



PUBLISHED BY THE VIRGINIA SOCIAL SCIENCE ASSOCIATION

SCHOLAR AWARD REMARKS

HERBERT HIRSCH WHAT I DO, AND HOW I GOT WHERE I AM

ARTICLES

SHENITA BRAZELTON THE IDEOLOGICAL IMPLICATIONS OF THE FEDERAL RULES

TREVOR DAVIS INTERNATIONAL LEGAL RECOGNITION AFTER UNILATERAL SECESSION:
THE CASE OF SOMALILAND

CATHERINE M. HENSLY EVALUATING THE EFFECTS OF ECONOMIC EMPOWERMENT ON WOMEN'S
HIV PREVALENCE IN ZIMBABWE

PHEBE E. MEYER DIMENSIONS OF THE FEMALE ENTREPRENEUR: A LOOK AT HOW FEMALE
ENTREPRENEURS INHABIT, CREATE, AND MOVE WITHIN TIME AND SPACE
IN WASHINGTON D.C.

GRANT E. RISSLER PREDICTORS OF PUBLIC POLICY PREFERENCES TOWARD ENGLISH
LANGUAGE LEARNERS

WILLIAM L. SMITH &
PIDI ZHANG JEWISH IDENTITY IN A DEEP SOUTHERN CITY

VIRGINIA SOCIAL SCIENCE JOURNAL

Volume 52 | 2018

PUBLISHED BY THE VIRGINIA SOCIAL SCIENCE ASSOCIATION
www.virginiasocialscience.org

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From the President

Greetings!

The Virginia Social Science Association (VSSA) holds the distinction of being the oldest association of academics in Virginia. An essential part of our mission is the advancement of the cause of social science teaching and research. We seek to fulfill this mission through our annual conference as well as our peer-reviewed scholarly journal, the Virginia Social Science Journal (VSSJ).

Any organization that has been around for 92 years has surely dealt with and triumphed over adversity, and the VSSA is no different. Strong organizations endure based on the attributes of the people who comprise them. The 52nd edition of the VSSJ proudly shines as an example of the talent, character, and resilience of the VSSA and its board. This edition is the first edited by our newly-established Editorial Board and I extend sincere gratitude to its members for the work they have done for the VSSJ and the VSSA.

Planning is currently underway for our 92nd Annual Conference on April 13, 2019 at Longwood University in Farmville, Virginia. Please consider submitting to the Conference or to the VSSJ. Each provides a valuable opportunity to engage and further the social sciences. I also encourage you to nominate a deserving scholar or organization for one of our annual awards.

Sincerely,
Zach Wilhide, M.A.
President, VSSA 2018-2019
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Message from the Editorial Board

As a new Editorial Board, we are excited to bring Virginia Social Science Journal #52 to you. As often happens in the academic world, our organization has been going through some changes and personnel restructuring. We are pleased to report that the VSSJ is running smoothly and ready to receive your submissions. Please submit your manuscripts and address any related questions to virginiasocialsciencejournal@gmail.com. Manuscripts will be reviewed on a rolling basis as they are submitted for inclusion in the Fall 2019 issue.

We would also like to extend our gratitude to the reviewers who have helped us on this issue over the past two years. We could not put out the journal without you! We are always looking for colleagues in the social sciences (anthropology, business, criminal justice, economics, education, geography, history, international relations, communication and media studies, political science, psychology, and sociology) to join our slate of peer reviewers. If you are interested, please email us at virginiasocialsciencejournal@gmail.com.

Thank you for your ongoing support of the VSSA and the VSSJ.

What I Do, and How I Got Where I Am

Remarks upon Receiving the Virginia Social Science Association 2018 Scholar Award

HERBERT HIRSCH

Virginia Social Science Journal | Volume 52 | 2018 | Pages 5–6

SCHOLAR AWARD RECIPIENT HERBERT HIRSCH Virginia Commonwealth University

This is an intimidating and sort of a scary task. I had to ask myself “how honest do I want to be and how far back do I need to go?”

OK. I’ll start in high school where I was not, if I am honest, the best of students.

My interests were sports, girls and cars—not necessarily in that order. I actually thought I would be Phil Rizzuto or James Dean! I did not do very well in my history classes and actually found it all rather boring. Also, I did not like most of my teachers. Where did that leave me?

I could not find a college to accept my mediocre academic record. Somehow, I ended up at Concord University where I did turn into a somewhat better student but maintained my original (non-academic) interests until I found out I could not hit a curve ball!! By then I found some teachers (a political scientist, a sociologist, a historian and an English Professor) who showed me that there were some interesting things beyond my limited worldview.

Originally wanted to be an engineer but I could not comprehend math. Then I decided I would go to law school and actually was admitted into one before I decided, with apologies to any lawyers, that I have never really met a lawyer I actually LIKED! At the last minute I changed my mind and decided that graduate school was the place for me because, you see, my personality is completely unfit to wearing a suit, going to a 9-to-5 job or really ever strictly obeying authority. Also, to my everlasting shame I made a “C” in my Political Parties class!!

This decision turned into a few weeks of panic! Once again, I could not find a school that could see my “great” potential. Finally, Villanova University, (current NCAA basketball champs) offered me a Teaching Assistantship after someone else turned it down at the last minute. Suddenly, I was transformed into a budding intellectual. No, really the program was heavy on political theory and history and had not yet embraced, what was at the time, the “new” behavioral revolution. We actually read stuff that I continue to refer to today but much of this content has gone out of style...sort of like bell bottoms?

It was really a great time and place to be. I was leaning im-

portant and cool stuff and meeting interesting people and, then, one day, November 22, 1963 to be exact, I was sitting in a lounge with another grad student and we were debating some undergraduate students as to whether the US should be in Vietnam, when Walter Cronkite came on the TV and said John F. Kennedy had been assassinated. I changed my interest to the study and explanation of political violence.

Now newly interested in the psychology and politics of violence I read an article by Fred Greenstein, “The benevolent Leader” in the *American Political Science Review* and I thought; “this is biased,” since it interviewed middle class students near Yale in Connecticut. I decided I would look for a place to test cultural biases and applied to the PhD program in Political Science at the University of Kentucky. At the time it had a great department and, this time, they deliberately offered me money to study for a PhD. I was also lucky because LBJ had started the OEO and I applied for a grant from the Center for Developmental Change to study the impact of the Community Action Program and to try to replicate Greenstein’s study...without the obvious bias.

I drove all around Appalachia interviewing various folks and then I wrote an article called “The Malevolent Leader” published in the *APSR* which pointed out the importance of culture.

In 1968 I campaigned for Gene McCarthy, got my PhD, and then a job at the University of Texas at Austin. I set off in 1968, missing the Democratic National Convention in Chicago, for my first real teaching job. My very first class was a course in legislative politics and I was so nervous my knees were shaking but I managed to stay one class ahead of the students. I did learn an interesting lesson in one of my first classes—one never knows who will be in your class. I was lecturing on Executive-Legislative relations when I pointed out that the then sitting governor of Texas, Allen Shivers, was not very good at working with the legislature. At the end of class, a young, blonde woman with a Texas accent approached and said: “Dr. Hirsch, my name is Sis-sy Shivers and...” My first thought was, “OH shit, there goes my first job.” But she proceeded to say “I think you are absolutely correct.” OK, I survived...!

In my first five years I wrote a book, *Poverty and Politicization*, and edited another *Comparative Legislative Systems*, I had an-

other article in the APSR and four others in other journals and I got tenured. I also began to realize what was wrong with my first book—it lacked two important things, context and narrative. I did not elaborate the culture and history of Appalachia and I did not tell stories to humanize the interviews. I mean, I was good at methodology, before we had the modern facility I had to do it all on punch cards and coding.

In the meantime, I had some fun in the late 1960's and early 1970s in Austin. I attended Janis Joplin's birthday party, also Willie Nelson's! I helped organize a student-faculty strike after Kent State, etc. etc. And as I was teaching a graduate seminar in political socialization and political psychology I found myself doing more research on political violence.

I wrote a book on *Violence as Politics* and started teaching a course on The Holocaust and in November 1978 Jim Jones took his group to Jonestown, Guyana and convinced about 900 people, including 300 children, to commit mass suicide by drinking Kool Aid laced with poison. Thought to myself: if you can convince 900 people to commit mass suicide and kill their own children, how difficult is it to convince them to kill others?? And thus, began my current journey to becoming a scholar of genocide and human rights.

I admit I liked Austin but hated, (I REALLY hated) Texas. It is a very different place. Politicians intruded into the academic freedom of the university. The department of over fifty political scientists was divided by various factions who, and this is a huge understatement, did NOT like each other.

We were divided by politics, anti-war vs. pro-war, notions of what is and is not "objective," methodological conflicts, the old behavioral versus phenomenological, etc. From these arguments, I decided we cannot do one without the other (method/science without history and culture) and that is, in fact, still one of the problems with modern political science, because for the most part it ignores history and narrative.

I was moving along and saw a job ad for Department Chair in Political Science at VCU. Wanting to get **out** of Texas, and given that I like big trees and beaches and mountains, as well as generally being on the East Coast, I came out for an interview and was hired here in 1981.

When I was hired I was promised that VCU would provide the funds to, "build a first-rate political science department." When I arrived, the state of Virginia experienced another of its periodic budget crises and suddenly there was no money. I did find that generally people were nicer to each other than in Texas but Richmond, at the time, was a provincial southern city which was described to me as "having the worst combination of southern politics and northern weather."

VCU was not the University of Texas and Richmond was not Austin and after a bit of culture shock I realized that this was "really" the South! I had never lived in a place so mired in the past. One drove down an avenue devoted to generals who lost a war. My kids went to schools where American history classes spent *weeks* on "the War between the States," and the kids had

to visit battlefields dedicated to preserving that war. If they ever reached the era of Vietnam or even after they did so at the very end of the term. Restaurants consisted of a very narrow selection and Richmond, at the time, had one of the highest homicide rates in the US. I must confess that or the first three years I seriously looked for other jobs but every time I went for an interview I found that EVERY place had problems—some *far* more serious than VCU.

