways, a girl's apparent sexual behavior is seen as a barometer, testing her capacity to learn appropriate cues of social conduct with boys (Hudson 1989 207).

Mark Totten (2000) argues that the quick willingness of adolescent boys to use demeaning labels to control girls is often accompanied by physical coercion. He quotes a 15-year-old boy as saying:

> We all think that girls should do what we want them to. And it pisses us off when they don't. So I've seen some of them when they've hit girls. And all the time we are just joking around, calling them names—slut, cunt, whore, bitch, fat cow—we all do it.

To what extent are delinquent acts among girls acts of rebellion against the constraints of these restricting and oppressive sex roles imposed in adolescence? Does their oppression as children and as girls account for their maladaptive behaviors? In the final two sections of this paper we will examine the theory of differential oppression and how it might explain female delinquency.

DIFFERENTIAL OPPRESSION THEORY

According to Regoli and Hewitt, *all* children are oppressed (2001, 2003). The amount of oppression children experience falls on a continuum, ranging from simple demands for obedience to rules designed for the convenience of adults to the physical, sexual, and emotional abuse of children. They contend that children's problem behaviors including crime and delinquency, drug and alcohol abuse, and mental disorders can be understood as adaptive reactions to oppressive social situations that are created by adults.

Because of their social and legal status, children have little power to affect their social world. Compared to adults, children have almost no choice regarding whom they associate with and limited resources available to influence others or to support themselves independently of adults. Therefore, they have the least access to resources that could allow them to negotiate changes in their environment (Finkelhor 1997). From a resource standpoint, adults, having superior power in relationship to children, are at a considerable advantage in determining and enforcing rules that control the basic lives of children. Compared to parents, teachers, and other adult authority figures, children are relatively powerless and expected to — often required to — submit to the power and authority of these adults. When this power is exercised to prevent children from attaining access to valued material and psychological resources, to deny children participation and self-determination, and to impede children from developing a sense of competence and self-efficacy, it becomes oppression.

One consequence of oppression and control is that people are transformed into *objects*, which are acted upon by those in power, as opposed to *subjects*, who act upon and transform their world. Paulo Friere (1990 51) has noted that the greater the exercise of control by oppressors over the oppressed, the more they change them into apparently inanimate things or objects, rather than subjects. One group objectifying another allows the dominant group to control the dialogue about the relationship between the two groups, to establish the rules governing the relationship, and even to create the rules for changing the rules. In this context, the person is not treated as an end for him or herself but as a means for the ends of others.

with the more powerful group exploiting the less powerful for its own gain. Oppression thus restrains, restricts, and prevents people from experiencing the essential attributes of human life—such as sentience, mobility, awareness, growth, autonomy, and will.

The images adults commonly use to describe children offer support to the premise that adults oppress children. Friere describes how oppressors often create images of oppressed groups as dependent and threatening to the social order:

> For the oppressors it is always the oppressed (whom they obviously never call "the oppressed" but—depending on whether they are fellow countrymen or not—"those people" or the "blind and envious masses" or "savages" or "natives" or "subversives") who are disaffected, who are "violent," "barbaric," "wicked," or "ferocious" when they react to the violence of the oppressors. (1990 41)

It is quite easy to substitute the following images of children as the oppressed into the preceding quote: "teenage hoodlums," "problem children," "super-predators," or "delinquents" who are "disrespectful," "barbaric," "violent" or simply "alienated" when they react to their oppressors. Because the identity a person takes on is profoundly shaped by the way others identify and react to her or him (Cooley 1902; Becker 1963), these images and labels are likely to have detrimental consequences for children. According to labeling theory, an individual's ensuing problem behavior is significantly affected by the labeling experience. Therefore, simply viewing children through these lenses may both create and reinforce these behaviors. Indeed, children often fully accept the socially constructed notion that they are inferior, incompetent, and irresponsible. In addition, adults' perceptions of children as inferior, subordinate, and troublemakers allow adults to rationalize their oppressive acts. However, the theory of differential oppression asserts that the oppression children experience is much more than a simple label of deviance or delinquency; rather it is the cumulative result of a lifetime of oppression *beginning at conception.*

Certainly the relationship between adults and children is not always oppressive. Adults can, and many do much of time, treat children as subjects by providing environments full of warm affectionate contact, freedom, respect, an absence of threats, and teaching by example rather than by preaching. Unfortunately, given the high rates of substance abuse, violence, teenage pregnancy, and suicide children experience, it is likely that many children grow up under oppressive conditions that fail to support their developmental needs (Hamburg 1974). The theory of differential oppression contends that the problem behaviors children experience are a consequence of the way they are treated by the adults in their lives. It is organized around the following four principles:

1. Because children lack power due to their age, size, and lack of resources they are easy targets for adult oppression.
2. Adult oppression of children occurs in multiple social contexts and falls on a continuum ranging from benign neglect to malignant abuse.
3. Oppression leads to adaptive reactions by children. The oppression of children produces at least four adaptations: passive acceptance; exercise of illegitimate coercive power; manipulation of one's peers; and retaliation.
4. Children's adaptations to oppression create and reinforce adults' view of children as inferior, subordinate beings and as troublemakers. This view enables adults to justify their role as oppressor and further reinforces children's powerlessness.

It is likely that the psychological, emotional, or physical consequences that a child suffers depend on the duration, frequency, intensity, and priority of the oppression, and on the child's stage of development (Sutherland 1947). The term oppression is actually a summation of the abusive, neglectful, and disrespectful relations children confront day after day (Miller 1984). The oppression of children is structured into the rhythms of everyday life. Oppression of children by adults occurs in multiple social contexts and falls on a continuum ranging from benign neglect to malignant abuse. Oppression occurs whenever adults act in ways that fail to respect, belittle, or trivialize children as being something less than authentic and feeling human beings. Children are exposed to different levels and types of oppression that vary depending on their age, level of development, and beliefs and perceptions of their parents. While there are occasions when adults exercise power over children out of sincere concern for the child's welfare, often the adult's use of power over children is about the needs

and interests of the adult, rather than the child. In fact, much of the oppression children suffer stems from their parent's inability to meet their needs. There are many reasons why adults are not able to meet the needs of children. Some adults may be uninformed about what the needs of children are at various stages of development, while others may know what children need, but are not capable of responding to those needs. Oppressive structural forces, such as poverty, social isolation, and residing in a disadvantaged neighborhood are likely to negatively influence parenting practices. However, the underlying source of adult oppression also may be found in the mistreatment they received as children (Miller 1984) and continue to experience as adults (Colvin 2000). Therefore, the oppression adults inflict onto children is likely a part of a *chain of coercion and abuse* that is transmitted from one generation to another.

Certain parenting styles are more likely than others to oppress children. Some parents oppress children as they attempt to impose and maintain adult conceptions of social order. Such parents may view their children as extensions of themselves, rather than as individuals (Taylor 1980), and therefore, feel free to impose their will on their children. In any case, the children are required to obey rules designed to reinforce adult notions of "right and wrong" behavior. In an attempt to exert greater control over their children, parents and other adults often use coercion or force. According to Gelles and Straus (1985), the American cultural norms regarding violence in families prescribe that it is acceptable to hit a child if they are doing something wrong and "won't listen to reason." Regardless of whether the act is called a smack, beating, or a spanking, it is *always* degrading to the child who is unable to defend her- or himself (Miller 1984). At minimum these actions are oppressive because they prohibit children from authoring their own lives, at maximum they may become excessive, lead to physical harm and long-term psychological damage, and are a mechanism for transmitting an ageist ideology that diminishes the value of children in relation to adults across society.

Other parents oppress children through neglectful parenting that fails to meet their children's physical, emotional, and educational needs. Examples of physical neglect include the refusal of or delay in seeking health care, abandonment, expulsion from the home or refusal to allow a runaway to return home, and inadequate supervision. Emotional neglect includes such actions as inattention to the child's needs for affection, refusal of or failure to provide needed psychological care, spouse abuse in the child's presence, and permission of drug or alcohol use by the child. The allowance of chronic truancy, failure to enroll a child of mandatory school age in school, and failure to attend to a special educational need are all examples of educational neglect. Generally neglect occurs anytime a caretaker permits the child to experience suffering or fails to provide one of the basic ingredients essential for developing into a physically, intellectually, emotionally and psychologically healthy person. A study conducted in 1993 found that almost two million children were endangered by neglect in the United States (Sedlak & Broadhurst 1996). Single incidents of neglect may have no harmful effects or, in some cases, they can result in death. Chronic patterns of neglect may result in severe developmental delays or severe emotional disabilities. According to Munkel (1996 115), "Neglected children suffer hurts in their bodies, their minds, their emotions, and their spirits."

Criminologist Mark Colvin (2000) explains that adults expose children to varying levels of coercive controls in order to gain their compliance. Coercive controls may involve physical punishments or the withdrawal of love and support. They are most typically applied to parental disciplining patterns, but also apply to any authority-subordinate relationship. Since children by virtue of their status as children are always subordinate to adults, some combination of these interaction patterns is likely to characterize all adult-child relationships. Colvin explains that the controls vary along two dimensions—their degree of coercion and their consistency in application. The controls can be either coercive or non-coercive and they can be applied in a way that is either consistent or erratic, producing four types of control experiences. The first type, consistent and non-coercive, can be described as "fair but firm" and involves rewards and positive feedback for prosocial behavior (Loeber & Stouthamer-Loeber 1986). This style of parenting is associated with the best developmental outcomes for children. The second type, erratic and non-coercive controls, describes a lax, overly permissive manner of relating and seems to correlate with the neglectful parenting style described in the preceding paragraph. The third

type of control experience is described as consistent and coercive. Coercive controls are imparted on a consistent schedule, creating a highly punitive relationship between the controller and the subordinate. The fourth type, erratic and coercive, provides a highly punitive reaction to misconduct that is highly inconsistent. Often these punishments are harsh, but not aimed at correcting behavior and may include yelling, teasing, humiliation, and threats of physical violence. Patterson (1995) argues that inconsistent but frequent punitive forms of discipline in families create a coercive pattern of relating that is reflected in all family interactions. Each of these control experiences varies in the amount of oppression they inflict upon the child, which lead to different social psychological and behavioral outcomes.

ADAPTATIONS TO OPPRESSION AND FEMALE DELINQUENCY

Differential oppression theory provides a new, exciting, and promising framework for understanding why girls become delinquent as well as why girls commit fewer and generally less serious delinquencies than boys. Significant gender differences in amount, frequency, and seriousness of delinquencies as reported by nearly all official and unofficial statistics clearly establishes the fact that delinquency is predominately a male phenomenon. Boys are arrested more than girls, particularly for violent crimes. Boys accounted for 71 percent of all juvenile arrests in 2001. Over 82 percent of juveniles arrested for Index violent crimes were boys, and boys accounted for approximately 90 percent of the arrests for murder, robbery, burglary, and arson (Federal Bureau of Investigation 2002). There are only two offense categories for which girls are arrested more frequently than boys: prostitution (70%) and running away (59%). Girls comprise between 30 and 39 percent of all juvenile arrests in five offense categories: larceny/theft (39%), other assaults (32%), liquor law violations (32%), curfew violations (32%), and disorderly conduct (30%).

Differential oppression theory argues that adults oppress children as they attempt to impose and maintain adult conceptions of social order. Generally, the more oppressed the child is, the more likely she or he will become delinquent or commit other problem behaviors as an adaptation to their oppression. These adaptive reactions are the same general modes of reaction to oppression that all children may express. Each of these adaptations involves a degree of conscious resistance or "fighting back" by children (Rogers & Buffalo 1974) as they attempt to negotiate and self-maintain their status. Adolescent adaptations to oppression minimally include passive acceptance, exercise of illegitimate coercive power, manipulation of one's peers, and retaliation.

However, it is important to note that girls in patriarchal societies are *doubly oppressed*. While some scholars have attributed the double oppression or double marginality of females to their status as both female and their status as minority, Third World, non-bourgeoisie, disabled, or lesbian, (Bunch 1972; Lindley 1979; Messerschmidt 1986; Priestley 1998), we argue that the most critical multiple oppression of adolescent females is their oppression as girl and as child. Adult conceptions of the *girl as child* (inferior, subordinate, troublemaker) lead to oppressive acts by adults that alienate the girl and lead her into adaptive reactions as she attempts to become a "subject" instead of an "object."