But Richmond and VCU both improved and new colleagues appeared and through it all I very much liked our students. They were primarily first generation students and the best of them were at least as good, if not superior, to anyone I ever taught at UT.

So, and in spite of now hating every single minute I had to deal with university bureaucracy and administration, I managed to write two books: *Genocide and the Politics of Memory* and *Anti-Genocide* and was one of the founding editors of one of the first international journals devoted to studying genocide: *Genocide Studies International*.

And now, here I am today and I truly appreciate this honor but I must tell you that I am experiencing a frightening sense of Déjà vu. I never expected, after Vietnam and the 1960s and Nixon and George W. Bush to see an even worse crisis in American democracy. And, yet, here we are part of a growing international trend where liberal democracy is under attack. It is our obligation as teachers of political science and social science to counter those threats and to continue to educate our students with a critical intelligence.

I'll end with this: If one were teaching political science in Nazi Germany, would one not have a moral obligation to stand up and point to what was happening? We have that same obligation today.

SUGGESTED CITATION

Hirsch, H. (2018). Scholar Award Remarks: What I Do, and How I Got Where I Am. *Virginia Social Science Journal*, Vol. 52 pp. 5-6.

The Ideological Implications of the Federal Rules

SHENITA BRAZELTON

Virginia Social Science Journal | Volume 52 | 2018 | Pages 7–14

ABSTRACT Unlike the U.S. Supreme Court, federal courts of appeals have mandatory dockets requiring courts to hear claims appealed from federal trial courts. The lack of discretion limits their ability to set their own agendas by granting appeals to hear certain kinds of cases. Although they formally lack power to control their dockets, they can informally control their dockets by summarily dismissing claims on the basis of a procedural rule. The findings provide evidence that courts of appeals control their dockets by dismissing claims for ideologically incongruent litigants. The findings show also that because Congress maintains oversight for laws governing procedural rules, courts' ability to decide cases according to their ideological preferences is constrained.

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INTRODUCTION

Political scientists argue that justices of the U.S. Supreme Court act strategically by using the *writ of certiorari* as a mechanism to control the Court's docket and set its own judicial agenda (Boucher & Segal, 1995; Caldeira, Wright, & Zorn, 1999; Baird, 2007). Losing parties may file a *writ of certiorari*, a mechanism to ask the Court to hear their case. The U.S. Supreme Court possesses an almost entirely discretionary docket whereby the justices choose which appeals will be reviewed (Segal & Spaeth, 2002). While the Court receives between 7,000 and 8,000 writs a year, it grants only about one percent of them. Because the U.S. Supreme Court has a discretionary docket, justices set the Supreme Court's agenda by granting *certiorari* when they desire to hear cases in certain issues areas (Ulmer, 1972; Baum, 1977). For example, Chief Justice Earl Warren set the Supreme Court's agenda in the 1960s when it granted *certiorari* in a number of criminal cases, which expanded the rights of the accused (Baird, 2007). By controlling its docket, the Supreme Court strategically sets its own judicial agenda.

Alternatively, federal courts of appeals are limited in their ability to set their own judicial agendas. Unlike the U.S. Supreme Court, courts of appeals have a mandatory docket for appeals from federal trial courts; that is, appellate courts must grant a losing party's appeal. Because appellate courts lack discretion in granting or denying appeals, it is more difficult for these courts to strategically control their own dockets. Due to the lack of docket control, they cannot formally set their own judicial agendas. Although federal courts of appeals lack a formal discretionary mechanism to grant or deny appeals, they can informally control their dockets by dismissing claims on the basis of a threshold issue. Threshold issues are issues that a court must decide before it hears the substance or merits of a litigant's claim. Threshold issues encompass a wide variety

of issues, including whether a plaintiff is the proper party to file a lawsuit (standing), whether the court has jurisdiction to hear the case, or whether a party has satisfied various procedural rules. Procedural rules are a subset of threshold issues that govern the pre-trial phase of litigation, the admission of evidence, post-trial motions, and appeals. Examples of procedural rules include timelines for responding to opposing party's evidentiary pre-trial requests to rules that govern deadlines for filing appeals. If appellate courts control their dockets by dismissing claims on threshold issues, namely procedural rules, then courts can informally control their own agendas. Having docket control gives appellate courts the ability to control the kinds of issues they decide, which can reflect the type of docket control utilized by the U.S. Supreme Court.

However, federal courts' ability to control their own agendas is not unfettered. Judges sitting on federal courts are not free to vote according to their sincere policy preferences. They strategically render decisions because Congress has power to constrain judicial decisions by overriding decisions that are incongruent with congressional policy preferences (Epstein & Knight, 1998; Smith & Tiller, 2002). That is, if courts render statutory decisions outside of congressional preferences, Congress can retaliate by overriding a court's decision. To avoid adverse action, courts act strategically by deciding cases within the confines of congressional preferences.

Generally, Congress's oversight of judicial decisions is confined to decisions interpreting statutes governing a particular subject. Congress enacts statutes and courts interpret those statutes. Unlike the vast majority of laws, federal courts exercise a legislative function by enacting procedural rules. Courts enact, interpret, and apply these rules to litigants who come before their courts. However, judicial power to enact or promulgate procedural rules is not unconstrained. Congress has created a mechanism to maintain oversight over rules enacted by federal

courts, which is similar to oversight of rules promulgated by bureaucratic agencies. Because Congress maintains oversight over federal procedural rules, federal courts of appeals render decisions on procedural rules within congressional policy preferences.

The implications for appellate courts rendering decisions on procedural rules are vast. In certain instances, a court will permanently dismiss a litigant's claim on the basis of a procedural rule and the litigant is without recourse in the judicial system. As a result, a litigant will never have his or her "day in court." The impact of a negative decision on a procedural rule is fatal not only for the litigant who comes before the court, but also for similarly situated litigants. If courts bar certain kinds of litigants from bringing lawsuits by ruling against those litigants on procedural rules, courts can effectively shape policy by discouraging and preventing prospective plaintiffs from bringing similar lawsuits. Courts can therefore discourage litigation from entire classes of plaintiffs and/or types of claims. Given the foregoing, federal courts seek to maintain the power to control their dockets because of the sweeping impact of rendering decisions on basis of procedural rules.

FEDERAL COURTS' POWER TO ENACT PROCEDURAL RULES

The federal judiciary possesses the unique power to conduct a legislative function by creating procedural rules. In the Rules Enabling Act of 1934, Congress conferred power to the U.S. Supreme Court to enact or promulgate the Federal Rules of Practice and Procedure. These rules include the Federal Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, Evidence, and Bankruptcy. The Federal Rules are drafted by a committee called the Judicial Conference, which is comprised of judges from federal trial and appellate courts and chaired by the chief justice of the U.S. Supreme Court. The Judicial Conference receives and considers suggestions to rule changes from members of the legal community and the general public. Proposed rule changes must be approved by the U.S. Supreme Court, but Congress maintains power to override a rule before it takes effect. Although Congress transferred this power to the federal courts on the ground that procedural rules did not affect decisions on substantive claims, federal courts began to use this power to control access to its courts. As early as 1938, the Supreme Court amended the Federal Rules allowing plaintiffs to more easily assert and support their claims in federal court (Frymer, 2003). In particular, rules governing the pre-trial phase were liberalized allowing plaintiffs to make broad evidentiary requests from an opposing party to support their claims at trial. Plaintiffs were then able to proceed to trial because they were able to gain critical pieces of evidence because of liberalized pre-trial discovery rules. The American Bar Association advocated for these changes to render it easier for the general public to gain access to the courts. Particularly, rule changes in the mid-1960s and 1970s were enacted to assist plaintiffs seeking to file civil rights lawsuits. The intent and/or effect of these rule changes were substantive in nature, creating an environment conducive to successfully litigating civil rights claims (Frymer, 2003).

Because members of Congress perceived that rule changes had

substantive effects, Congress prevented the rules from taking effect for the first time in 1972 (Burbank, 2004). Congress enacted legislation that substantially revised the Federal Rules of Evidence (McCabe, 1995). Congress subsequently amended the rules by opening the rulemaking process to the public to create a notice and comment period that is similar to the period required for bureaucratic agencies under the Administrative Procedure Act (McCabe, 1995). Even more changes were proposed when Republicans gained a majority in the House in 1994 with its "Contract with America," having tort reform as one of their primary legislative priorities. As part of their agenda seeking to enact tort reform, Republicans introduced several bills to amend the Federal Rules to render it more difficult for plaintiffs to succeed in court. For example, Republicans introduced legislation to change the American Rule, which provides that each party pays their own attorney's fees, to the English Rule which states that the losing party pays the winner's attorney's fees (Rowe, 1997). House Republicans were partially successful in passing legislation to modify the payment of attorney's fees. The House passed the Attorney Accountability Act requiring a party to pay opposing party's attorney's fees if that party rejects a settlement offer and is subsequently awarded a smaller judgment than the settlement offer. The aforementioned legislation demonstrates that political parties recognize the substantive implications of procedural rules and the effect on plaintiffs' ability to gain access to federal courts.

RULE 11 SANCTIONS

One procedural rule that has been subject to political debate is Rule 11 of the Federal Rules of Civil Procedure. Pursuant to Rule 11, attorneys must attest to the following regarding any lawsuit filed:

- (1) [the claim] is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Rule 11(b)(1)-(4), Federal Rules of Civil Procedure.¹ A party may request that a court sanction a party or attorney if there is cause to believe that Rule 11 ("Rule")

¹ Rule 11(a) requires parties or attorneys to sign all pleadings, motions, or other filings. If a filing is submitted without a signature, a court may return the document for a signature. Rarely is a party or attorney sanctioned for failing to sign a pleading as the rules permit parties to remedy an unsigned pleading by subsequently affixing a signature.

has been violated. Additionally, a court may impose a sanction on its own initiative if it deems that an attorney or party has violated the Rule.