If oppression leads to maladaptive and delinquent behaviors, and if girls are doubly oppressed, why are they not twice as delinquent as boys? The statistics noted above clearly demonstrate that females are less delinquent than boys and that their delinquencies are less serious. We believe this is actually produced by their double oppression. Girls, as children, are oppressed in their designated inferior age status to adults as are boys and develop understandable resentments, anger, and desire to respond in some way to their condition. Like boys, girls frequently engage in status or social order offenses (liquor law, curfew, running away, and disorderly conduct) and property offenses (primarily larceny/theft). Over one-third of all arrests of girls are for the two offenses of larceny/theft and running away.

But girls, unlike boys, are oppressed because of their gender. Traditional patterns of gender socialization, as suggested earlier in this paper, have led to gender oppression. Girls have traditionally been encouraged to be relational rather than competitive, to be nurturing rather than manipulative, and to be passive rather than aggressive. According to JoAnne Gora (1982 109),

> girls who are raised to be nurturant, maternal, warm, and sympathetic have a difficult time being violent toward those they believe to be stronger than themselves.

Girls, more so than boys, have traditionally been more closely supervised by parents or other adults and have been more restricted in out-of-home activities. Being socialized into traditional female roles and being more closely supervised and regulated in daily behavior ultimately suppresses girls' feelings of responding to their oppression by openly delinquent acts. The gender socialization of boys on the other hand, reinforcing of competitiveness, aggressiveness, and manipulation, facilitates, if not encourages, openly delinquent acts in response to their oppression as children.

In the following discussion, we examine how children generally, and girls specifically, adapt to their oppressive experiences. These modes of adaptation include passive acceptance, the exercise of illegitimate coercive power, manipulation of one's peers, and retaliation.

Passive Acceptance

As most people adapt via conformity to strain produced by a disjuncture between culturally defined goals emphasizing success and institutionalized means available to achieve that success (Merton 1957), most girls adapt to oppression through *passive acceptance* of their subordinate and inferior status. This acceptance, or conformity, produces subsequent obedience to their oppressors—an obedience built upon fear, which derives from implied threats and intimidation. Due to the higher status generally afforded to males and the low levels of female involvement in delinquency, conformity seems to be a more common adaptation among females (Steffensmeier 1993, 1996; Belknap 2001; Hannon & Dufour 1998). Since young girls are inundated by adult domination, they quickly learn that obedience is expected. Such adaptations are similar to the passive acceptance of the slave role, adaptations of prison inmates, and immersion in the cycle of violence for battered women.

However, such acquiescence or passive acceptance may be only a facade, presenting to the oppressor the appearance of conformity (Rogers & Buffalo 1974). Girls outwardly appear to accept their inferior positions, but develop a repressed hatred for their oppressors, adapting to the structures of domination in which they are immersed. Once a situation of violence and oppression has been established, it engenders an entire way of life and behavior for those caught up in it—oppressors and oppressed alike. Both are submerged in this situation and both bear marks of oppression. The oppressed are likely to believe they have no purpose in life except those the oppressor prescribes for them.

Exercise of Illegitimate Coercive Power

A second adaptation is the *exercise of illegitimate coercive power*. Many girls are attracted to delinquency because it helps them to establish a sense of autonomy and control. This anticipatory delinquency is a yearning for adult status (see Matza 1964; Katz 1988). Delinquent acts can immediately and demonstratively make things happen and provide the child with a sense of restored potency denied him or her by adults and parents. Sexual misbehavior, illicit use of drugs or alcohol, and violations of the criminal law derive greater symbolic importance for the girl to the extent they demonstrate resistance to adult attempts to exert control over her behavior.

The "sneaky thrill" that accompanies shoplifting, drug use, or illicit sexual encounters, for example, is not simply a product of the rush of the act, but a consequence of knowing that "you" are controlling the event. That is, "you" selected the time, the place, and the act. It was not accidental, nor was it done as a result of others' expectations. "You" controlled the vertical and the horizontal of the delinquent act. Eating disorders, especially among female adolescents, are another way of demonstrating a sense of autonomy and control. When a young girl perceives that she has little or no control over her own life, that her parents determine all important activities and goals, she may then choose to exert absolute control over what food is taken into or kept in her body (until she is force-fed).

Manipulation of One's Peers

A third adaptation is the *manipulation of one's peers*. This is an attempt by a girl to become empowered. Through manipulation of others within the peer group, a girl who has experienced oppression at the hands of adults may acquire a sense of strength and control or a degree of empowerment not otherwise felt. Gerald Marwell (1966 41) suggests that

> at any given point of time this potential [for social power] lies primarily in the opinions of the actor held by those with whom one interacts. If one is thought strong, one, by and large, is strong, or at least, may use "strength" to manipulate others.

Bullying younger or smaller children at school may be a form of displacement of a girl's anger at a parent or teacher. According to recent estimates, nearly 2 million children are bullied at least once a week (Nansel, Overpeck, Pilla, Ruan, Simons-Morton & Scheidt 2001). Girls also verbally bully or manipulate peers, especially female peers, in an attempt to establish social hierarchies, eliminate competition for attention, release tensions without violence, or define group membership and friendships (Fleisher 1998). Unfortunately, the mere involvement of a girl with her peers leads many adults to view the involvement as problematic in itself. Adults may then react by exercising even greater control over the child's interaction with others.

Retaliation

The fourth adaptation is *retaliation*, which may include delinquent acts ranging from property crimes to violent offenses. It is the least common of the adaptations to oppression, and it is often also the most serious. Girls may engage in retaliation or "getting back" at the people or the institutions they believe are the source of their oppression. Some adolescent girls who are severely physically or sexually abused by parents may retaliate by striking directly at their parents, assaulting or killing them (Post 1982; Mones 1985; Paulson, Coombs & Landsverk 1990; Flowers 2002). And as Dawson and Langan (1994 4) point out, when a daughter kills a parent, it is much more likely to be a father (81%) than a mother (19%), possibly reflecting greater physical or sexual abuse of a daughter by a father. Parents who are excessively demanding or verbally or physically abusive are instrumental in producing a retaliatory or assertively defensive aggressive response by the child. Reprisals by children may even produce an effective challenge against abusive parents. As Straus, Gelles & Steinmetz (1980 121) note:

> [P]arents of older children often say they don't hit them any more because "they're too big now." This is often said in the sense of retaliation being dangerous, rather than because they think it is wrong to hit children of that age.

Not only larger, stronger girls strike back at an abusive parent. Some smaller, physically weaker children may fight back by compensating with speed and choice of weapon. For example, a young girl may wait until her parents are asleep and then torch the home. Or, she may retaliate by striking at a substitute, such as a younger sibling who is viewed as a representative of her parents.

Timothy Brezina (1999) analyzed data from the Youth in Transition survey obtained from interviews and questionnaires administered to more than 2,200 10th graders in 87 schools. Brezina (1999 426) found that although 72 percent of the respondents indicated that their parents never or only rarely slap them, "a substantial number of respondents report frequent or even constant slapping by their parents." While most students reported they had never hit either of their parents, 11 percent said they had hit at least one of their parents one or more times in the previous three years. Brezina found that parents who slap their children generate aggressive responses from their children, and that the retaliatory use of aggression by children tended to reduce subsequent slapping by parents.

Finally, many girls retaliate against their parents by turning inward—by becoming chronically depressed and contemplating or committing suicide (Chandy, Blum & Resnick 1996; Plass 1993). According to the Centers for Disease Control and Prevention (Grunbaum, Kann, Kinchen, Williams, Ross, Lowry & Kolbe 2001), nearly 24 percent of female students surveyed had seriously considered attempting suicide at some time during the 12 months preceding the survey, 18 percent had made a specific plan to attempt suicide, 11 percent had actually attempted suicide, and 2.6 percent made a suicide attempt resulting in an injury, poisoning, or overdose requiring medical attention. During the early 1990s, nearly 2,200 children between the ages of 10 and 19 committed successful suicides annually in the United States. While the specific motives for most adolescent suicides are unknown, anecdotal data suggests retaliation against a parent or other significant adult is not uncommon.

CONCLUSIONS

Adult conceptions in patriarchal societies of the *girl as female* (relational, nurturing, and passive) lead to oppression reinforcing her traditional gender role and, subsequently, to the girl's identity as "object." Treated as an "object," a girl may adapt by developing an identity through relationships with boys; she does not have to "prove" her own worth as long as she is "related" to a proven person. Consequently,

her delinquencies may be indirect and relational. Being defined as a female "object" may also reinforce the identity of the girl as a "sexual object." In this case, adaptations may take the form of sexual delinquencies and prostitution.

But oppression of girls as females also carries with it a reinforcement of more domestic, passive, relational, and nurturing roles that often exclude them from the outside world of male street-peer groups. Girls are not only more closely monitored and kept closer to home; they are encouraged to identify with their mothers and to concentrate on building and maintaining relations. In addition, girls learn to anticipate economic dependence and the need to develop intimate interpersonal ties through which a sense of value and self-esteem may be gained. At the same time, they are discouraged from pursuing independent acts and risk-taking activities. As girls develop identities that reinforce positive, prosocial, and nurturing relations with others stressing caring and fairness, they are less likely to engage in behaviors harmful to others.

Differential oppression theory, as applied to female delinquency, builds on earlier work stressing differences in socialization patterns of girls and boys and views the roles of socialization of adolescent girls within the context of oppression (Kingston, Regoli, & Hewitt 2003). While male adolescents experience the oppression of being a child, female adolescents experience the double oppression of being a female child. The socialization of girls not only leads to their being less likely to engage in delinquency in general, but also to their likelihood of engaging in particular forms of delinquency.

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FORMATION OF GANGS AND INVOLVEMENT IN DRUG USE AMONG MARGINALIZED YOUTH: USES OF THE ANTHROPOLOGICAL VIEW

J. Bryan Page, Ph.D., University of Miami
L. Herns Marcelin, Ph.D. University of Miami

ABSTRACT

Youth gangs continue to present major social problems despite their frequent appearance in literature on social processes and deviance. Investigation of gangs with a focus on emergence, involvement in drug use, and trafficking can lead to useful areas of inquiry. Youthful members of practically all immigrant groups have formed gangs in their process of adaptation to life in the United States, and most of these gangs either converted into organizations of adults or died out as members moved into adult rules. Nevertheless, growing numbers of gangs have become perpetuated in their home communities, and their members include adults over 30 years old. These perpetuated gangs draw their memberships from populations that have histories of socioeconomic marginalization. Newly formed gangs in populations that have arrived in the United States recently are at risk of perpetuation if the populations from which they draw members become marginalized through lack of employment opportunities and viable adult roles. Both death and emergence of gangs in contemporary United States life merit further study with an eye toward preventing the most severe consequences of involvement in gangs, violence and drug use. Three cases in point – Cuban gangs in Miami, opportunistic gang formation in East Harlem, and Haitian youth on the verge of forming gangs provide examples of the process of forming and dissolving gangs. Data from a new study of Haitian youth suggest approaches to prevention of undesirable behavior among immigrant youth.

INTRODUCTION

How the children of immigrants in the United States adapt to the behavioral demands of a "host" cultural context and an "origin" cultural background has attracted much scholarly attention, especially during the last century. Of the descriptive and analytic works on this subject, many have focused on deviant or delinquent behavior among males who form gangs, which first attracted attention in the mid-nineteenth century with the emergence of Irish gangs in New York (Goldstein 1991). Since then, hundreds of books, articles, screenplays, and news reports have described and analyzed the behavior of boys (and more rarely, girls) between the ages of twelve and 21 involved in fights with other gangs, vandalism, petty thievery, drug trade, gang rape, and more recently, drive-by shootings.

The process whereby a young person in ambivalent cultural circumstances becomes involved in gangs seems pregnant with possibilities for anthropological research, because the subject matter clearly demands that the investigator understand cultural process. Nevertheless, most of the extensive literature on gangs has been the province of sociologists and social workers (e.g. Arnold 1965; Cloward & Ohlin 1960; Cohen 1955; Fagan 1989; Furfey 1926; Hagedorn 1988; Huff 1990; Jankowski 1991), with the occasional social psychologist (Goldstein 1991). This extensive literature lacks anthropological studies of gangs, despite the fact that social and behavioral scientists generally recognize that youth in the United States have tended to form gangs when in situations of culture change or intercultural conflict. Exceptions to this shortcoming include Vigil's *Barrio Gangs: Street Life and Identity in Southern California* (1988) also *A Rainbow of Gangs* (2002), and, somewhat obliquely, Bourgois' *In Search of Respect: Selling Crack in El Barrio* (1995).

The organization and behavior of gangs have received the bulk of the scrutiny in the literature to date. Two areas that have not received much attention, however, are the transitional phenomena: the birth and death of gangs.

As in most varieties of human organizations, the processes of formation and dissolution of groups vary according to specific circumstances. We can say with conviction that since the mid-19th century, most immigrant groups in the United States have had young males who formed youth gangs (Goldstein 1991). The ingredients of this process have received extensive analysis and theorization in the literature (Page 1997), primarily as variations of theories on deviance. They include the concept of social strain (Cloward & Ohlin 1960; Cohen 1955), in which youth find themselves under multiple pressures to adapt to difficult conditions of prejudice,

poverty, and alienation, the theory of differential association, or subcultural association (Johnson 1979; Miller 1958; Sutherland & Cressey 1974; Voss 1963) where youth seek out others of similar background and collectively adapt to a harsh urban environment, social control (Elliott, Agerton, & Canter 1979; Hirschi 1969; Nye 1958) in which response to external forces that govern behavior as well as to those within groups influences the formation and maintenance of gangs, labeling (Krohn, Massey, & Skinner 1987; Tannenbaum 1938) where forces of social control assign labels to categories of individuals who respond by confirming assertions about the categories, and radical theory (Abadinsky 1979; Meier 1976) which attributes formation of gangs to political and economic processes.

Even this brief list of theories implies that the most useful theoretical perspective on gangs should combine them into a unified perspective. Therein lies the value of an anthropological view of gangs: principles of strain, differential association, social control, labeling, and radical theory effectively overlap and constitute component parts of the phenomena in question. A holistic view of gangs that encompasses all of these perspectives may prove especially valuable in explaining and predicting the behavior of children of immigrants when they form gangs. Vigil's work (2003) on the concept of "multiple marginality" integrates most of the theories of gang formation into a useful, holistic framework that features marginality as a key to understanding how young people become gang members. If we were to summarize Vigil's "multiple marginality" into a process-related phrase, that would be "adapting to marginal circumstances." The following analyses build on this perception of self-organization among youth as adaptation.

GANGS AS ADAPTATION

In the voluminous literature on youth gangs, writers consistently begin their narratives with some description of the cultural distinctiveness of the group in question. Irish in the 19th century, Italians at the turn of the century, Puerto Ricans, African Americans, and Appalachian migrants to industrial cities in the early and middle 20th century found themselves in a culturally hostile environment, in which surrounding people discriminated against them and ridiculed their lifeways. Their children's circumstances carried the added difficulties of having to go to school to learn another way of speaking ("American") and spend all day under the belittling commentary of their "American" peers, interchanges that could lead to physical violence during or after school. In many cases, these children had already rejected their parents' cultural heritage, yet they had a desperate need to belong to something. In this embattled environment, the formation of a gang seems a rational adaptation to intolerable circumstances. In fact, it would seem to help the youth to buy time for development of the skills necessary to operate in the world of the Euro-American. The gang member can keep the rest of the world off his/her back while learning the things needed to become effectively bicultural.

What if no amount of time is sufficient to gain skills necessary for advancement? In situations of ongoing marginalization through institutionalized racial prejudice and ghettoized neighborhoods, barriers to effective advancement into the educational and career tracks necessary to become part of advantaged society may present too great an obstacle to youth in these neighborhoods. Where this kind of chronic marginalization occurs, the possibilities for perpetuation of gangs become fertile.

CASES IN POINT

Youth gangs form under two general conditions: 1) transition of one cultural tradition into an environment dominated by another cultural tradition, and 2) quixotic adaptation to conditions of stagnating or deteriorating economic development in a cultural context that contrasts with the surrounding cultural tradition. Historical examples of both abound in North America. Irish gangs in the 1800s defended themselves against the jeers and attacks of non-Irish children in New York City (Goldstein 1991). Italian gangs in South Boston defended themselves against the Irish (Whyte 1981). Cuban fraternities protected themselves against non-Hispanic youths as they tried to adapt to life in Miami (Page 1997). More recently, children of Chinese immigrants have fought with American-born Chinese youth in response to their taunts (Mark 1997). In all of these cases, youths coming from a culturally distinct environment felt the need to protect themselves against youths whose primary mode of aggression involves

asserting their superiority as participants in the majority's cultural traditions.

The second general condition of gang formation has at its base the same principle, a clash of cultural traditions, but the youths who form gangs are not children of recent immigrants. Rather, they live in communities of individuals who participate in a cultural tradition that contrasts with that of the surrounding population. They tend to live in ghettos where an alternative language dominates verbal activity (e.g. Ebonics, Creole, Spanish, Chinese) and where people's skin color contrasts with that of the surrounding population. Conditions of poverty dominate these communities. Those who have jobs work in low-paying service capacities, and the schools there suffer from lack of resources and support by either government or the parent base.

While examples of the first condition of gang formation include both historic and contemporary cases, examples of the second kind include examples of highly developed, institutionalized gangs that have histories of continuous operation over at least three decades (Hagedorn 1988). Characteristics of these gangs include well established colors and tags, members over 25 years of age, highly elaborate leadership structure, formal initiation of members, and presence in communities outside the community of origin, sometimes in other states. In all cases, these institutionalized gangs, or gang-institutions have formed among culturally distinct populations that have resided in the United States for more than 20 years.

Bourgois' (1997) brief sketch of a key informant's career as a stick-up man repeatedly asserts that the insurmountable barriers to achievement in the protagonist's environment have militated against this apparently gifted young man's "making it." At one juncture in his career, Tito formed an ad hoc gang to assist in his robbery trade. This account of a single career gives the impression that inexorable pressures of poverty and prejudice characterize an environment in which criminal behaviors and gangs can "pop out" (as if in response to the pressure) at any time. Furthermore, the environment is "flooded" with drugs, making involvement in drug use and trafficking almost inevitable for young men like Tito. Although this account has its merits in conveying the power and ubiquity of the barriers facing young men in minority communities, it may also overstate its case by asserting that young men who have ambition and intelligence only have one strategy available to them in this environment. In fact, bright, motivated people emerge from the same neighborhoods from similar life circumstances, achieving educational and career goals despite barriers. The career criminal and gang member is not a ghetto everyman, but given the obvious barriers, he is not an unexpected outcome.

Most gangs in the United States have died out within ten to fifteen years of their formation, yet there is almost no literature on the demise of gangs. How do gangs disappear? In the cases of the Irish, Italian, and other Euro-American gangs of the last century and a half, gang members either became productive members of the working or middle classes, or they became career criminals in the context of an adult criminal subculture. This transitional process occurred among Cuban gangs, called fraternities by their members, leading to the disappearance of gangs such as the Vulcans and the Jutes by 1977, some fifteen years after their formation in the early 1960s (Page 1997). These fraternities had formed under the first condition for forming gangs: adjustment to migration into a circumstance where a contrasting cultural tradition dominates. Cuban boys became fraternity members to avoid being beaten up by "American" boys. They lived in conditions where their parents were struggling with poverty, disappointment, a new language, and resentment of their neighbors. These youths also perceived their parents as ineffectual in their struggles; they made no progress with their outmoded ways. Their need was acute to belong to a group that would protect them when needed and whose members understood their experience.

As the Cuban community took hold in Miami and prospered, establishing businesses of all sizes and transforming Miami into an international capital of commerce, to be Cuban and bilingual became highly desirable traits for winning jobs in trade sectors of the economy, with or without a high school education. Gang members and potential gang members were diverted from paths of youthful delinquency into a highly varied and active economy. The potential leaders of fraternities had highly attractive alternatives to a life of crime. Times changed and the fraternities died (Page 1997). Presently, the

main sources of Hispanic gang members are Central American immigrants' children and the children of post-Mariel Cubans.

The demise of the Cuban fraternities demonstrates, albeit at a temporal distance, how gangs might cease to exist: provision of viable adult roles for their members in some mainstream activity. The Cuban community's success in Dade County accomplished this co-optation naturally by providing so many options. As other immigrant populations prospered in the larger political economic system, they likewise were able to offer a wide variety of viable adult roles to their youth. One of the unique aspects of the Cuban experience is the fact that, rather than having to incorporate themselves into the larger dominant system, they built their own economic territory in the context of the larger system. Consequently, the jobs made available to young Cubans were offered by predominantly Cuban merchants and businessmen. Other immigrant groups' emergence into the larger system did not have this feature to the same degree as the Cuban emergence.

The case of Haitians in Miami illustrates a very different trajectory of adaptation to immigration. Haitians had been coming to Miami in significant numbers since the turn of the century, but by 1978, they had begun to arrive in larger numbers, so that by 1991, there were at least 100,000 in South Florida (Nachman 1993). Until the end of the 1970s, the Haitian population in Miami was invisible to the mainstream. Visibility of this population increased only slightly after 1980, and the image portrayed in some literature (e.g. Stepick & Stepick 1990; Stepick 1992) tended to be rose-colored (Laguerre 1998). People already established in South Florida, according to this view, perceived Haitians as willing workers, cheerful despite their poverty, and strongly motivated to achieve through hard work and education. With the mid 1980s and the full force of the panic over AIDS, the erroneous attribution of AIDS to Haitian nationality (Nachman & Dreyfus 1986; Farmer 1992) and the continuing arrival of more Haitians led to their increasing stigmatization. Prejudice against Haitians worsened as a consequence of their children's adoption of the street cultural characteristics in marginalized neighborhoods. Our anthropological observations of Miami/Dade's Haitian community over the last two decades have chronicled an alarming process that can only be termed marginalization. Despite difficulties in adapting to a new cultural setting and extreme poverty, the Haitian community had, during its first fifteen years of existence, no evidence of youth gangs.

When the present study was in its planning stages in 1997, the gang detail of the Metro-Dade police force estimated to us that no fewer than six Haitian gangs were active, with up to 600 total members. The Miami Herald (1994,1996,1997) reported on the marginalization of Haitian youth and their involvement in gangs and drugs. This emergent phenomenon seemed to reflect a combination of condition 2 and condition 1 for formation of gangs. According to our early investigations among Haitian youth, we found that self-protection from other African American youth was reported as a motivation for forming or joining a gang. At the same time, we learned of formerly African American gangs that Haitian youth have taken over.

We began our three-year study of Haitian youth in 1999 with the plan of recruiting 300 at-risk youth from street environments, administering a structured interview schedule to these recruits, and then focusing in-depth and clinical assessment studies on subsets of this group. As our field recruitment of study participants progressed and our ethnographic team had opportunities to conduct participant observation and in-depth interviews, we were able to probe the forms that adaptation took for young Haitian Americans. The powerful cultural influences that surrounded them had major impact on their behavior and their relations with their parents. They imitated, as much as possible given the limitations of their finances, the dress of the hip-hop subcultural complex, jarring the parents' sensibilities regarding clothing, hair care, and footwear by wearing oversized pants that did not quite cover their boxer shorts, getting haircuts that left designs shaved among the stubble, and demanding sneakers that cost more than $100. They composed and recorded songs in the style of the gangsta rap artists. They smoked tobacco and marijuana and became aware of the opportunities to traffic in the various forms of cocaine.

Although all of the cultural influences mentioned above had a noticeable influence on the behavior of the young people who participated in our study, they did not abandon their identities as Haitian Americans. Most (175 of 292) had been born in the United States,

and 25 had been born in the Bahamas, but practically all of them self-identified as Haitian or Haitian-American. Furthermore, those who had become involved in unsupervised peer groups often named these groups "zo (*other noun*)," a name that connoted a strong sense of being Haitian. The word "zo" in Creole means "bone," and it implies that when only my bones are left, I am still Haitian.