In 1983, the Supreme Court amended Rule 11, removing a court's discretion to find an attorney or party in violation by requiring courts to impose sanctions against a noncompliant party. The change may have been prompted by the growth of litigation due to the proliferation of laws creating new grounds to file lawsuits (Schwarzer, 1994). However, the impact of the Rule disproportionately affected plaintiffs. Plaintiffs who were civil rights litigants were sanctioned at a higher rate than those who asserted tort or contractual claims (Schwarzer, 1994). Some argue that the amended Rule was a direct attempt to curb plaintiffs' ability to file lawsuits alleging certain kinds of claims (Redish & Amuluru, 2005).

In 1993, the Judicial Conference sought to address some of the concerns and disparities that arose as a result of the changes to the 1983 amendment. Particularly, the Rule was changed to allow plaintiffs to assess the validity of claims after the pre-trial phase and, therefore, gave attorneys an opportunity to develop and revise claims as they discovered evidence. Some argued that the change in this Rule created an environment that was more conducive to plaintiffs asserting their rights in court (Redish & Amuluru, 2005). The Rule provided plaintiffs more leeway to further develop their claims to conform to newly discovered evidence.

The most significant amendment to Rule 11 was a provision that required courts to sanction parties when they were in violation of the Rule. Although the Rule required sanctions, courts could devise novel methods of sanctioning violators including imposing monetary or nonmonetary sanctions (Federal Rules of Civil Procedure, Comment to 1993 Amendment). Nonmonetary sanctions could range from finding a violator in contempt of court or dismissing a violator's case. Monetary sanctions included paying an opposing party attorney's fees and costs. The purpose of the amended Rule was to deter objectionable conduct rather than to reward the opposing party. As such, the Rule provided that monetary fines should be paid to the opposing party only in "unusual circumstances." This is a change from the prior Rule, which courts routinely awarded attorney's fees to the opposing party when a violator was sanctioned (Schwarzer, 1994).

The 1993 changes were not well-received by the new Republican House. As previously stated, they advocated sweeping tort reform in its Contract with America. In response to the liberalization of Rule 11, they sought to amend many of these changes. Particularly, they introduced legislation that required sanctions once a court determined a violation occurred as provided in the 1983 Rules. Republicans also introduced legislation that eliminated the "safe harbor" provision to allow attorneys to correct objectionable statements as a remedy for a violation. House Republicans specifically changed the primary goal of deterring sanctionable conduct to compensating opposing counsel and parties by requiring the violator to pay opposing party's attorney's fees and costs (Rowe, 1997). Although the foregoing bills were unsuccessful, Congress passed the Private Securities

Litigation Reform Act of 1995, which required courts to make a written finding determining whether any party or attorney had violated Rule 11 in a class action securities lawsuit. Sanctions for violations became mandatory, carrying a presumption of an attorney's fee award in certain cases. See 15 U.S.C. § 77z-1(c). In 2004, House Republicans again sought to amend Rule 11. They sought to change the provision to remove courts' discretion to impose sanctions when a party violates the Rule. The amendment would have reinstated the provision in the 1983 Rule that required courts to sanction a party when the court finds a party in violation of the Rule (Redish & Amuluru, 2005).

STRATEGIC DOCKET CONTROL, PROCEDURAL RULES, AND FEDERAL COURTS OF APPEALS

Federal courts of appeals do not have a formal mechanism to control their judicial agendas. Nevertheless, federal courts of appeals seek to control their dockets and, therefore, set their judicial agendas. They set their judicial agendas by transforming their mandatory appellate dockets into dockets that are discretionary. They are able to do so by controlling which litigants gain access to their courts by deciding cases on procedural rules instead of rendering decisions on the actual substance or merits of their claims. Particularly, conservative courts seek to control their dockets by ruling against individual litigants on procedural grounds when individuals are engaged in lawsuits against businesses and corporations.

Scholarship has demonstrated that individuals are disadvantaged when litigating primarily because they lack resources and incentive to create a sustained litigation strategy (Galanter, 1974). Later empirical research confirms that individuals are in fact disadvantaged (Songer & Sheehan 1992; Songer, Sheehan, & Haire, 2000; Kaheny, 2010). Not only are individuals disadvantaged, they have a greater disadvantage when litigating before a conservative appellate court. Because conservatives tend to favor business interests while liberals tend to favor individual litigants (Howard & Brazelton, 2014), conservative appellate courts are more likely than liberal courts to rule against individuals when appealing a judgment by disposing a claim on procedural grounds.

Federal appellate courts' ability to control their dockets by deciding cases on procedural grounds is limited because Congress maintains oversight when federal courts enact procedural rules. Particularly, federal courts of appeals must be cognizant of members of the House and Senate Judiciary Committees that act as gatekeepers for any bills seeking to modify laws regulating the power of federal courts to enact such rules (Eskridge, 1991). Federal appellate courts are cognizant of the political party that controls congressional committees and, as a result, act strategically by rendering decisions on procedural grounds within the confines of congressional committee preferences. Such constraints are similar to congressional oversight of bureaucratic agencies (McCubbins & Schwartz, 1984; McCubbins, Noll, & Weingast, 1987; McCubbins, Noll, & Weingast, 1989). Bureaucratic agencies maintain power to enact rules and regulations for its agencies. Scholarship has demonstrated that congressional oversight of bureaucratic agencies constrains bureaucratic outcomes because Congress can override

any rule or regulation enacted outside of its preferences (Weingast & Moran, 1983; Epstein & O'Halloran, 1994; Shipan, 2004). Similar oversight of procedural rules acts as a similar restraint on federal courts. Although federal judges differ from bureaucratic actors because judges enjoy lifetime tenure, it is not the nature of their tenure that constrains judicial decisions but it is the threat of congressional retaliation to override a rule that is incongruent with congressional preferences.

Unlike literature that provides that federal courts of appeals generally are unresponsive to congressional preferences (Revesz, 2001; Hume, 2009; but see Cross, 2007), federal courts of appeals are attentive to congressional preferences for procedural rules. Congress's ability to override a court's incongruent statutory decision is piecemeal; such change takes place one statute at a time and typically affects one issue area. Conversely, Congress's ability to control procedural rules is expansive because a change in a procedural rule can impact a number of issues areas. More importantly, any congressional change in a procedural rule will impede federal courts' ability to set their own agendas. Federal appellate courts may view congressional regulation of procedural rules as a substantial threat to its power to set their own judicial agendas. Because they seek to invite less scrutiny, they are more responsive to congressional preferences regarding procedural rules than issues raised in substantive claims. For example, Rule 11 governs all pleadings in civil litigation. Accordingly, any legislation seeking to limit or expand the discretion of federal courts to impose Rule 11 sanctions applies to litigation in all practice areas and, therefore, would substantially curb judicial discretion in all areas. Because any retaliation from Congress can significantly hinder federal courts' ability to control their appellate jurisdiction, federal courts are acutely attuned to congressional preferences.

HYPOTHESES

Given the aforementioned discussion, the hypotheses test the presented theory. The following hypotheses test (1) whether federal appellate court panels engage in ideological decision making regarding procedural rules and (2) whether federal appellate court panels' discretion to render decisions on procedural rules is curbed by congressional preferences.²

H1: Conservative panels are more likely than liberal panels to rule against individual litigants in an appeal challenging a Rule 11 sanction.

H2a: As the ideology of the House Judiciary Committee becomes more conservative, the individual is less likely to prevail on a Rule 11 sanction.

H2b: As the ideology of the Senate Judiciary Committee becomes more conservative, the individual is less likely to prevail on a Rule 11 sanction.

H3a: As the ideology of the Chair of the House Judiciary Committee becomes more conservative, individuals are less likely to win.

H3b: As the ideology of the Chair of the Senate Judiciary Committee becomes more conservative, individuals are less likely to win.

² Federal courts of appeals sit in three-judge courts called "panels."

DATA AND METHODS

Data for this project were collected by examining cases published in Lexis/Nexis Academic. Cases were coded from 1980 to 2005 for the First through Eleventh Federal Courts of Appeals and the D.C. Court of Appeals. All cases that included the term "Rule 11" and "Civil Procedure" were searched. The dataset includes all published and unpublished cases where a party appealed the decision of a federal trial court finding a violation of Rule 11 or a trial court denied an opposing party's request for a Rule 11 sanction. Given the focus in understanding the effects of appellate court ideology on sanctions for individual plaintiffs, only cases involving individuals and businesses were included for an overall N of 307.³

The dependent variable is whether the individual won the appeal. A code of "1" was assigned if the individual won and "0" if the individual lost. The independent variables include the median ideology of the appellate court panel. The Giles, Hettinger, and Pepper nominate scores (GHP scores) were used for this project (Giles, Hettinger, & Peppers, 2001). The GHP scores are an ideological measure of judges who sit on the federal courts of appeals. Giles, Hettinger, and Peppers use the Poole (1998, 2009) and Rosenthal Common Space scores of the nominating senator, considering the strong influence of senatorial courtesy, which is the norm of senators voting to confirm a nominee when the president nominates a candidate recommended by a "home-state" senator.⁴ If one home-state senator is from the president's party, the senator's Common Space score was used. If both home-state senators are from the president's party, the average of the two scores was used. Finally, if the judge is from a state where there is no senator who is a member of the president's party, the president's score was used. To ascertain the ideology of the federal trial court judge, Boyd (2010) uses the method employed by Giles, Hettinger, and Peppers (2001) and the extension by Epstein, Martin, Segal, and Westerland (2007).⁵ Additionally, the median ideology of the Judicial Conference was controlled by using each member's GHP score as this Conference acts as a gatekeeper for proposed amendments to the Federal Rules. The ideology of the U.S. Supreme Court was controlled by using the median judicial common space score for the Court. This is important because the Supreme Court has power to reverse appellate court decisions. Although some scholarship has found that appellate court panels are not responsive to the Supreme Court (Klein & Hume, 2003), other scholarship has shown that courts of appeals follow Supreme Court mandates (Songer, Segal, & Cameron, 1994). The influence of Congress was controlled by using the median Poole and Rosenthal Common Space scores for the House and Senate

³ The dataset has a total of 483 cases. However, cases of individuals suing other individuals, businesses suing other businesses, etc. were omitted from the dataset in order to test the ideological preferences of judges and members of Congress. Also, cases where the government was a party were also omitted.