Our original study hypothesized that extensive traumatic experience of young Haitians was related to involvement in violent acts, criminality, and gang behavior. In order to pursue that hypothesis, each respondent answered a series of questions about traumatic experience, and eventually, a subset of those who self-reported traumatic experience received a clinical assessment for post-traumatic stress disorder (PTSD). This hypothesis was emphatically rejected when we analyzed our data (cf. Douyon, Marcelin, Jean-Gilles, & Page n.d.). Subsequent analyses indicated that young Haitians who had lived or had grown up in households with just one parent present were more likely to have engaged in undesirable behavior than youths who had lived or were living in two-parent households, even when one parent was a step-parent (Page & Marcelin 2003). In this interpretation, the street, with its myriad opportunities for meeting the materialistic and social needs of Haitian youths, awaited those children with either the freedom or the temerity to emerge into the street scene. Parents who could effectively maintain authority in the household were empowered to prevent the emergence of their children into the arena where drug use, fighting, and criminality can be learned.

The ways in which Haitian youth participated in the "street option" varied widely. Some merely "hung out" with their peers on street corners or at the homes of friends, listening to music and perhaps smoking tobacco and/or marijuana, and possibly drinking malt liquor. If a consistent hang-out group convened regularly for these kinds of activities, they called themselves a "group." The next level in terms of social organization found by our field team was the "clique," which did everything that the group did, with the addition of somewhat greater cohesiveness, some focus on a dress code, and the possibility of small-scale drug traffic and minor skirmishes with non-clique members.

The gloss "gang," as used among our study participants had strong organizational features, including exclusive membership, hierarchic leadership, and structured involvement in criminal behavior. Differentiation among the groupings called gangs by the study participants involved degree rather than presence or absence. All gang members or former gang members reported a wide variety of activities in which their gangs engaged, including auto theft, burglary, armed robbery, fights involving firearms, and drug trafficking. Different gangs focused on different activities, but all were capable of criminality and violence.

The most organized and powerful of the gangs observed by our field team engaged in "regulating" a large territory in which that particular gang assumed hegemony over all illegal activities. Because the whole phenomenon of youth gangs among Haitian youth was relatively young (at most six years old at the time of the study) these highly organized gangs still did not have the "long" traditions of gangs found elsewhere (cf. Hagedorn 1988; Vigil 1988, 2003). This lack of established traditions, hierarchies and power relations may help to explain the high level of violence attributed to Haitian gangs in 1996 (*Miami Herald* 1996).

MIGRATION HISTORY AND POLITICAL ECONOMY

Immigration issues have shaped and fed the gang phenomenon among Haitian youths in various ways. For example, as the juvenile justice system implemented tougher laws in order to contain juvenile related violence, drug use and gang activity, the US Immigration and Naturalization Services came into play in a more radical way. On one hand, jails and prisons in the US are overcrowded and very costly to maintain. On the other hand, the industry of delinquency and violent offenders does not stop; it produces some delinquents who are citizens, but most of the time, it produces delinquents who are not. In Florida, when the justice system caught a Haitian youth for drug or gang related crimes, the INS promptly implemented their deportation to Haiti.

According to an estimation by the New York based National Coalition for Haitian Rights, from January to July 2000, the United States has deported more than 1900 individuals of whom 70 percent were under 25 years old and had a criminal record related to gang

activities. All of those individuals did not come from Florida, but the consequences for the gang and the drug industries were tremendous. Estimates by local researchers and individual agencies working with the weak juvenile system in Haiti, sustain that more than half of the deportees ended up in gangs or gang related activities. We have documented gang members in Miami who have been deported to Haiti, had been recruited in a heavily armed and criminally involved gang in a neighborhood called "Cité Soleil," eventually to find their way back to the United States! Although we do not have yet a reliable estimate as to how many of "deportees/returnees" have been circulating from Miami to Haiti to Miami – and in some case, from New York to Haiti to Miami – the fact remains that their networks are powerful enough to get them out jail in the US, to find them new passports, in some case new visas in Haiti, and get back to work in the United States.

One of the families with whom we are working called us to "provide guidance and support" to its 16 year old kid who have been referred to opportunity school. After obtaining the consent of his family we recruited him as a study participant. He is part of what he called a "clique" that occasionally steals or sells cocaine "rock" in the streets. We found out later that at age 13, he was sent to Haiti as a punishment for his repeated misbehaviors. Most Haitian parents try to deal with the challenge of juvenile delinquency or to gain control over their children by sending them to Haiti. By doing so, they hope, their kids will learn good manners and high values. In this particular case, our young respondent told us in an interview, that it was in Haiti (actually in rural Haiti), not in the streets of Miami, that he first tried cocaine and learned about gangs!

In the process of comparing preliminary data on gang proliferation collected in Haiti with the data collected by Dr. Inácio Cano, a colleague who studies gang activities and violence in Brazil, Salvador and Nicaragua, in order to find commonalties and differences. Salvador and Haiti provide compelling cases in point. Two elements appear to be critical in Salvador and Haiti: First, the post Cold War crisis that results in the dismantling of their traditionally repressive regimes has precipitated the conversion of "death squads" into criminal gangs that can be manipulated by local groups and politicians. In the case of Haiti, traditional institutions could no longer contain the generalized crisis of a ruined rural economy, the destructuring of the family, the massive migration of peasants to the cities, the explosion of filthy and unhealthy shantytowns, and the disarticulation of the State apparatus. The crisis affected every corner of Haitian society (until today), and it has resulted in the dismantlement of the repressive Army and its paramilitaries (*tontons macoutes* and *attachés*). In today's Haiti, most of the individuals who command the gang networks used to serve in repressive and para-military institutions and have been widely identified by local Haitian police, human rights institutions, and independent researchers. Most of them have reconstituted networks that include very high levels in Haitian society. In a country where the state can no longer contain its traditional "professionals of repression," specific groups can only maintain and consolidate their local power through the drug market.

The second commonality between Salvador and Haiti involves the radical destabilization of the local economy by the advance of global capitalism which had reconfigured the national market economy within the new rules of globalization. In both countries the drug market is perceived as the principal means through which acquisition of wealth can be possible during an individual lifetime. This phenomenon has become widespread, mostly in Haiti's urban areas. The young deportees we describe here become the eager recruits of this complex of drug related activity in Haiti.

CONCLUSION

Haitian youth in our study were predominantly "American-born," but their problems were directly related to the cultural transitions that they and their families were experiencing. As policy makers decide what to do about the problems found among Haitian youth in Miami, consideration of the following points would contribute to avoidance of violence and other criminality among Haitian youth:

1. The socioeconomic context in which Haitian youth most often live needs basic improvement, especially in terms of jobs that pay living wages. Parents who are competent wage earners tend to have more effective power over their house-

holds.

2. Although many Haitian youth are born in the United States, we can expect them to retain their Haitian identity. Their non-Haitian peers need to learn to respect that choice and appreciate the cultural diversity that it offers.
3. Immigration brings about dependency of the parents on the children in many areas of life. Immigrant parents need training in how to continue to "be the adult" in their respective households.
4. Widespread subtle racism is still a factor in the adaptation of Haitians to conditions in South Florida.
5. All transitions are difficult. The Haitian population in Miami/Dade County has achieved a critical mass only recently, and the problems that we see now can be alleviated with time. Nevertheless, it is possible to intervene in the processes of adjustment to life in the U.S. to make adaptation less painful.

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WOMEN MOTORCYCLISTS: CHILDHOOD FOUNDATIONS AND ADULT PATHWAYS

Francis D. Glamser, University of Southern Mississippi

ABSTRACT

Women have been involved in motorcycling for almost one hundred years, but it has always been an activity dominated by men. However, recent data suggest that women are now becoming active motorcyclists in greater numbers. This study identifies variables which are related to a woman becoming a motorcyclist and the nature of the process. It also investigates the possibility that the meaning of motorcycling may be different for women. The women riders in this study reported substantial involvement in outdoor activities as a child, and they tended to be involved in competitive sports. Most reported enjoying boys' games and playing with boys prior to adolescence. Many appeared to be the products of gender neutral child rearing, especially from fathers. The most common entrance to motorcycle operation was via a boyfriend or spouse. For many of these women, motorcycling has special meaning for them as a woman.

Leisure patterns among boys and girls are known to be quite different, and may be seen as part of childhood socialization. Boys' games tend to have clear objectives and rules which reinforce the masculine characteristics of control and aggression. Girls' games tend to be less structured, and they place a greater emphasis on interpersonal skills and cooperation (Lever 1978). In their play boys are greater risk-takers, and they take greater pleasure in breaking social rules (Thorne & Luria 1986). In comparing the contents of boys' and girls' rooms it has been found that boys' rooms have a wider range of toys which include military equipment, machines and vehicles, and that boys' toys are more oriented to activities outside the home (Rheingold & Cook 1975). The sociological assumption is that childhood play patterns have an effect upon personality and activities in later life. One study has reported that professional business women are more likely to have played competitive sports as children than other employed women. These women were also more likely to report having male playmates as children (Coats & Overman 1992).

One leisure activity that involves machines, vehicles, the outdoors, risk-taking and a touch of social deviance is motorcycling. Motorcycles may also be seen as an extension of the toys common to boys. Although there have been some notable exceptions over the years, motorcycling has always been seen as a male preserve. While that may still be true in a statistical sense, there is reason to believe that increasing numbers of women have become involved in motorcycling in recent years.

Given the uncommon phenomenon of women riding motorcycles, the purpose of this study is to identify variables which may be related to a woman becoming a motorcyclist and to investigate the process whereby this occurs. Additionally, the possibility that the experience of operating a motorcycle may have different meanings for women than men is explored. The subjects of interest here are women who operate motorcycles, not women who ride as passengers or women who associate with male motorcyclists or motorcycle gangs (see Hopper & Moore 1990).

According to the symbolic interactionist perspective, human beings live in a world of symbols where meaning is attached to objects and behaviors. People define social reality through the process of social interaction. The meanings attached to motorcycles have changed over the years, and they are always open to redefinition. In the early years of motorcycles, they were largely seen as transportation, but they soon became seen as symbols of individualism and adventure. The growth of racing and daredevil shows added an element of danger and risk to the meaning of motorcycles. After World War II, the motorcycle began to be defined as the province of males, especially rebellious males. As was pointed out by W.I. Thomas (1928), when people define a situation as real, that definition becomes real in its consequences. In this case, women for the most part withdrew from the world of motorcycles. A brief review of motorcycle history will reveal the changing pattern of women's involvement in motorcycling.

Although invented in Germany in 1885, the motorcycle is a creature of the twentieth cen-

tury. The first motorcycle sold in the United States was in 1901 (Ferrar 1996), and the first Harley-Davidsons were sold in 1903 (Bolfert 1991). Because these vehicles were essentially bicycles with gasoline engines attached, women had already become involved in two-wheeled transportation via their participation in bicycling. In her book *Hear Me Roar*, Ann Ferrar (1996 17) quotes an early temperance leader's explanation of how bicycling was a symbol of liberation:

> That which made me succeed with the bicycle was precisely what had gained me a measure of success in life - it was the hardihood of Spirit that led me to begin, the persistence of will that held me to my task, and the patience that was willing to begin again when the last stroke had failed.

Similar sentiments were expressed by women I surveyed who had "dropped" their motorcycle during initial efforts to learn to ride, but continued to try until they were competent riders.

The recent increase in women riders might also be viewed as a return to visibility on the part of women. The early days of motorcycling included a number of heroic and visible women. In 1915 the mother-daughter team of Avis and Effie Hotchkiss traveled from New York to San Francisco via a circuitous five thousand mile route in a Harley-Davidson sidecar rig. A year later two sisters in their twenties left New York City for California by motorcycle. Two months and fifty-five hundred miles later Adeline and Augusta Van Buren arrived in San Francisco (Ferrar 1996). This was at a time when paved roads were uncommon. During the trip these sisters became the first women to take a motorized vehicle to the top of Pike's Peak. While crossing Utah they averaged twenty spills a day and, at one point, were arrested for wearing pants in public (Stone 1994). Clearly these women were pioneers.

The involvement of women in motorcycling (including racing and daredevil shows) continued through World War II in which they served as couriers (Stone 1994). During this period of time motorcycle advertisements and promotions often included neatly attired young women as motorcycle operators (Bolfert 1991). After the war a number of factors may have coalesced to redefine motorcycling as a male enclave. The baby boom, universal automobile ownership, suburbia, television portrayals of the perfect wife and mother, and the movies may all be involved, but for whatever reason motorcycling numbers remained very small and riding became increasingly male in its image.

In 1950 there were 500,000 motorcycles registered in the United States when the population was about 150,000,000. By 1960 the number of registrations had only risen to nearly 600,000 while the population had grown to almost 180,000,000 (Motorcycle Industry Council 1995). Thus, in spite of a period of economic expansion and affluence, the relative size of the motorcycling population remained small and stable. The Fifties were the age of the automobile in America.

The period of growth for motorcycling in the United States was the 1960's and 1970's. "You meet the nicest people on a Honda" was a successful advertising slogan of the period. By 1970 motorcycle registrations numbered 2.8 million, and the peak to date was reached in 1980 at 5.7 million (Motorcycle Industry Council 1995). Motorcycles had become a toy for leisure pursuit. Therefore, when observers suggest that there are ten times more women motorcyclists now than in the fifties, the major factor is the increase in the motorcycling population.

In her recent book about motorcycling, Melissa Holbrook Pierson (1997 168) reports that the proportion of female participants among motorcyclists has remained between seven and twelve percent since the early part of the century. In her words:

> In the same tradition as the news reports about motorcycling's 'new,' clean image that recur like clockwork every decade or two, word that women have finally breached the walls of one of the last bastions of implied machismo, ...has been broadcast again and again over the years.

However, there is reason to believe things really are changing. Recent data from the Motorcycle Industry Council (Tuttle 2000) estimate that 8 percent of motorcycle owners are women. In 1993 (Motorcycle Industry Council) the proportion of women riders was estimated at 7.3 percent which means that the proportion of women riders has been increasing as well as the absolute number. Approximately 10 percent of new motorcycle purchases are made by women now, and

more than one-third of the graduates of the beginning rider course offered by the Motorcycle Safety Foundation are women (Tuttle 2000). All of this suggests that women are becoming more involved in motorcycles than in recent years. The total number of motorcycle owners is approximately 5.7 million (Motorcycle Industry Council 2000). The population of the United States is approximately 276 million (Population Reference Bureau 2000), and of that number three-fourths would be 18 or older or about 207 million people. This means that fewer than 3 percent of American adults owns a motorcycle. Some people own more than one, and some people ride someone else's machine, but, generally, people who regularly ride motorcycles own one.

All of this means that motorcycling is a rare, perhaps socially marginal behavior. As uncommon as motorcycling is for men, it is far more so for women. The figures presented above indicate that about one woman in two hundred owns a motorcycle as compared to one in twenty men. This pattern of male over-representation may be observed in many other high-risk recreational activities like sky-diving and hang-gliding (Schrader & Wann 1999).

SAMPLE AND METHOD

The subjects for this study were selected in such a way as to produce a non-probability convenience sample. Women motorcyclists are such a small part of the population that any survey technique which deliberately seeks them out is going to have limitations. The largest study to date was conducted by the American Motorcyclist Association (AMA), and it targeted members of the AMA as well as members of various women's motorcycle organizations. This produced a total of 1,255 respondents. However, the average respondent was 43 years of age with a household income of nearly $60,000 because of the organizational nature of the universe sampled (AMA 1997).

The study reported herein is much more modest in scope and is less concerned with representative demographics. This study looks at childhood and family factors which may be predictors of a woman taking up motorcycling, the pathways which lead her to it, and the meaning of the experience to her. To the extent that commonalities exist at all, any sample of women motorcyclists should exhibit them to some extent.

The women who participated in this study were contacted via three motorcycle listserv interest groups: Internet BMW Riders (IBMWR), Short Bikers, and Wet Ladies (a reference to the Pacific Northwest climate). An announcement of the proposed study was placed on the BMW internet list with a request for participants. Two IBMWR members who also participated in other listserv groups offered to share the questionnaire with members of their respective groups. Members of the various groups were advised they could share the questionnaire with one or two friends, but not with an entire club or organization.

The instrument employed in this study is a questionnaire containing 35 open-ended items (see Appendix). The questionnaire was electronically transmitted and returned via e-mail. The items on the questionnaire cover such things as motorcycling information, family background, childhood experiences, educational experience, introduction to motorcycles, marital status, occupation and personal perspectives on the meaning of motorcycling for women. Respondents were free to say as much or as little as they wished on each item.

Over a period of two months, fifty-nine usable questionnaires were received via e-mail and one was received via U.S. mail (N=60). Five respondents reside in England, one in Norway, one in New Zealand, and three are residents of Canada. The fifty U.S. respondents represent nineteen states. Twenty of the respondents are from New England, the Middle Atlantic or South Atlantic states — basically East Coast. Twenty respondents are from the West Coast. Five of the remaining respondents are from the Midwest, while two are from the Mountain West and three are from Texas. The coastal tilt of the sample is likely indicative of the less traditional gender roles in these areas.

Respondents ranged in age from 20 to 55 with a median of 36. Years of motorcycle operating experience ranged from 1 to 25 with a median of 4 years. As one might expect from a computer literate group, education levels are quite high. All but one respondent had some college experience, and three fourths had finished college. A third of the sample possessed an advanced degree. Approximately one-third of the respondents are married and slightly over a third are

single. The remainder are divorced or status unclear. Many of the single and divorced respondents are living in a committed relationship.

Taken as a group the respondents are serious about their motorcycling. Almost half use their bikes to commute to work, and more than half have access to two or more motorcycles. Over half report taking trips in excess of three hundred miles on a regular basis. In addition to commuting, about a third of the women ride alone frequently. Three of the respondents ride off road, and three race or have raced. About three fourths are capable of handling routine maintenance, and nearly one third have advanced mechanical skills.

Responses to the question about the brand of motorcycle ridden most often reveal that 22 women ride BMW's, 31 ride a Japanese motorcycle with Honda and Kawasaki most common, 4 ride a Harley-Davidson, and 3 ride an Italian brand. The most common engine displacement is in the 451cc. to 850cc. range with over half the sample, but all sizes are represented including 4 over 1250cc. Over half the bikes in the sample are in the sport or standard category.

CHILDHOOD EXPERIENCES

A wide range of childhood socioeconomic, demographic, and residential experiences is represented among the respondents. Although these women are currently well-educated and preponderantly middle and upper-middle class, their childhood experience ranges from working class to privileged based upon descriptions provided by the respondents. About one-fourth grew up in a working class family, half in the middle class and about one-fourth would be considered upper-middle to upper class. Given the period of time when the parents of the respondents would have grown up (50's and 60's for the most part), parental educational levels are rather high. Of the ones responding to this item, about three-fourths report some level of parental college education. Perhaps this would correlate with less traditional views of gender roles on the part of parents.

Childhood residential experience among the respondents suggests a bias toward open space. In response to a question asking for a description of the type of area where they spent the greatest part of their childhood, only 9 respondents reported growing up in a big city, while 27 grew up in a small town or rural area. Suburbs (21) were most frequently mentioned as a childhood community experience. The commonality to most of the responses seems to be frequent mention of access to the outdoors for play activities which often included boys.

In response to an item about childhood involvement in outdoor activities, half of the sample reported extensive involvement in activities such as hiking, camping, skiing, swimming, boating, horseback riding, and "playing in the woods". Less than 20 percent reported minimal involvement in such activities. The following responses are illustrative of the types of involvement found among the respondents:

> -Cross country skiing, camping, sailing, archery, swimming, hanging outside, hiking, downhill skiing ... I was outside as much as possible...
>
> -...swimming and softball in the summer, ice skating in the winter, horseback riding pretty much year-round. Just getting out and roaming the fields. The only time I was in was to eat and sleep.

Such heavy childhood involvement in outdoor activities appears to be one of the variables related to subsequent involvement with motorcycles.

Closely related and occasionally synonymous with outdoor activities is enjoyment of "boys' games" and playing with boys in childhood. Respondents were asked if, as a child, they enjoyed "playing boys' games or with boys." Overwhelmingly, they did. Over half (34) of the respondents indicated that they primarily enjoyed "boys' games" and playing with boys as a child, and one-fourth reported playing both girls' and boys' games as a child. Only seven respondents said they played and enjoyed primarily girls' games.

An interesting question involves the relative importance of personality and socialization. Did the girls come to enjoy playing with boys because they always had, or did their personalities make them more comfortable with boys activities from the beginning? In response to this and another open ended question on childhood experiences, almost one fourth of the women referred to themselves as a tomboy. Some typical responses are presented below:

-yes. Skateboards and motocross bikes. Boys were my best friends...I used to climb trees with boys too.

-yes. I shadowed my older (3.5 years) brother, playing football, hockey, GI Joes, matchbox cars, etc. Anything but sissy dolls!

-Played a lot of football and prided myself on being the only girl on the team...was able to keep up with the boys.

-I didn't mind who I played with, but in general I preferred boys' sports because the girls' sports seemed so tame...

-...I suppose it's because I mostly thought that whatever the girls were doing was lame and pointless and dull. When I was really young, I got along better and was more accepted by the boys.

-...I thought of myself as a regular ole tomboy. I was mostly into the grungy and dirty. Thinking back I guess most of the time I was with boys close to my age that would ride horses down to the river, walk to and explore caves, do mischievous pranks...yea, I was one of the boys.

-Absolutely, I was a major tomboy. I hated the "typical" girls stuff...I don't know that I had a preference for actually playing with boys...but I did enjoy the stuff that was defined as "boy stuff" more than the "girl stuff."

-...I always was hanging around the boys. Played basketball with whoever would show up after school. My two brothers and dad are very mechanical minded and I spent hours watching as they did maintenance on our cars...I actively tried to hang out with the guys. After all, they're the ones always doing the "fun" stuff.

-yes. Many of our neighbors were boys and I have a brother who had lots of local friends. Since we had a fairly large back yard, we played lots of sports — baseball, soccer, football — whenever we could. Also, since our house backed to the woods, we played a lot of "army" and other adventure games, we played hide and go seek, went on hikes and built forts, caught creek fish in nets and "studied" wildlife areas. We also played a lot of poker, and traded baseball and football cards when we had to bring our play indoors. All my male friends kind of disappeared when we entered junior high though. I guess it was no longer "cool" for boys and girls to play together. That made me very sad...

These responses are reflective of the experiences and sentiments of most of the respondents who enjoyed an early childhood in which gender was not a bar to vigorous, adventurous, sometime competitive, outdoor play. Very early in life most of these women enjoyed the world of boys' play. Motorcycling may be a return to that world for many of them.

In many cases entree to the male world was provided via a brother. All but fifteen of the respondents had at least one brother, and only four respondents were only children. Median childhood family size was three children. Half of the respondents were first born. This latter variable tends to be related positively to academic and occupational achievement, but negatively to participation in high risk sports for males (Leones & Nation 1996). This may mean that riding a motorcycle is more of an achievement than flirting with danger for many of the respondents, or that first born females don't follow the pattern of male first borns.

Regardless of family size and composition, a number of women reported a gender neutral approach to childbearing on the part of their parents. The following responses are instructive in that regard:

-...my father insisted that we [2 boys, 3 girls] participate in maintenance on vehicles once we reached that level (change brakes, plugs, set points, change oil).

-...my dad had custody of me...because I was treated as a child and not just a female child, I was exposed to more things that maybe only boys would have been...My dad didn't seem to keep me from doing things I wanted to do just because "girls don't do that."

-As second child in a family of six girls, I played the role of "boy child." I spent a great deal of time with my father doing "guy" things ...We fished, hunted, trapped together. He encouraged my interest in the natural world, respected my physical strength, encour-

aged me to play. I was his right-hand man until I left home at 18.

-...My other sister and I were brought up (although we didn't really notice it at the time) as "people" rather than "male" or "female." Specifically female things like Barbie dolls (and most dolls generally) we weren't allowed to have...Specifically "male" toys like guns, etc. were also off-limits.