⁴ A "home-state" senator is the senator who recommends a candidate to the President when there is a vacancy in that senator's state.

⁵ Because there are many vacancies on the courts of appeals, many of those vacancies are filled with federal trial court judges who sit on appellate court panels when the chief judge assigns them to sit "by designation." Accordingly, Christina Boyd's ideology measures of federal trial court judges for those judges who sat by designation were used (Boyd, 2010).

Judiciary Committees, their respective Chairs.⁶ The president's ideology is included in the model as he has the power to veto legislation passed by Congress. The model is estimated using probit because the dependent variable is dichotomous. For all independent variables, the distance of the median ideology of the panel from each of the independent variables was measured by subtracting the absolute value of the median ideology of the panel from the absolute value of the ideology of the requisite independent variable. Also, robust standard errors were clustered on the court of appeals to account for the possibility that residuals may not be independent within each court. Therefore, the model provides as follows:

$$\text{Sanction} = \beta_0 + \beta_1 \text{Panel Ideology} + \beta_2 \text{Circuit Median} + \beta_3 \text{Judicial Conference} + \beta_4 \text{Supreme Court} + \beta_5 \text{House Judiciary Committee} + \beta_6 \text{Senate Judiciary Committee} + \beta_7 \text{House Chair} + \beta_8 \text{Senate Chair} + \beta_9 \text{President} + \varepsilon$$

RESULTS AND DISCUSSION

The summary statistics are below in Table A1.

Summary Statistics

Variable	Mean	Standard Dev.	Minimum	Maximum
Individual Winning	.375	.48	0	1
Panel Ideology	.067	.289	-.532	.559
Circuit Median	.063	.182	-.385	.507
Judicial Conference	.113	.166	-.290	.530
Supreme Court	.145	.154	-.188	.462
House Judiciary Cmt	-.030	.166	-.405	.366
Senate Judiciary Cmt	.098	.163	-.274	.556
House Chair	-.116	.422	-.449	.659
Senate Chair	-.095	.342	-.470	.407
President	-.328	.185	-.715	.087

Table A1 shows that individuals won at a rate of 37.5 percent, providing some evidence that individuals are disadvantaged

6 See Epstein, Martin, Segal, and Westerland (2007) using a bridging method placing common space scores on the same scale; see also Bailey and Chang (2001) using a similar method.

7

when litigating against businesses. Businesses have superior resources and incentive to carry forth a sustained litigation strategy (Galanter, 1974). However, if judicial ideology does not influence Rule 11 decisions, individual litigants should be equally disadvantaged when litigating before liberal and conservative panels. The results of the probit model testing the hypotheses are presented in Table A2.

Probit Model of the Individual Winning

Variable	Coefficient	Standard Error
Panel Ideology	-.854*	(.299)
Circuit Median	-.433	(.514)
Judicial Conference	1.721*	(.806)
Supreme Court	-1.162	(1.005)
House Judiciary Cmt	6.444	(3.820)
Senate Judiciary Cmt	-4.178	(3.005)
House Chair	-2.161*	(.978)
Senate Chair	-1.421	(1.443)
Constant	-.283	(.324)
N=307 Log Likelihood	= -190.940	* = p > .05; χ ² = 72.64*

As hypothesized, the median ideology of the panel has a statistically significant effect on the likelihood of the panel ruling in favor of the individual when litigating against a business. These results indicate that the null hypothesis can be rejected. It provides support that as the panel becomes more conservative, the panel is less likely to rule in favor of the individual. However, probit coefficients do not provide information regarding the effects of the magnitude of the independent variable (Zelner, 2009). In order to ascertain the magnitude, the predicted probability of the individual winning is estimated. The results of that estimation are presented in Table A3.

Predicted Probability of the Individual Winning by Appellate Court Panel

Panel Ideology	Probability	Confidence Intervals
Mean	.36	(.33, .38)
Minimum	.57	(.41, .72)
Maximum	.22	(.15, .29)

This estimation is constructed with a 95 percent confidence interval with all variables except Panel Ideology held at their mean. When Panel Ideology is held at its mean, the likelihood of the individual winning a Rule 11 appeal is 36 percent. However, when Panel Ideology is held at its minimum, i.e., when the

panel is most liberal, the likelihood of the individual winning increases to 57 percent. When Panel Ideology is held at its maximum, i.e., when the panel is most conservative, the probability of the individual winning decreases to 22 percent. The confidence intervals indicate that the results of this estimation are statistically significant. Estimating first differences, the individual is 34 percent less likely to win as the ideology of the panel changes from minimum to maximum. The results of this estimation are depicted in Figure 1 below.

distance between the House Judiciary Committee Chair and the circuit panel grows, the individual is less likely to win.

Table A4
Predicted Probability of the Individual Winning by House Chair

House Chair Ideology	Probability	Confidence Intervals
Median	.36	(0.33, 0.38)
Minimum	.76	(0.46, 1.05)
Maximum	.11	(-0.04, 0.25)

The estimation of the predicted probability is presented in Table A4. This estimation is also constructed with a 95 percent confidence interval with all variables except House Chair held at their mean. When House Chair is held at its median, the likelihood of the individual winning a Rule 11 appeal is 36 percent. However, when House Chair is held at its minimum, i.e., when the panel is most liberal, the likelihood of the individual winning increases to 76 percent. When Panel Ideology is held at its maximum, i.e., when the panel is most conservative, the probability of the individual winning decreases to 11 percent. The confidence intervals indicate that the results of the estimation holding House Chair at its median and minimum are statistically significant, but the estimation holding House Chair at its maximum is not statistically significant.

These results may be a reflection of House Republicans' activity in this area. House Republicans had been introducing legislation seeking to amend Rule 11 to discourage trial lawyers from filing claims that may be considered frivolous. If an attorney was unsure whether their arguments were grounded in law, they would be discouraged from asserting novel arguments on their plaintiffs' behalf because they would not want to risk a court finding that their "novel" arguments was in fact frivolous.

Furthermore, the Chair is a powerful gatekeeper for bills introduced. This finding lends some support for the theory that courts of appeals are responsive to Congress. This finding also lends some support providing that the Rules Enabling Act sufficiently influences the outcome of judicial decisions. Because of the unique provisions of the Rules Enabling Act which subject the Federal Rules of Practice and Procedure to congressional review and public scrutiny, courts of appeals may be particularly receptive to changes in congressional ideology, namely the Chair of the House Judiciary Committee, in order to prevent congressional action incongruent with their preferences.

CONCLUSION

The models provide evidence that courts of appeals transform their mandatory appellate jurisdiction into one that is discretionary by deciding procedural rules to set their judicial agendas. The evidence provides that the ideology of the circuit panel has a significant effect on the likelihood of a litigant's success, depending on the litigant's status. Particularly, conservative panels are more likely to rule against individual litigants

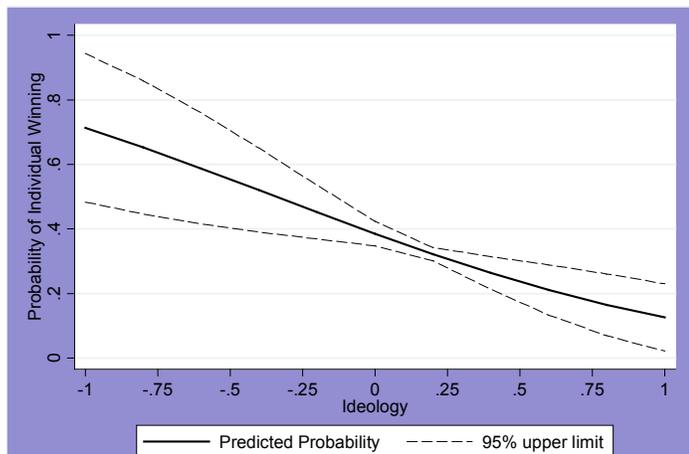


Figure 1: First Differences of Panel Ideology & the Likelihood of the Individual Winning

When individuals litigate against businesses, conservative panels are more likely to find that individual litigants violated Rule 11 rendering their claims more likely to be characterized as frivolous. The evidence suggests that conservative panels are sanctioning individuals because of their status. This places individuals at a substantial disadvantage in the litigation process when they litigate against businesses. Galanter's theory provides that individuals are disadvantaged because they often lack resources to hire better attorneys, incentive to maintain the high costs of sustained litigation, and long-term goals of shaping legal precedent to their advantage. These results provide evidence that individuals are disadvantaged not only because they lack resources, but also because their status prompts ideological decision-making that is detrimental when litigating before a conservative court. The substantive implications are important for individual litigants. Adverse decisions against individual litigants prevent them from "having their day in court" because the merits of their claims are not addressed. If conservative panels are more likely to uphold a Rule 11 sanction for individual litigants and, therefore, prevent a court from hearing the merits of the case, then business litigants are not only able to shape precedent, but may also deter individual litigants from filing lawsuits in jurisdictions with conservative courts or from filing lawsuits altogether.

The hypotheses testing the effects of Congress provide mixed results. First, the null hypotheses cannot be rejected testing the effects of the House and Senate Judiciary Committees. The third hypotheses regarding the Chairs of those committees also have mixed results, with no effect for the ideology of the Chair of the Senate Judiciary Committee. However, as the ideological

when appealing the grant or denial of a Rule 11 sanction. These results have significant implications for granting litigants access to the courts. Courts have power to dismiss a litigant's claim as a sanction pursuant to Rule 11. In certain instances, a court can permanently dismiss a litigant's claim seeking relief thus barring the plaintiff from litigating the merits of that claim. Consequently, these judicial decisions often act as an absolute bar, preventing a court from deciding the case. Accordingly, the litigant can never obtain redress from his or her grievances. As a result, the implications of a court declining to reach the merits of a litigant's claim are immense. A litigant is without recourse in the judicial system if a court refuses to hear their claim. Because of this, a litigant's ability to comply with procedural rules is of the uttermost importance.