-...I have four sisters so there was no one to be "the boy" who helped dad mow the lawn, change the tires, etc. so we all took turns doing boy things with my dad. I also grew-up in a sexist free neighborhood (until adolescence) and girls were welcome to join so *I would.*

-In many ways my Dad didn't distinguish between his daughters and sons. He expected me to learn how to change the oil in the family car...I also got to learn to change tires and help him do other mechanical stuff. For my Dad, being female wasn't a reason to be sheltered from doing stuff that was physically challenging.

The early childhood exposure of the respondents to outdoor activities, boys' games, and gender undifferentiated child rearing in many cases appears to have set the stage for achievement in sports and academics. Almost three-fourths of the sample participated in sports as a child and slightly over half were involved in high school or elite youth sports, usually more than one. The academic performance of these women, on average, is impressive as well. All but a few describe themselves as doing well in school and about a fourth can be described as having an excellent academic record. As noted previously, one-third have earned a post graduate degree.

In spite of the substantial exposure to outdoor activities, boys' games, gender neutral childbearing, and sports, most of the respondents report little or no exposure to motorcycles as a child. For most it was a non-issue. If it were at all, motorcycles were seen as dangerous and to be avoided in most of the respondents' families. About one-fourth had a motorcycle in the family, usually a brother (9) or father (7), while a few reported an uncle (4), neighbor (2) or friend of the family (3) who had a motorcycle. Frequently these people would be the source of a childhood ride or even the chance to drive around a bit on a small bike. Only six respondents reported having a friend who had a motorcycle.

PATHWAYS TO MOTORCYCLING

For respondents who had a family member, relative, or friend of the family with a motorcycle the first experience on a bike would come as a passenger at a young age. One-fourth of the respondents had ridden on the back of a motorcycle by the age of 10. The median age for first ride as a passenger was 17, while one-fourth experienced their first ride on or after age 22. The operator for the first ride as a passenger was either an immediate family member (15), friend (26), boyfriend (13), or spouse (4).

The age at first operation of a motorcycle usually followed the passenger experience by a substantial amount of time, although there were a few cases wherein a respondent operated a motorcycle having never been a passenger. The median age of first operation was 22 with 25 percent beginning after age 31. In the 47 cases in which the person providing encouragement for this initial operation was indicated, the most common response was boyfriend (18), followed by spouse (11), friend (9), and family member (8).

The age of operating a motorcycle on a regular basis is thought to come much later for women than for men. At the height of the motorcycle registration boom in the United States in 1980, the median age of motorcycle owners (mostly men) was 24 (Motorcycle Industry Council 1995). The respondents to this study began operating a motorcycle on a regular basis at the median age of 27, and one-fourth began after the age of 32. As noted earlier, most women have little exposure to or encouragement for motorcycling from family or friends as a child. Many of the respondents reported being expressly forbidden to ride on a motorcycle by their parents, and some did not inform their parents when they began to ride as a mature adult.

In a study of older riders, it was found that males tended to have their first experience as an operator in their teens (Glamser 1999). This was most often on a recently purchased bike, either new or used. The adolescent male subculture which used to value motorcycles and "hot rods" was more of a factor in encouraging participation than any specific

individual. This is in contrast to the pattern among women noted below.

Respondents were asked if they could identify any one person who was most influential in their decision to become involved with motorcycles. Of the 53 people identified, 49 were male and 4 were female. Of the 49 males, 19 were boyfriends and 15 were spouses. The remaining males were friend (6), father (4), brother (3), grandfather (1) and friend of the family (1). The four females were a friend (3) or a sister (1). Thus for over 80 percent of these riders, involvement with motorcycles was encouraged by a specific male, and in nearly 70 percent of these cases some sort of romantic attachment existed. The most common marital status while beginning regular motorcycle operation for the respondents was single (27), followed by married (16). Five respondents were divorced at the time and two were separated.

Not only is the initiation into motorcycling usually provided by men, but support for the activity is also commonly provided by men. The respondents reported that men who ride are almost always positive in their conversations with women riders. On the other hand, men who do not ride are often surprised or patronizing. The following quotes are illustrative:

> -Most men who ride are supportive and enthusiastic. I've never gotten a reaction of shock, surprise or any harassment from men who ride. Men who do not ride usually give me the "How does a little girl like you ride a great big motorcycle like that?" treatment. They are often shocked or surprised.

> -...male motorcyclists...are generally supportive and approving. I have never seen a negative reaction from a male motorcyclist.

> -Most men who already ride are more friendly and we talk a lot about motorcycles in general...I usually find that motorcycling is the one predominantly male activity where men accept and seem to enjoy women who ride.

> -Some men who ride and find out that I have a bike, well, it's like a secret handshake.

> -Men who don't ride usually give me the same lecture on how dangerous it is that I get from women who don't ride.

> -Apparently it's quite a turn-on. Men find women motorcyclists "exciting"...It's funny since I've been riding for over twenty years ...but others that just meet me find it cool. Especially when they find out I race.

It appears that the status of motorcyclist takes precedence over the gender of the rider. The comment about the "secret handshake" supports this explanation. Many male activities wherein women are less than welcome are prestigious, whereas motorcycling has a deviant or nonconformist image. One could even argue that the involvement of women in a devalued activity adds to its respectability, thus benefitting all participants. This may be one reason why the respondents report such positive reactions from male riders. On the other hand, it is important to note that we are dealing with middle class subjects. There is good reason to believe that among lower class male "bikers" women would not find such a warm welcome to motorcycling.

One final consideration in women's entrance to motorcycling is the importance of formal instruction. According to one author, women are five times more likely than men to enroll in a motorcycle riding course (Pierson 1997 53). Motorcycle Safety Foundation data indicate that 31 percent of persons taking its beginner course are women (Hollern 1992 10). Among the 60 respondents to this study, only 8 reported having no formal motorcycle instruction, and 11 reported advanced road race course instruction. Some of the respondents had their initial riding experience during a safety course. These women made a decision that they wanted to learn how to ride, so they signed up.

MOTIVATIONS AND MEANINGS

Many people (especially men) have operated a motorcycle on occasion, but few people are motorcyclists. What draws and holds people to this activity which clearly has a substantial element of risk? Is the experience of motorcycling different for men and women? The women responding to this study were asked if motorcycling can be a unique experience for women. Responses were somewhat mixed on this question.

Slightly fewer than half the respondents do not see the experience of motorcycling as being much different for men and women. Examples of such a position are presented below:

-I don't think the things that I love about it are unique to women...I love the feel of the wind in my hair, the sense of being of the environment rather than passing through it in a bubble—being able to smell everything, feel the microclimates that I never knew existed before. It is total escape and the only thing that keeps me relatively sane.

-I have never felt that motorcycling was a "man's world" or "woman's world"...Everyone I know who rides likes the closeness to the environment, the feeling of the motorcycle under you as it reacts to your physical inputs, and the fact that it gives a great feeling of being ever so slightly away from the norm.

-I seem to enjoy the same things about motorcycles as the men I talk to...Loads of people write stuff about it being liberating, a bid for freedom, etc. I don't see it that way at all — it's something I really enjoy and that is it. I also really enjoy embroidery!

-I've been lucky. Maybe it's because of my size (6 ft. tall) or how and where I grew up. I never had to really fight the stigma of being female. No one has ever accused me of being overly feminine. So to ask if something is "a unique experience for women", you are asking the wrong person. I usually see the world the way a man would see it anyway.

-Bikers are bikers—and the difference in sex is irrelevant.

On the other hand, over half of the respondents report that motorcycling can be a special experience for women. The most frequent response dealt with the idea of freedom or independence. In their daily lives women are often expected take care of others — children, spouse, coworkers or elderly parents. Motorcycles can be a freedom machine as is revealed in these responses:

-Unlike a car, where the parts are hidden, and the movement is like sorcery, a motorcycle lets it all hang out, honest and upfront. You turn a key, the car goes. A motorcycle has ritual and more involvement and you're certainly at a more root level for operating it. After trying to be the perfect daughter, wife, co-worker, boss, friend, superwoman, and hiding everything inside, it feels good to "let it all hang out" and finally be driving my own life.

-I think riding their own bike gives women some freedom from the responsibility of taking care of others...it is probably more fun than anything we do in our daily lives.

-It also is a good way to focus the self when you have a lot of competing things going on as I always do. Biking is almost Zen-like in that it drives other concerns from the mind during the ride and you concentrate and exist very much in the moment.

Another common theme is that of accomplishment. Given the height and weight of most motorcycles, the average woman is at a decided disadvantage during the early stage of learning to ride. She often approaches the whole enterprise with very little experience, so to be successful is very gratifying. The responses below reveal this feeling of accomplishment:

-...also on the physical level, I think there is more challenge and sense of accomplishment than for a man. When you sometimes have to consciously note where and how you park your bike, so you can move it without help, or you have to really use your body weight to put it on the center stand; you know that you are accomplishing something difficult and demanding.

-Partly, I think, it's the sense of mastering something powerful, difficult and noisy... Learning to ride mine felt like a major accomplishment for me. I'd never been either athletic or particularly coordinated, and after the safety course learned to ride all on my own.

-I like the feeling of accomplishment in what I've achieved working up from a 250cc., 300 lb. low rider style bike which I could put both feet flat on the ground with to a 600cc., 450 lb. sport-bike which I can't touch on (I can only put the ball of one foot on the ground).

-I do something that a lot of men can't do, but that has more value than women's activities.

Closely related to the idea of accomplish-

ment is the idea of empowerment. Six respondents reported that motorcycling was an empowering experience for them. The following are illustrative:

> -Empowerment. When I ride, I am in control of the machine and myself. When I come back from a ride, I know that it was because of me and my abilities that caused me to be back home safely.
>
> -I think there are fewer ways in this society for women to have power and motorcycling really does give you some power...My motorcycle almost feels like when I was a kid and on a cool evening, I felt like I could just run forever.
>
> -It's a power trip. It makes us feel competent, successful and in control in a male-dominated area. Women don't get to feel that way as often as men.

Other aspects of motorcycling that were seen as special for women included building self-confidence, a sense of control, the chance to participate in a man's world on an equal basis, and the special bond with other women who ride. For some women it appears that motorcycling has special meanings.

SUMMARY

The women who participated in this study are a diverse lot, but they all ride motorcycles. They have come to motorcycling by many routes, but there are some general patterns which apply to many of them. Most were raised where they had access to the outdoors, and most reported substantial involvement in outdoor activities. Most of the women were involved in sports as a child — many at the college or elite youth level. A large majority of these women enjoyed playing boys' games and with boys as a child. Most had brothers and half the sample was the first born child in the family. Many of the respondents reported a gender neutral approach to childrearing on the part of parents, especially fathers. All of the above variables can be seen as predictive of achievement in a general sense and a willingness to undertake non-traditional activities like motorcycling when presented with the opportunity.

This opportunity is usually presented by a boyfriend or spouse who brings the woman into the world of motorcycles, and then provides support when she is ready to become an operator. This opportunity often comes relatively late in life compared to males. There are other paths to motorcycling such as growing up in a motorcycling family or deciding in adulthood to take a riding course independent of any social relationship, but the boyfriend/husband pattern appears to be most common.

The meanings of motorcycling appear to vary from woman to woman. About half believe that the pleasures they experience with motorcycles are not very different than those experienced by men. This may be more the case with young, never married women who ride sport bikes fast. However, most of the women surveyed believe that motorcycling can be a special experience for women in addition to the pleasurable aspects of riding reported by men. They speak in terms of freedom, independence, confidence, accomplishment and empowerment because they often have limited access to such feelings in their daily lives.

Taken as a group the women in this study are educated, occupationally successful, technologically and mechanically adept, outdoor oriented, and confident. They are comfortable moving about in what used to be considered a man's world. As a greater and greater proportion of women fit this description, the number of women in motorcycling should increase. This has already occurred in the occupational world. Recreational pursuits should be next.

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APPENDIX

Women Motorcyclists Questionnaire (for women who operate motorcycles)

Below are a number of questions about your experiences with motorcycling as well as a number of background questions. Simply answer the questions by number (no need to type the questions) and email or surface mail your responses to me. If any questions are too personal, just leave them blank. If you have a few women friends who are motorcyclists who would like to participate, please share this questionnaire with them. However, please do not pass this questionnaire to a large number of persons as this could introduce a geographic or special interest bias into the sample. I do not need to know anyone's name or address, but if you are willing to be contacted for follow-up questions, please include a first name and email address or surface address. I may be contacted at work at (601) 266-4306 if you have any questions. My email and surface mail addresses and fax number are at the end of the questionnaire. Thank you for your time and assistance.

1. What brand, size, style of motorcycle do you currently operate most often?

2. What other bikes do you operate?

3. Describe the types of riding you currently engage in (touring, cruising, off-road, racing etc.), the distances involved, and the number of people you normally ride with.

4. How old were you and what were the circumstances surrounding the first time you rode on the back of a motorcycle, including the relationship to the person driving (e.g., friend, parent, etc.)?

5. How old were you and what were the circumstances surrounding the first time you operated a motorcycle by yourself?

6. How old were you and what was your situation (school, work, marital, etc.) when you began to operate a motorcycle on a regular basis?

7. Can you identify any one person who was most influential in getting you involved with motorcycles (no name, just sex, age, relation to you)?

8. When you first became involved with motorcycles as an operator, what were the reactions of friends, family and relatives?

9. Currently, how do other women who are not involved in motorcycling react when they learn you ride a motorcycle?

10. Currently, how do men react when they learn you ride a motorcycle? Does their own experience with motorcycles seem to affect their reaction?

11. What was your childhood (age 1-17) exposure to motorcycles through friends, family and relatives?

12. What were the attitudes toward and/or involvement with motorcycles of friends, family and relatives when you were a child (age 1-17)?

13. In general terms, how would you describe the economic, educational, and occupational background of the family in which you were raised (e.g., poor, working class, middle class, well-off, uneducated, well-educated, etc.)?

14. In terms of rural, small town, big city, how would you describe the area in which you spent most of your childhood?

15. As a child and adolescent, what was your level of involvement in competitive sports? Please be specific as to sport and level of competition.

16. As a child, what was your level of involvement in outdoor activities? Please be specific.

17. As a child, did you enjoy playing boys' games or with boys? Please explain.

18. Can you think of any ways in which your childhood experiences or interests were different than those of other girls?

19. Including yourself, how many children were there in the family in which you were raised? Please indicate their sex and your birth order.

20. Generally speaking, how would you describe your performance in school?

21. What is your current level of formal education (e.g., finished high school, some college, graduate, etc.)?

22. Do you have any special technical or occupational training or credentials? Please explain.

23. Many aspects of motorcycling are enjoyable to people of different ages, sexes, and social backgrounds. Can you think of any ways that motorcycling can be a unique experience for women in general?

24. What is special and/or enjoyable about motorcycling to you personally as a woman?

25. What is your current occupation?

26. What is your current marital status?

27. Do you have any children? How many and what ages?

28. What is your age?

29. In what state or region (or country) did you spend most of your childhood?

30. Have you attended a formal course in motorcycle operation and/or safety? Please explain.

31. How many years have you been operating a motorcycle on a regular basis?

32. What types of motorcycle maintenance and repair are you able to do for yourself with little assistance?

33. Other than your interest in motorcycling, are there any other aspects of your lifestyle that others might consider unconventional or high risk (e.g., skydiving, rock climbing)?

34. How did you (or the person who contacted you) learn of this study (e.g., BMW internet list)?

35. In what state (or country) are you currently residing?

PRIVACY AND SEXUAL SHAME IN CROSS-CULTURAL DISCUSSION

Andreas Schneider, Texas Tech University,

ABSTRACT

Public concern and negative sentiments toward sexuality lead to a context of sexual constraint. This constraint causes unacknowledged shame, which in turn triggers anger and rage associated with its source. As a result people try to achieve privacy of their sexuality to retreat from public concern. Antithetical to the ideal type of sexually constrained societies, there are societies that provide sexual emancipation. Here, societies allow sexual self-determination, concern in sexuality diminishes and individual privacy is a form of independence. If people become sexually emancipated, sexual identities are less likely to be stigmatized, and sexual shame is less prevalent. Legal regulations and public policies in the contemporary United States are used in cross-cultural comparison to Germany to illustrate the discussion about privacy and sexual shame.

INTRODUCTION

Negative sentiments towards the sexual-erotic domain and the public investigation of this domain create sexual constraint. This in turn increases the likelihood of what Lewis (1971), Scheff (1990a), and Scheff and Retzinger (1991) call unacknowledged shame. How can this shame be avoided? To investigate this process, two forms of privacy have to be differentiated: Privatization as a retreat and privatization as independence. The possibility of private behavior is a prerequisite for privatization as a retreat, while it is a necessary but not sufficient condition for privatization as independence. Privacy as independence needs the possibility of self-determination, the independence from external referential systems and the establishment of internal referential systems. Once sexual emancipation is established, public concern and investigation, the causes of sexual constraint, will diminish.

It is intended to create a general model to forward the understanding of different forms of privacy and their impact on sexual shame. Culture-specific examples of legal regulations and public policy regulating sexuality will be used to illuminate this general model. For now, a specific gender perspective is omitted. Instead, a general model is developed that dynamically links privacy and sexual shame with the ideal types of sexually emancipated and constrained societies. Theorists interested in gender might discuss this model in light of their agenda. This approach will be more helpful for people interested in the gender perspective than claiming the turf of sexual shame and privacy as a gender issue entirely and hereby dismissing any general contribution that could provide a first step of an investigation.

MODEL OF SHAME AND PRIVACY

Social opposition and public concern establish the concept of sexually constraining societies. In the case of sexually constrained societies, public concern and the negative evaluation of sexual concepts lead to shame. Cooley (1922) stated that we are virtually always in a state of either pride or shame. In her theoretical and empirical work on shame, Lewis (1971) forwards this idea by distinguishing between acknowledged and unacknowledged shame. According to Lewis, unacknowledged shame is either overt, undifferentiated shame, or it is bypassed. In the case of overt undifferentiated shame, painful feelings arise. These feelings are described in terms that disguise shame. Her patients used terms like feeling foolish, stupid, ridiculous, inadequate, low self-esteem, awkward, exposed, or insecure. Like overt undifferentiated shame, bypassed shame involves negative evaluation of self. However, in the case of bypassed shame, markers are subtler.

According to Scheff's (1990a 201) model of shame and anger, "open or acknowledged shame is likely to be discharged, in actions like spontaneous good-humored laughter". Unacknowledged shame, however, can escalate into "spirals of intra-and interpersonal shame," or shame-rage spirals "which have no natural limit of intensity and duration" (1990a 201). Public concern and social opposition lead to sexual constraint that facilitates the emergence of episodes where shame is misnamed or avoided and individuals experience unacknowledged shame.

Antithetical ideal types of sexual constraint and sexual emancipation are used to contrast the American and German society. They

describe a model in which privatization can be chosen as a retreat (in the case of sexual constraint), or as independence from church and state (in the case of sexual emancipation). This model further explains how societies can incrementally progress into sexual emancipation or regress into constraint. Methodologically, the reflexive nature of identity allows the model to create a bridge between the micro level of self and identity and the macro level of culture and structure. Reflexivity is also an important aspect to be considered in the process of sexual emancipation and in the emergence of shame.

Ideal Types

The concepts of sexual emancipation and sexual constraint are used as antithetical extremes that describe recurrent patterns and historical particularities in the American and German society. They are ideal types (*Idealtypus, reiner Typus* (Weber 1922, 1985)) of the Weberian tradition (Gerth & Mills 1946): logically precise conceptions built from empirical observations.[1] Ideal types of sexual emancipation and sexual constraint are constructed to investigate empirical reality.[2] Free from evaluations of any sort, these core concepts of Weber's comparative method will be used to describe the American and German society. Ideal types help

> to determine the degree of approximation of the historical phenomenon to the theoretically constructed ideal type. To this extent, the construction is merely a technical aid which formulates a more lucid arrangement and terminology. (Gerth & Mills 1946 324)

Sexual constraint and sexual emancipation are ideal typical opposites that mark the endpoints of a continuum. Sexual constraint and emancipation can coexist in a given society, can be prevalent at different stages in the life of an individual, or might be operational for different sexual contexts at a given time. Specific empirical conditions like subculture, age, or sexual context can be investigated with my model, where sexual constraint and emancipation are treated methodologically as pure ideal types. Ideal types cannot match the empirical reality, but they are helpful to illuminate an empirical problem theoretically, especially when contrasted with antithetical ideal types (Weber 1922).

Sexual Constraint

Modern Western societies allow private behavior (Giddens 1991). Privacy as retreat was, for example, possible in the strict split of private and public sphere that was central to Victorian ideas (White 2000). In an environment that grants the opportunity to keep behaviors private, and where, at the same time, the sexual-erotic domain is subject to intense moral judgment by the public, people learn to withdraw sexuality from public attention. Here privacy is a retreat chosen as a shelter from public concern. In their effort to hide their sexual-erotic identities, people follow external referential systems that regulate and control the sexual behavior of the individual. In such a climate of control, individuals will try to hide their stigmatized identities. They will welcome the possibility of retreating sexuality into the private sphere, offered in modern societies. However, it does not matter how successful the investigation of society or the hiding abilities of the individual, as long as external referential systems are still predominant, privatization can only be chosen as a retreat.

Sexual Emancipation

Privacy as a retreat is a necessary but not sufficient condition for self-determination. "The creation of internally referential systems — orders of activity determined by principles internal to themselves" (Giddens 1992 174) enables sexuality to be emancipated from the influence of church and state and becomes an independent area of social life. This independence allowed sexuality to be evaluated with internal referential systems, enabling a different form of privacy: privacy as independence. Privacy as independence allows sexual emancipation that in turn decreases the reasons for sexual constraint: public concern and stigmatization of sexual erotic identities. Retreat becomes less relevant. In order to allow this emancipation, societies have to offer opportunities for self-determination. Then, reference systems start to become internalized. This internalization of value systems allows individuals to be emancipated in their choice of behavior. Self-determination is achieved by the use of internal referential systems when individuals create their own private concepts of sexual eroticism independent from public concern and social opposition. Privacy then is no longer a matter of retreat, but of emancipa-

tion.

Sexual constraint will not disappear overnight. However, once a more liberal climate allows for privatization as independence, partial self-determination is achieved, and sexual emancipation becomes more prevalent, the cause for public concern and social opposition is reduced. The consequence (privatization as retreat) becomes increasingly independent from its cause (public concern and opposition). The degree of independence defines the quality of privatization. The emerging new quality of privacy allows identities to be sexually emancipated. In sexually emancipated societies, individuals are able to engage in activities determined by their partner's experience and interest rather than by public concern and social opposition. However, sexual emancipation does not imply that sexuality is exclusively determined by the individual. Sexuality is still a social construction (Foucault 1978, 1985, 1986); however, negative sentiments towards sexuality and public concern, reflected in attitudes and structural regulations, impose constraint for the individual or sub-cultural construction of sexuality.

Reflexive Nature of Identity

Shifting the focus to an internal referential system and locating sexuality in the private sphere is extremely crucial for the formation of sexual-erotic identities. This reflexivity, associated with modern sexuality, makes the concept of identity methodologically relevant for an investigation of sexuality. According to Mead (1913, 1934) and Cooley (1922), reflexivity is a necessary prerequisite for the construction of a self. Mead's concept of self is a self-conscious ego that merges in the interaction between the "I" and the "me." Without the interaction of the self with previous stages of itself or with selves that take the attitude of another, there will be no development of the self. People will, in the words of Mead, "leave the field of the values to the old self" (1913 378) which Mead calls selfish. "The justification for this term [selfish] is found in the habitual character of conduct with reference to these values" (1913 378). A more contemporary example for this habitual character can be seen in the life of many Americans that is structured by hard work and a pattern of consumption. The majority of Americans is addicted to materialism, and too preoccupied maintaining this addiction to find time for self-reflection and progressive moral development (Schneider 1999).