Furthermore, there is some support that panels in the federal courts of appeals are responsive to ideological changes of members of Congress. While panels seem not to respond to Congress as a whole, the evidence suggests that circuit panels render decisions based on the ideology of the Chair of the House Judiciary Committee. Given that the House Judiciary Committee is likely the principal gatekeeper for bills seeking to amend Rule 11, these results indicate that appellate panels are cognizant of Congress's power to override their decisions. More broadly, these results suggest that federal judges do take into account congressional preferences, thus constraining their ability to freely decide according to their sincere policy preferences.

Although the evidence provides support for courts and ideological decision-making when deciding procedural rules, this study does not investigate whether courts employ their ideology in enacting procedural rules or whether congressional ideology constrains courts from enacting rules that reflect their sincere policy preferences. Further research may examine the effects of interest groups in amending the Federal Rules. Because conservative and liberal groups use litigation as a means to expand or limit rights, the effect of interest group pressure on courts and members of Congress should be examined.

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SUGGESTED CITATION

Brazelton, S. (2018) The Ideological Implications of the Federal Rules. *Virginia Social Science Journal*, Vol. 52. pp. 7-14.

International Legal Recognition after Unilateral Secession: The Case of Somaliland

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Virginia Social Science Journal | Volume 52 | 2018 | Pages 15–18

ABSTRACT

In many ways, Somaliland resembles a state more than Somalia. Yet, Somaliland does not have international legal recognition as a sovereign state. This paper examines what legal arguments Somaliland has to unilaterally secede from Somalia, how a lack of international legal recognition is affecting Somaliland, and why Somaliland has been unable and will likely continue to be unable to achieve international legal recognition as a sovereign state. These arguments will be made by examining relevant international law as well as by examining the rational self-interests that other states may or may not have in recognizing Somaliland.

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INTRODUCTION

International law neither strictly forbids nor affirms the right to secession, with affirmation understood as extending international legal sovereignty of the secessionist state and forbidding understood as not extending international legal sovereignty. While a secessionist state may achieve international legal sovereignty via a treaty with the central government of the original state, also known as the rump state, the issue of achieving international legal sovereignty after unilateral secession is much more complex and difficult to achieve for the secessionist state.¹ In cases of unilateral secession, international law seeks to balance two often-conflicting norms: the right of peoples to self-determination and protecting the territorial integrity of existing sovereigns. In the case of *Reference re Secession of Quebec*, the Canadian Supreme Court found that a people could achieve international legal sovereignty through secession if their right to internal self-determination had been denied or if their secession resulted in a political reality that other sovereigns recognized.² However, even if a state may have a legal right to secede, it may not always result in that right being recognized due to international politics. This is true in the case of Somaliland. While Somaliland has historically been denied its right to internal self-determination within the state of Somalia, and has also existed as a *de facto* state since its secession from Somalia, it has yet to achieve international legal sovereignty.³ This is because legal recognition is still dependent on the self-interests of other sovereigns, which have the power to recognize or not recognize Somaliland. While the international community at large has benefited in some ways from the existence of Somaliland, the self-interests of regional powers and super powers is such that international legal recognition for Somaliland is unlikely.⁴

The circumstances in which unilateral secession is legal are laid out in the advisory opinion of *Reference re Secession of*

Quebec, in which the Canadian Supreme Court determined that Quebec had no right to secede from Canada under the Canadian Constitution. Since there was no right to secede under domestic law, the Court then examined the question of whether or not international law allowed Quebec to succeed from Canada unilaterally. Proponents of secession brought three arguments to the Court. First, international law does not specifically prohibit secession. However, the Court found that there is no law that affirms the rights to secession either, with the exception of colonized or oppressed peoples.

The second argument brought forth by proponents of secession is that the right of peoples to self-determination, understood as a people's pursuit of its political, economic, social, and cultural development, is considered a general principle of international law and has been codified in many international treaties.⁵ The sheer number of UN and regional international organization resolutions that include the right to self-determination is so great, that it is nearly impossible to list them all.⁶ To include a few, Article 1 and Article 55 of the *Charter of the United Nations*, Article 1 of the *International Covenant on Civil and Political Rights*, Article 1 of the *International Covenant on Economic, Social and Cultural Rights*, the General Assembly's *Declaration on Friendly Relations*, and the *African Union Constitutive Act* all specify a right to self-determination.⁷ While many international agreements affirm the right to self-determination, these same documents balance this right with protecting territorial integrity and the stability of relations between sovereign states. International law is engaged in a balancing act between these competing interests. As a result, whenever possible, self-determination should be exercised within the framework of existing sovereign states, consistent with the maintenance of the territorial integrity of those states. However, when internal self-determination is not possible, a right to external self-determination, i.e. secession, may exist. Quebec was not deemed to have a right to secession, since many Quebecois have held high-level government offices and the rights of the Quebecois

population at large have not been infringed in any significant way.

The last argument addressed by the Court was regarding the “effectivity” principle, which is the legal recognition of a political reality that a sovereign has been created out of secession.⁸ This argument claims that since international law does not prohibit secession, international recognition could help codify sovereignty if such a political reality existed. The Court stated that if *de facto* secession occurred, it would depend on support from the population of Quebec to make the secession a reality and recognition from other sovereigns could give Quebec legal status. Revolutions are inherently illegal, but they still occur and have the ability to create new sovereign entities. An illegal act such as this may gain legal status through recognition. However, this does not mean that the act was legal retroactively.⁹

While Quebec was not deemed to have a right to external self-determination, the circumstances surrounding Somaliland are quite different. Given the criteria outlined in this case, Somaliland has two strong arguments for international legal status; it was denied a right to internal self-determination, and its existence is a political reality. First, Somaliland has been denied its right to internal self-determination. Despite maintaining international legal sovereignty, as exemplified by its seat at the UN, Somalia is a failed state with little, if any, control over its territory.¹⁰ Thus, the people of Somaliland are unable to exercise their right to internal self-determination. The Somali state has no democratic channels with significant power in which the people of Somaliland could influence political affairs. There have been attempts to undermine this argument, such as when President Abdiqasim Salad Hassan appointed two northerners from Somaliland as Prime Minister and Foreign Minister, respectively, in 2000.¹¹ But again, the government in Mogadishu is almost powerless, so this did little to influence affairs in favor of the interests of the people of Somaliland.

While the Somali central government is unwilling to recognize the secession Somaliland, like the Canadian central government was unwilling to recognize the secession of Quebec, the cases are different in that the Somali central government is also unable to recognize the secession of Somaliland.¹² Somaliland also has a strong argument that it was denied its right to self-determination even before the Somali state collapsed. Somaliland has not always been unified with the southern part of Somalia. Somaliland existed as a distinct colonial territory for 80 years. After colonial rule ceased, Somaliland was internationally recognized as a sovereign state for five days before joining the southern, formerly Italian colony, on July 1, 1960.¹³ While there was a referendum on unification, it lacked legitimacy. During that vote, sixty percent of Somaliland voters rejected unification. However, the southern Somali population, which was much larger than that of Somaliland, voted in favor of unification. In effect, the right to Somaliland’s self-determination was vetoed. In addition, over half of the eligible Somaliland voting population participated in a boycott of the election.¹⁴ Those who did vote in Somaliland voted to maintain their territorial status quo in accordance to customary international legal practice of *uti possidetis*.¹⁵

The second argument for legal recognition has to do with the “effectivity” principle mentioned in *Reference re Secession of Quebec*. In order to explore this argument, which is predicated on a secessionist movement that has resulted in a *de facto* state, it is first helpful to review the various definitions of sovereignty. Krasner (1999) identifies four types of sovereignty: international legal, Westphalian, domestic, and interdependence. States may possess some of these forms of sovereignty and not others. International legal sovereignty, which Somalia has and Somaliland is seeking, is a matter of authority and legitimacy, but not control. It is dependent on the practice of mutual recognition, usually between territorial entities that have formal judicial independence. It allows sovereigns to engage in treaty making, establish diplomatic immunity, and offers protection from legal action taken in other states. This form of sovereignty is almost universally desired because it provides benefits without imposing a cost. Westphalian sovereignty is defined as political organization based on the exclusion, *de facto* or *de jure*, from authority structures within a given territory.¹⁶ Again, this form of sovereignty relates to issues of authority and legitimacy, but not control. In a globalized world, it is worth questioning whether this form of sovereignty continues to exist, or whether it should exist.¹⁷ When comparing the Westphalian sovereignty of Somalia and Somaliland, they both lack Westphalian sovereignty, but in different ways. Somaliland exists *de facto* within a territory that Somalia claims. However, Somalia exists *de jure* within Somaliland territory, even if it has no control over that territory. Domestic sovereignty refers to the formal organization of political authority within a state and the ability of public authorities to exercise effective control within the borders of their state. This form of sovereignty involves authority and control, both the specification of a legitimate authority within a given territory and the extent to which that authority can be effectively exercised. Interdependence sovereignty is the ability of public authorities to regulate the flow of information, ideas, goods, people, pollutants, or capital across the borders of their state. Therefore, it is exclusively concerned with control and not authority or legitimacy.¹⁸

Compared to Somalia, Somaliland enjoys a higher-level domestic sovereignty and interdependence sovereignty and in almost all accounts, Somaliland better fits the modern definition of a state. Somaliland has an organized political leadership. Somaliland has held several democratic elections since it declared independence, which at times has even included a parliament controlled by the opposition party. The administrative apparatus of the government of Somaliland has been built from the bottom up, through integrating traditional norms, values, and relations in combination with Western notions of democracy. This has resulted in a government that is far more legitimate than the governments of many neighboring states. Its legitimacy was only bolstered by the fact that Somaliland conducted a referendum on a constitution that was overwhelmingly approved.¹⁹

Somaliland also has the capacity to provide public services, perhaps most importantly, security. The government of Somaliland employs roughly 26,000 people and about 70 percent of the national budget is used for the maintenance of security forces. The ownership of small arms is widespread among the

civilian population, but the bearing of arms in public is strictly illegal. In addition, security forces have destroyed tens of thousands of landmines.²⁰ Thus, the security forces play a crucial role in maintaining stability.