Mead's process of development was later systematized by Strauss (1994) who, in his biographical historical methodology, emphasized the social histories of the identity. Strauss called this the reflexive self-identity. Here, the concept of reflexivity is important in three ways: First, methodologically for the application of the concept of the ideal type. Here I transfer the idea of the reflective development of the self or identity to the macro level of social and cultural structural analysis. Second, reflexivity is central in the use of internal referential systems, a condition of sexual emancipation. Third, reflexivity is a prerequisite for the emergence of shame (Lewis 1971; Scheff 1990a, 1990b).

CROSS-CULTURAL EXAMPLES IN PUBLIC POLICIES IN THE UNITED STATES AND GERMANY

Law is a tool of public concern and oppression. The degree of legal regulations of the sexuality of consenting adults and the sexual self-determination of adolescents is a central indicator for sexual constraint.

> We [North Americans] are a society so used to the notion of law as a method to control sexuality that the legal system has become the primary tool for change. (Portelli 1998 2)

Sodomy laws serve as an example of public concern, regulation, and the negative sentiments associated with the sexual-erotic domain (Giddens 1992). They are still on the books of 21 American states (Edwards 1998). Generally, sodomy statutes prohibit oral and anal sex, but they vary widely. They are not restricted to same-sex relationships. Other regulations of sexuality between consenting adults are manifold and, like the sodomy laws, vary widely from state to state. In Massachusetts, for example, regulations include adultery:

> A married person who has sexual intercourse with a person not his spouse or an unmarried person who has sexual intercourse with a married person shall be guilty of adultery and shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than five

> hundred dollars. (General Laws of Massachusetts, Chapter 272: Section 14)

Even if not all regulations of sexual behavior are likely to be legally enforced, they have the potential to criminalize substantial portions of the population. Most of them are selectively enforced on people who become subjects of public concern. According to the American Civil Liberties Union (2000), "Sodomy laws that legally apply to everyone are generally seen as being targeted at lesbians and gay men."

In contrast to the United States, legal regulations in Germany are uniform. Here sexual relations between consenting unrelated adults are largely unregulated in Germany, and even prostitution is legal. The German equivalent to the anti-homosexuality content of sodomy laws was §175 in the criminal code (Strafgesetzbuch §175). This paragraph was substantially modified in 1969 where the criminalization of specific sexual acts disappeared. In another revision in 1994, the age of consent was set to fourteen for heterosexual and homosexual relationships (Strafgesetzbuch §176), a behavior that qualifies as statutory rape in all of the United States. German law is less concerned about sexuality than U.S. law. The examples of the sodomy laws and the statutory rape legislation establish empirical evidence that the sexual-erotic domain is more regulated in the United States than in Germany. Explicit legal regulations of the sexual-erotic domain in the United States formally indicate public concern and social opposition.

Another way to investigate trends of public concern in sexuality is to analyze sexual education in both countries in the last 30 years. What is conspicuous, especially in U.S. sex education literature, is that pictures used in the Seventies as illustrations were largely replaced by sketches in the Eighties. Finally, in the Nineties, illustrations of the developing nude body vanished almost completely. The second printing of the Sex Atlas (Haberle 1978), a standard work of U.S. sex education, still was highly illustrated. Will McBride's (1974) explicit photographs with accompanying educational text by Fleischhauer-Hardt was produced in Germany and then (1975) translated into English. The English edition was bought by the progressive U.S. parent. While the distribution in Germany continued until a 7th edition in 1986, the 1975 edition was the last one in the United States. The early work of Will McBride, featured in "Show Me," already provocative in the Seventies, was not published anymore in the United States in the 1980s. Moral panics and crusades (Goode & Ben-Yehuda 1994) in the United States created a climate in which sexual abstinence and the systematic persecution of sexuality is the prescribed remedy for the moral integrity of contemporary U.S. youth (White 2000).

In an intercultural comparison, it is not only the question to what extent one society regressed, but also how others progressed. One might argue that both tendencies, the absolute regression of the United States towards sexual constraint, and increasing levels of sexual emancipation in Germany, might have added up in my comparison. An in-depth analysis of sex education material could show both, the means of sexual constraint imposed by an U.S. moral power elite and the reasons for changing attitudes of the young generation of Americans.

DISCUSSION

Ideal typical antithetical classifications of sexual emancipation and sexual constraint are exaggerations of the empirical reality that serve as heuristical tools and measuring rods in the empirical investigation. Although analytical ideal types are substantiated with empirical studies, empirical differences will be more subtle than discussed in the light of the ideal types.

There is a negative connotation of sexuality in the United States where most people will try to hide their sexual-erotic identities to evade stigmatization. However, the pressure of the public to reveal sexual-erotic identities can breach these efforts in two ways: first, public interrogation and investigation will make it hard to conceal sexuality. Ken Starr's (1998) investigation of Bill Clinton is an example of such rigorous efforts of the public to reveal sexual identities.

> Perversely, the subsequent impeachment and the trial of the president dramatically demonstrated how far the personal had come to dominate the politics of 1990s America. The strict split between the public and the private worlds that Victorians had made central to their society had now been reversed; the line between public and private had been collapsed. (White 2000 207)

Second, the public interest in sexual confessions has to be satisfied by revealing some form of sexuality. This creates "catch 22" situations, reported by young U.S. adults engaging in sexual activity (Muehlenhard & Cook 1988). Foucault (1978 21) locates the pressure to "tell everything" in the Christian tradition, that might be even more central to public investigation than censorship.

> The Christian pastoral prescribed as a fundamental duty the task of passing everything having to do with sex though the endless mill of speech. The forbidding of certain words, the decency of expression, all the censoring of vocabulary, might well have been only secondary devices compared to the great subjugation.

Pressures to convey stigmatized sexual identities create an atmosphere of sexual constraint in the United States that will lead to emotions of shame and anger. In the United States, emotions of shame and anger are much more likely to be associated with sexual-erotic identities (Schneider 1996) than in Germany or Sweden (Schwartz 1993; Weinberg, Lottes & Shaver 1995).

In contrast, the German society tends to allow sexual self-determination. Sexual-erotic identities are less likely to be stigmatized and there are fewer incidents of public scrutiny. In this climate of sexual emancipation, less shame and anger will be associated with sexual-erotic identities. To paraphrase cultural differences, Americans feel compelled to speak about sex, but dislike it, while in Germany, people will be less likely to speak about sex, but enjoy it. George Rousseau (1999 4) locates this cross-cultural difference in "the American woman's inability to be [both] sexually comfortable and sexually appealing".

Value change is a progressive force in every society. Cycles of conservatism can lead to increased public concern about one's sexual life and more negative attitudes towards sexual-eroticism. In my model of sexuality, cultural and structural changes can lead to an increase of public concern and opposition and hereby cause a society to regress from emancipation into constraint. This phenomenon was described by Charles Winick as *The Desexualization in American Life* (1968 [1995]) in the aftermath of the Sixties. This value change is also reflected

> in Foucault's epistemic sense that some type of break occurred in the Seventies, as the new Puritanism gradually eroded and vanquished an earlier sexual license. (Rousseau 1999 11-12)

One might argue that in the early Seventies, sexual attitudes among young Germans and Americans were more similar than today. The indicated differences stem from a current U.S. trend of moral conservatism (Inglehart & Baker 2000), and/or an increasing liberalization in Northern Europe (Inglehart 1997).

Creating shame in the sexual sphere is not without consequences. According to Scheff's (1990a 201) model of shame and anger, "open or acknowledged shame is likely to be discharged, in actions like spontaneous good-humored laughter". Unacknowledged shame, however, can escalate into "spirals of intra-and interpersonal shame," or shame-rage spirals "which have no natural limit of intensity and duration" (1990a 201). Triggering spirals of shame, rage, or anger, unacknowledged shame has a strong potential for causing hatred and violence.

Shame, anger and violence will be associated with its source and result in sexual-violence. Cross cultural differences in the public scrutiny of the sexual sphere and the different forms of privacy will be reflected in the culture-specific amount of shame, anger, and violence. A comparison of the German *Polizeiliche Kriminalstatistik* of the *Bundeskriminalamt* and the American statistics in the Uniform Crime Reports (UCR) shows that sexual violence is about three times as prevalent in the United States as in Germany.

Another consequence of sexual constraint and shame is illustrated by another example: a highly experienced urologist, who worked in a German research and treatment setting before he relocated to the United States, told the author about cases of testicle cancer that he has never seen in such progressive states in Germany. He explains this phenomenon with the shame that prevents U.S. males from consulting a physician even if the changes in the testicles should be obvious to the layperson. He explains this failure to consult a physician in time with the high levels of shame that he observed in urogenital examination of his U.S. patients. In the cases of young males he described, sexual constraint, the lack of education, and the consequent shame were deadly in their consequences.

It is not likely that the cross-cultural differences that I indicated can be generalized for the non-heterosexual population in both cultures. The ideal type of the American sexually constrained individual is supported by data from the typical undergraduate who can, in terms of probability, be assumed predominantly heterosexual. Members of U.S. sexual subcultures, like the gay, lesbian, and bisexual community, might not follow the cultural ideal type of sexual constraint as their heterosexual contemporaries do. However, their sexuality can be scrutinized with the same theoretical model. The arguments in the social movement literature on the gay subculture (Kitsuse 1980; Thomson 1994) parallel the process of sexual emancipation. Overcoming the private retreat and following the slogan of getting out of the closet, members of the gay/lesbian subculture met an educated elite that, within a specific historical period, was willing to grant them self-determination. Proportional to the amount of public concern and stigmatization their identities provoke in mainstream society, members of the gay community will not be as likely as heterosexuals to experience unacknowledged shame. They are more likely to turn their overt shame into pride (Britt & Heise 2000). Advocate groups of sexual deviance (Schneider 2000) are formed by small minorities for recognition and acceptance of their deviant labels, and/or to support their members with self-help groups.

Seeing people with a rich variety of marginal sexual identities in the media does not imply sexual emancipation. Instead, people with marginal sexual identities are used in the U.S. media for shallow entertainment. Just like serial killers, deviant sexual identities are portrayed as popular villains in the media construction of cultural myth (Glassner 1999; Kappler, Blumberg & Potter 2000). The noise we hear in the coverage of sexual deviations in the United States should not be misunderstood as a sign of sexual emancipation, but as a commercialized outlet for the majority of sexually constrained individuals.

Just as the Inquisition was involved in the construction of the Antichrist, public concern and social opposition will facilitate the construction of new sexualities. Moral panics and crusades indulged by the masses (Goode & Ben-Yehuda 1994) are complemented by sexual fragmentation of minorities. This duality is reflected in the later work of Foucault (1978, 1985, 1986) when he leaves the one-sided perspective on power as a means to discipline and punish (1975) and comes to appreciate the more general mobilizing force of power. Here, the pleasure of power involves both, control and rebellion.

> The pleasure that comes of exercising a power that questions, monitors, watches, spies, searches out, palpates, brings to light; and on the other hand, the pleasure that kindles at having to evade this power, flee from it, fool it, or travesty it. The power that lets itself be invaded by the pleasure it is perusing; and opposite it, power asserting itself in the pleasure of showing off, scandalizing or resisting. (1975 45)

The pleasure involved in the exercise of power can help the interpretation of the seeming contradiction of sexual constraint and the emergence of peripheral but highly popularized sexualities in the United States. As the silent majority indulges itself in the persecution of sexuality, a noisy minority enjoys itself teasing the power of their suppressors. This is not a sign of emancipation, but a scandalous play with power that creates the exceptional counterexamples of cultural constraint. Legitimated by the masses, the power that causes the highest rate of incarceration for sexual offenses in the world also creates the sexual Antichrist and superstar Marilyn Manson, the Alice Cooper of the 21st Century.

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End Notes

[1] "So bildet ... eine empirisch zum ‚reinen' Typus sublimierte Faktizität den Idealtypus"(Weber 1922 p.438).

[2] There is considerable disagreement about Weber's intention to treat ideal types as testable models (Schwedberg 1998). Weber argues that major discrepancies between the ideal type and the empirical reality will lead to a revision of the ideal type. However, he also argues that ideal types were not models to be tested. Still, in "Wirtschaft und Gesellschaft" (Economy and Society) Weber (1921) himself often implicitly used ideal types as testable models.

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