Somaliland has a permanent population that is thought to be between two and three million. Furthermore, the combination of increased security and a stable government has resulted in hundreds of thousands of refugees returning to Somaliland.²¹ Somaliland has a defined territory, which it has had effective control of for an extended period of time. Its current borders largely resemble its colonial borders.²² Somaliland has even been able to enter in relations with other states. Relative to other de facto states, Somaliland has a high level of international engagement. In part, this is due to its strategic position on the Horn of Africa and its ability to cooperate with foreign partners in combatting terrorism and piracy.²³ Nonetheless, international legal recognition would enhance Somaliland's ability to engage other sovereigns as well as international organizations. While many of Somaliland's governing structures remain fragile, they are stronger than Somalia's, and surely demonstrate that the state of Somaliland is a political reality. This is a reason for Somaliland to be optimistic, since historically international legal sovereignty has been achieved through first obtaining de facto sovereignty.²⁴

The lack of international legal recognition has had several negative effects on Somaliland. Perhaps the most obvious is that Somaliland does not receive foreign aid from sovereigns that do not recognize Somaliland. The major exception is that the United Kingdom does provide some aid to its former protectorate. In addition, Somaliland does receive some aid from NGOs, but is unable to receive development aid from the World Bank and other international institutions.²⁵ Instead, aid is given to the Somali government in Mogadishu, which does not recognize the government of Somaliland and thus, does not distribute aid to the area controlled by Somaliland. However, this minimal amount of foreign aid may not be entirely negative to the development of Somaliland. As Eubank has argued, the lack of foreign aid has made political leaders more dependent on the local population for tax revenue, which has made the government bargain with domestic business and as a result, political behavior has been restrained and more accountable.²⁶

Not only does Somaliland struggle to receive foreign aid, it is also difficult for the de facto state to borrow money. Somaliland cannot have direct relations with the International Monetary Fund or the African Development Bank. Again, this may not be completely negative because it prevents Somaliland from getting into debt. However, Somaliland's trade is adversely affected because its central bank cannot issue letters of credit. In general, Somaliland cannot enter into formal trade agreements with other nations. Foreign investors shy away from investment in Somaliland due to a lack of insurance and other investment protections. As a result, many professionals in the diaspora, who could greatly benefit Somaliland's legal, accounting, health, and educational systems, are reluctant to return.²⁷

Since international legal sovereignty, by definition, is depen-

dent on recognition from other sovereigns, it is important to note what interests these sovereigns might have in recognizing or not recognizing Somaliland. First, as stated above, Somaliland has been willing to cooperate with external actors to combat piracy and terrorism, which is important given that Somaliland exists in a region ripe with these problems.²⁸ Second, while external self-determination may seem like a recipe for instability and war, it may actually be able to prevent war in this case.²⁹ While Somalia is currently in no position to wage war against Somaliland, it is possible that in the future a stable government could form in Mogadishu, which may try to reestablish control over Somaliland. Even if a stable government forms in Mogadishu, it seems unlikely that Somaliland will be willing to peacefully reunify with its southern neighbor.³⁰ If that is the case, international legal recognition of Somaliland may help prevent a war by making both states subject to the UN prohibition of aggressive war.³¹ As far as states that might be the first to recognize Somaliland, the UK seems the most likely, given that Somaliland was formerly a British protectorate and the UK continues to support Somaliland. Within Somaliland's region, Djibouti and Ethiopia have both signed agreements of cooperation with Somaliland, and Ethiopia has even established a trade agreement. These seem to be the greatest prospects. Yet, they fall well short of formal recognition.³²

Despite these prospects for recognition, the interests of existing sovereigns against recognizing Somaliland seem to outweigh the interests for recognizing Somaliland. Formal recognition from Ethiopia is unlikely, as there is a large Somali population in eastern Ethiopia. There is a concern that any recognition of Somaliland may encourage the Ethiopian Somali population to once again take up arms in a secessionist movement.³³ This is a view shared by the African Union, which has a long, committed history to respecting territorial sovereignty. There is a fear that recognition of Somaliland would increase the weight of claims for secession in other parts of Africa. Looking at super powers, with the exception of the UK, it appears that none of the UN Security Council members have any sort of significant interest in extending legal recognition to Somaliland.³⁴ While it may seem appropriate for Somaliland to appeal to the International Court of Justice (ICJ), Somaliland is not a legal state. As a result, the ICJ would be unable to exercise jurisdiction over the case unless the UN Security Council made such a request.³⁵ Given that the crux of the Somaliland's problem is largely to do with a lack of support, especially from super powers, it seems unlikely that the ICJ will be able to exercise jurisdiction over this potential case. In sum, even if Somaliland has a legitimate case for legal recognition, finding a forum to present its case is a difficult task that will require other sovereigns to cooperate, and at the moment, it seems that these sovereigns have little self-interest in doing so.

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SUGGESTED CITATION

Davis, T. (2018). *International Legal Recognition after Unilateral Secession: The Case of Somaliland*. *Virginia Social Science Journal*, Vol. 52 pp. 15-18.

Evaluating the Effects of Economic Empowerment on Women's HIV Prevalence in Zimbabwe

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Virginia Social Science Journal | Volume 52 | 2018 | Pages 19–30

ABSTRACT

Women demonstrate higher HIV prevalence rates than men in sub-Saharan Africa. Physiological aspects alone do not fully account for this discrepancy, suggesting that there are additional socioeconomic and 'gender-related' contributors. These factors are analyzed within Zimbabwe specifically due to its high HIV prevalence rate overall and unique sociopolitical climate. It is hypothesized that more economically-empowered women as measured in terms of large-asset ownership have greater sexual autonomy and so are less likely to be HIV positive than their peers. Logistic regression analysis of 2015 DHS data confirms this theory, offering venues for policy development to ameliorate this aspect of the epidemic.

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INTRODUCTION

Sub-Saharan Africa demonstrates some of the highest HIV prevalence rates in the world. Within the region, Zimbabwe is the fifth-most HIV prevalent country (Banks, Zuurmond, Ferrand, & Kuper, 2017). Incidence rates in the country have been declining in recent years resulting in decreased prevalence overall since the 2005-06 Zimbabwe Demographic and Health Survey (ZDHS). Even so, HIV is still much more likely to be observed among women than men. This difference in prevalence is true across all provinces based upon the most recent findings from 2015 (Table 1).

Biological differences provide only a preliminary explanation as to why more women are HIV-positive than men (Higgins, Hoffman, & Dworkin, 2010). It is well documented that in heterosexual relationships, an HIV positive man is more likely to infect an HIV negative woman than for an HIV positive woman to infect an HIV negative man, all else equal (Boily et al., 2009). Patriarchal norms and relatively lower empowerment consequently intensify this gendered predisposition for women. For example, Myer, Kuhn, Stein, Wright, and Denny (2005) identify certain sexual practices which exacerbate women's biological predisposition to HIV infection in SSA countries. Habits, behaviors, and social norms in turn reinforce utilization of such practices. Therefore, sociocultural factors like social norms and expectations also contribute to the disparity (Poku & Whiteside, 2004; Stillwaggon, 2008).

Meanwhile, studies like that of Asiedu, Asiedu, and Owusu (2012) emphasize the role of socioeconomic factors on HIV status for both sexes. When controlling for gender, prevalence rates again are found to be significantly higher for women than for men beyond what biology alone is able to explain. These findings suggest that there are additional 'gender-related' socioeconomic factors left unconsidered in the scope of their

analysis. To this effect, Sia, Onadja, Nandi, Foro, and Brewer (2014) enumerate a subset of these factors for men and women respectively across multiple SSA countries, some of which demonstrate greater differences in prevalence between the two genders than others. The heterogeneity in the gendered differences between the countries derives from a variety of sources, such as differences in the distribution of risk factors as juxtaposed against differences in their effects between the two genders. This paper, therefore, considers an individual country-case study to analyze the nuanced societal impacts within a given national context. Zimbabwe was chosen for this analysis due to the overall prevalence of the virus within the country and its unique sociopolitical climate.¹

It is hypothesized that more economically-empowered women have greater sexual autonomy and consequently are less likely to be HIV positive than their peers. Economic empowerment is measured here in the form of large asset-ownership since these assets signify greater access to resources in times of crisis². Such ownership previously has been demonstrated to help curtail intimate partner violence (Oduro, Deere, & Catanzarite, 2015; Pereira, Peterman, & Yount, 2017; Vyas & Watts, 2009). This is because, in a game theoretic sense, asset-ownership alters the threat point to grant a woman the autonomy either to prevent abuse ex ante or else enable her to leave an abusive relationship ex post. Asset-ownership likewise contributes to a woman's intrahousehold decision-making ability. This ability includes having control over her body in the form of sexual autonomy. Women who are able to negotiate successfully for safe

1 In Zimbabwe, male-dominated gender relations have proliferated despite policies professed to pursue gender parity. For example, Maphosa, Tshuma, and Maviza (2015) find that despite purported gender equity goals, much of the subsequent policies have resulted more in a "manipulation" than true realized change in women's participation in politics.

2 Within the context of this study, autonomy and empowerment are treated synonymously unless otherwise specified, as when considering sexual autonomy as it relates to female empowerment more generally.

sex then are able to reduce their relative likelihood of HIV infection (Atteraya, Kimm, & Song, 2014). This study links economic empowerment with sexual autonomy and a reduction in the likelihood of being HIV positive in Zimbabwe and concludes by providing potential policy implications to curtail the epidemic in the future.

HIV/AIDS IN ZIMBABWE

The HIV crisis in Zimbabwe unfolded amidst ongoing political and economic crises. Protracted guerilla war against colonial white rule during the preceding decades culminated in the country's independence in 1980 (Stapleton, 2011). That same year, the country also adopted the Primary Health Care approach, indicating the intention of equitable health care for its citizens if not its practical realization (Gondo, 2018; Nyazema, 2010). Mugabe, winner of the British-supervised elections, sought to establish the nation's economy in the global marketplace in the following years, generating stimulative policy which temporarily bolstered economic growth. Yet as Helliker, Chiweshe, and Bhatasara, (2018) point out, the period simultaneously was "marked by pronounced state intolerance, authoritarianism, and coercion" (pp. 8-9). Subsequent neoliberal policies such as the Economic Structural Adjustment Programme (ESAP) omitted provision of any support to those adversely affected by the economic transition despite the government's stated pursuit of security, democracy, and equal rights for all in the Harare Declaration in 1991. As a result, GDP growth plummeted to less than two percent in the early 1990s (Helliker et al., 2018; Operations Evaluation Department (OPEV), 1997).

Unrest on the part of displaced workers spurred growing numbers of strikes throughout the 1990s, with tensions peaking in the latter part of the decade (Helliker et al., 2018; Whiteside, Mattes, Willan, & Manning, 2004). Meanwhile, colonial vestiges and ensuing land reform practices added to the volatility in the form of ongoing land disputes. These disputes displaced entire households and threatened to unravel the nation's health status amidst the unrelenting onslaught of HIV (Gondo, 2018). Following the reallocation of land in the 1990s, farm invasions began in 2000 as Zimbabwe became internationally notorious for its currency instability and hyperinflation. The volatility caused both rural-asset poverty and extreme poverty to worsen significantly during this time (Larochelle, Alwang, & Taruvinga, 2014). As the monetary crisis intensified and drought persisted, the informal economy flourished as a coping mechanism. Meanwhile, Mugabe's government increasingly leveraged militaristic interventions to maintain control (Helliker et al., 2018).

Whiteside (2004) emphasizes how these types of negative exogenous shocks could act as fuel for the HIV epidemic. The epidemic in turn would intensify the negative outcomes from the shocks as more individuals became ill and life expectancies fell in response. Increased migration and mobilization of armies would have contributed to greater levels of dispersion as men took more sexual partners in new areas (Whiteside, 2004). Women meanwhile engaged in commercial sex to mitigate the effects of rising poverty and inequality rates, similarly increasing dispersion. Despite the fact that sex work is outlawed in

Zimbabwe, its prevalence is nonetheless well-documented and has been connected explicitly with political and economic crises like that of the 1990s (Butcher, 1994; Takawira & Helliker, 2018). Once contracted, HIV then would impose additional income shocks to affected households. Although such shocks can be smoothed by strategies like the sale of livestock, this is dependent upon the availability of such resources *ex ante* and does not afford a long-term solution once these assets are exhausted (Mutenje, 2008).

Meanwhile, patriarchal norms persisted in Zimbabwe alongside political and economic upheaval throughout the 1990s and 2000s, making women particularly vulnerable to their effects. Chiweshe (2016) highlights this fact by tracing the evolution of the cultural practice of lobola, a sort of 'reverse-dowry' paid to the bride's parents, from pre-colonial times through to its modern-day commercialization as women are commodified in marriage arrangements. More recently however, the 2013 Zimbabwe Constitution calls for empowerment and equity for women in over twenty unique instances.³ Yet such claims appear to be mere platitudes as deeply rooted gender norms and practices persist. Zimbabwe's Gender Inequality Index (GII) remains at 0.540 in 2015, ranking it in the bottom fifth of countries for which the index was calculated that year (UNDP, 2016).⁴ As Maphosa, Tshuma, and Maviza (2015) posit, these efforts likely comprise a "systemic and calculated maneuver by politically dominant males" to preserve their hegemony while allowing for the perception of progress truncated by the existence of a glass ceiling (p. 3). Women consequently maintain a much lower status relative to men despite their being "equal" under the law.⁵

One aspect that becomes evident when contextualizing the HIV epidemic in Zimbabwe relative to contemporaneous events is the endogeneity of HIV and the surrounding sociopolitical environment. This feature is similarly reflected at the household level: being in a more secure economic position reduces vulnerability to HIV while contraction of HIV can lead to increased odds of poverty. Nevertheless, the former observation suggests that individuals may be able to reduce their own relative vulnerability by holding assets like houses and land, as this study emphasizes for women in particular. Most importantly, there is a clear need for up-to-date analysis in order to capture the effects of a changing sociopolitical sphere on HIV vulnerability and trends in prevalence.

THE INTERSECTION OF GENDER AND HIV

Social norms and lack of available resources contribute to reduced sexual autonomy, putting women at a relative disadvantage when entering a decision-making process. By exten-

3 It goes so far as to specify that "every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities" among its Declaration of Rights (Comparative Constitutions Project, 2017, p. 44)

4 The GII measures gender-based inequalities across reproductive health, empowerment, and economic activity. It ranges from zero to one with higher values corresponding with greater inequality.

5 Izumi (2006) further supports this fact in a more in-depth treatment of land and property rights in Zimbabwe, including discussion of how the laws present these rights and how they are practically enacted within the patriarchal, patrilineal society.

sion, these disadvantaged individuals also may be unable to negotiate usage of preventative measures to reduce their risk of contracting HIV (Ackermann & de Klerk, 2002). For example, Poku and Whiteside (2004) broadly link the cultural practice of polygyny, presence of partner infidelity, and existence of rural poverty as contributing to the more general trends in HIV prevalence observed across both sexes in Africa. Meanwhile, Chacham, Maia, Greco, Silva, and Greco (2007) test this hypothesis by interviewing poor young women living in an urban slum area of Brazil and find significant positive correlations between indicators of female autonomy and HIV prevention behaviors. However, their survey was conducted amongst only a small subset of Brazilian women and only considered reported usage of preventative measures with no attention to actual viral status.

Bloom and Griffiths (2007) examine female autonomy as it affects HIV knowledge and condom use in three Indian states as a corollary to findings like that of Chacham et al. (2007). They find that higher levels of autonomy indicate greater likelihood of both having and utilizing preventive knowledge to reduce relative vulnerability. Atteraya et al. (2014) likewise find that higher degrees of sexual autonomy have positive effects on reported negotiation of safe sex practices amongst Nepalese women. But in both of these studies, the emphasis is on knowledge and relevant risk-factors. No consideration is given to the direct linkages to the participants' HIV status or to the separate role of asset-ownership as it contributes toward autonomy and reduction of HIV vulnerability.⁶

Moreover, the cultural contexts for these three studies in Brazil, India, and Nepal limit their results. Findings may vary in other regions, especially in orders of magnitude. Given that gender comprises a socially constructed set of behavioral expectations present in every society, it is imperative to evaluate its conceptualization and effects within its respective environment (Chacham et al., 2007). There are studies which consider HIV knowledge and attitudes as they relate to autonomy in Zimbabwe (Agüero & Bharadwaj, 2014; Takarinda et al., 2016). Thus far, however, no literature examines female economic empowerment as it specifically affects women's HIV status within the country despite the extreme degree of prevalence and nuanced societal setting. The literature that does exist instead evaluates the opposite scenario in terms of effects of HIV on land and property rights, as studied by Izumi (2006). Furthermore, they exclude married women entirely in their case-study analysis whereas this study critically evaluates effects across all marital statuses and then more specifically within a traditional household setting.

In response to the observed disproportionate prevalence of HIV by gender in sub-Saharan Africa more generally, Sia et al. (2016, 2014) and De Araujo and Miller (2014) analyze earlier waves of DHS data. Sia et al. (2014) attribute higher female HIV prevalence in Tanzania entirely to the disproportionate distribution

6 The DHS did not begin conducting anonymous blood testing in any country until 2001 and varied its methodological approach in doing so year over year. Furthermore, participation rates were notoriously low in the earlier iterations of the test. This especially curtails the ability to connect and evaluate individualized survey responses with regards to HIV status. Zimbabwe, for instance, did not include HIV status data until the 2005 survey.

of risk factors like wealth quintile by gender; yet they do not isolate effects of asset-ownership outright in their decomposition. In countries such as Kenya and Lesotho, the corresponding distribution only partially explains the discrepancies. De Araujo and Miller (2014) meanwhile find that women's health knowledge has a positive impact on sexual empowerment, which then has a negative effect on the likelihood of being HIV positive. Since these studies utilize data spanning 2003-2009/10, there is room not only to update the analyses to reflect more recent trends, but also to garner greater insight into a specific country in the region. In addition, separating out the effects of house and land ownership in particular comprise an added level of analysis not captured by either of these studies.

Within Zimbabwe, Hallett et al. (2007) emphasize age at first sex as the primary mechanism behind the differences in HIV prevalence by gender. Gregson et al. (2011) support the story put forth by Whiteside et al. (2004) that women are infected at earlier ages, zooming in even further to study effects within a specific province. But Hallett et al. (2007) lack information on socioeconomic status, degrees of asset-ownership, and negotiating capabilities of individuals beyond educational attainment which obfuscates why it is that women are marrying at younger ages. Especially in light of Atteraya et al.'s (2014) findings from another patriarchal society in Nepal, this study compares magnitudes of effects between age at first sex and relative female empowerment concurrently.

Traditional measures of female empowerment or autonomy include proxies in the form of labor force participation and education. Hindin (2000, 2002) meanwhile demonstrates how DHS data can be leveraged to discern directly effects from household decision-making independently, particularly as it relates to fertility behaviors and by extension sexual practices. She cites four key scenarios in which women are able to exert intrahousehold bargaining power as captured by the survey: (1) decisions regarding purchases of major household items, (2) whether or not the woman works outside of the household, (3) decisions regarding fertility, and (4) decisions regarding usage of any earned income by the woman, when applicable (Hindin, 2002, pp. 157-158). Women with lower autonomy captured by these and other indicators are found to demonstrate less participation in negotiating fertility planning. This limited control over when to have children implies that these women likewise have less sexual autonomy in general.

Hindin's construction of indices based on these dimensions provides one way for this study to create a similar composite measure of relative empowerment to test directly on the likelihood of being HIV positive. Furthermore, this study argues that large asset-ownership is the primary driver behind such decision-making capabilities. Therefore, large asset-ownership first is tested for its effects on HIV status across all survey participants, both men and women, to determine the relative contributions on the likelihood of being HIV positive for each. These findings are then compared against other concordant effects such as age at first sex and sexual autonomy as described by Atteraya et al. (2014) and De Araujo and Miller (2014) for married and cohabitating women specifically to ascertain the degrees to which each factor contributes as they pertain to

possible policy interventions.

DATA

This study utilizes data published in the 2015 Zimbabwe Demographic and Health Survey (ZDHS) to ascertain the magnitude and significance of economic empowerment on the likelihood of being HIV positive. The 2015 ZDHS is the sixth such iteration to be conducted. Women ages 15-49 and men ages 15-54 were eligible for individual interviews. All adults who participated in the survey were eligible for HIV testing, but participation was voluntary and anonymous; the results were never conveyed to the participants. Instead, case numbers connect HIV test results to the individual survey records.⁷ Although there is the potential for bias due to self-selection into the voluntary test, DHS statisticians find no significant evidence of such. Table 2 summarizes the testing response rates by environment and geographic location, while Table 3 elucidates testing participation by demographic characteristics.⁸ Prevalence rate calculations can be taken as representative once the appropriate weights are applied in spite of the noted trends between socioeconomic status and HIV-related stigma in Zimbabwe as they do not rely on self-disclosure (Mateveke, Singh, Chingono, Sibanda, & Machingura, 2016).⁹

METHOD

Logistic regression is utilized due to the binary nature of the key dependent variable of interest, contemporaneous HIV status. Marginal effects are reported to determine the degree of contribution of the independent variable(s) of interest. Separate specifications are run for men and women in order to compare the effects of asset-ownership by gender and determine the potential pathways for women in particular to reduce their vulnerability to HIV. An additional “full” specification is run for married and cohabitating women to further refine these potential pathways and test concordant effects between asset ownership, household decision making capabilities, and reported justification to refuse sex.

The primary independent variable of interest is economic empowerment as measured by large asset-ownership. Large asset-ownership in the form of land or a house is asked of all respondents and so is tested separately by gender in the first set of regressions. Summary statistics of degree of asset-ownership by gender are presented in Table 4. To capture the effects of asset-ownership and to ensure adequate sample size, the type of ownership is condensed from the four potential responses indicated in the survey to two: does not own or owns either alone or jointly. For the analysis, two separate

indices then are constructed to test varying composite effects of asset-ownership between land and houses as they share a high level of correlation. Descriptions of how the indices are constructed are summarized in Figure 1:

	Yes (1)	No (0)
Asset Ownership: Either	Owens land, a house, or both either alone or jointly with a partner	Does not own land or a house in any capacity
Asset Ownership: Both	Owens both land and a house either alone or jointly with a partner	Does not own land or a house in any capacity or owns one but not the other (alone or jointly)

Figure 1: Construction of asset ownership variables.

Summary statistics of the four binary variables measuring asset-ownership are presented in Table 5. The effects of owning a house alone or jointly is tested in the first specification; effects of owning land alone or jointly is tested in the second specification. The composite indices then are tested in the third and fourth specifications respectively.

Provinces are included as controls in addition to applying the HIV weights provided by the DHS to ensure representativeness; however, province level effects are omitted from the tables for the sake of space. Sociodemographic controls are also applied across specifications as reported for all respondents in accordance with the supporting literature. These include: age at first sex, current age, number of children, highest level of education, current marital status, and urban/rural residence. These controls have been tested for their inclusion in the models. Other controls such as ethnicity proxied by language meanwhile were tested but ultimately excluded from the final model specifications due to their limited predictive power and not significant effects on the estimated coefficients of the independent variable(s) of interest. The wealth quintile index was included only for the subset of married and cohabitating women to account for the different characteristics presented within the restricted subsample.

The “full” specification considers the effects of female empowerment and sexual autonomy on HIV status more generally in terms of contributions to household decision making and the reported justification to refuse sex alongside ownership of both a house and land either alone or jointly with a partner. However, this analysis is limited to currently married or cohabitating women as they were the only ones surveyed in this manner. The decision-making index is based on women’s responses across three questions regarding who usually makes decisions about the respondent’s health care, major household purchas-

⁷ Only one female blood test was coded as yielding an indeterminate result; all others were coded as either positive or negative. This woman subsequently was dropped from the sample in order to conduct the analysis. As a result, the weighted total number of women appears as one less in these calculations when compared to the published ZDHS report, but effects to calculated proportions are inconsequential for the sake of this analysis.

⁸ Note that these tables report unweighted tabulations to reflect raw participation rates. Complete breakdowns of participation rates, including by sociodemographic characteristics, can be found in Chapter 14 of the 2015 ZDHS Final Report.

⁹ Unless otherwise noted, HIV-specific weights have been applied to ensure representativeness in keeping with DHS best practices.

es, and visits to the respondent's family and relatives. If the woman reported having at least some say with her husband/partner, she receives a "1" in the respective category. These three categories are then aggregated to form a single indicator. Women must have at least some say in all three categories to be coded as "1" for the major household decision variable, else they are coded as "0". Meanwhile, the reported ability to refuse sex when the woman is aware of her husband having extra-marital sex is a dummy variable corresponding to the indicated response to the singular question: "1" denotes an affirmative response that the wife is able/justified to refuse sex while "0" denotes a negative response that the wife is not able/justified or "doesn't know".

RESULTS

The marginal effects of economic empowerment in the form of asset ownership on the likelihood of being HIV positive are presented in Table 6. Owning land, a house, or both either alone or jointly reduce the likelihood of being HIV positive. For men, owning a house significantly reduces likelihood of being HIV positive, though land ownership does not demonstrate such effects. For women, owning land reduces the likelihood of being HIV positive more than owning a house. Women demonstrate the strongest results both in terms of significance and orders of magnitude across all levels of asset-ownership. Moreover, owning both land and a house simultaneously demonstrate larger relative effects than the "either" combination, suggesting that greater asset-ownership especially in the form of land is indeed connected with reduced vulnerability even when controlling for province and rural/urban effects.

Major household decision contributions and justification in refusal of sex are then evaluated concomitant with ownership of both a house and land specifically for married and cohabitating women. Table 7 presents the results from this "full" specification. Asset-ownership still significantly reduces likelihood of being HIV positive by approximately six percentage points, slightly more than what was found previously for all women in the sample when testing asset-ownership alone. Similarly, a woman's reported justification to refuse sex when she knows that her husband is having sex with other people also significantly reduces the likelihood of being HIV-positive, albeit to a lesser degree (2.3 percentage points). However, the effects of the major household decisions index on HIV status are ambiguous.

DISCUSSION

The empirical findings support the hypothesis that greater economic empowerment corresponds with a lower likelihood of being HIV positive. Owning land, a house, or both simultaneously reduces the odds for both genders, though it has been shown to be especially true for women in terms of land ownership. Likewise, married and cohabitating women's reported ability to refuse sex also reduces their likelihood of being HIV positive, particularly in conjunction with large asset-ownership. Yet the effects of major household decisions on HIV status are

ambiguous. It could be that the asset-ownership effects are superseding the decision-making power. Alternatively, there could be self-reporting bias present in the survey that the decision index constructed may not accurately reflect the true level of autonomy a woman is able to exert within her household (Lee & Cronin, 2016). Even if it is a true representation, the index is limited to the three described dimensions and so is not a "complete" measure of their autonomy (Ghose et al., 2017). Additional research in this regard is warranted, such as greater in-depth, in-person interviews to ascertain qualitative information which could supplement the empirical findings given that the original hypothesis would suggest strong negative effects.

The study has several additional limitations. The blood test reports status at a single point in time, yet status in effect can change at any moment. Absence of the time dimension precludes the ability to draw conclusions around changes in behavior resultant from changing viral status. One possible extension, therefore, would be to conduct a longitudinal study to follow a cohort of individuals to test economic empowerment on likelihood of contracting HIV, or time to contracting HIV, rather than simply being HIV positive. Doing so would likewise address a secondary limitation regarding reverse causality. The logic flows that having large-scale assets means being less vulnerable. Asset-ownership promotes greater sexual autonomy and reduces the need to engage in risky activities such as sex work for additional income. But having HIV can also result in the loss or liquidation of assets as a coping mechanism as demonstrated by Mutenje, (2008). Longitudinal data would be able to confirm the original hypothesis by considering effects *ex ante* rather than exclusively *ex post*.

Regardless, the connection between large asset-ownership and reduced likelihood of being HIV positive supports the call for microfinance related policy. More specifically, policies such as group lending or flexible repayment arrangements could facilitate asset acquisition for both genders. Similarly, conditional cash transfers could be designed to better ameliorate women's relative status, as shown by studies such as that of Kohler and Thornton (2012). Although the effects of such policies on HIV directly have demonstrated somewhat mixed results, studies such as the one conducted by Dworkin and Blankenship (2009) nevertheless call for additional programs and research to better understand the effects of specific components of the policies on the very mechanisms emphasized in this paper: female empowerment and sexual autonomy. Even if it is the case that the reduced likelihood of being HIV positive derives more from the selling of assets after becoming HIV positive, promoting policy to be able to acquire such assets supports a positive coping strategy to minimize the necessity of engaging in informal or illicit work to cover the related medical expenses.

CONCLUSION

This study contributes to the conversation regarding HIV and women's autonomy, arguing that greater economic empowerment in particular increases sexual autonomy and reduces the relative likelihood of being HIV-positive. Logistic regression results support this hypothesis, finding particularly significant negative effects of owning land or owning both a house

and land combined on the likelihood of being HIV positive for women. Furthermore, such results are robust for married and cohabitating women. Refusing sex when they are aware of their partners having extramarital sex then further reduces their likelihood. However, one critical limitation of this study is its singular time dimension; future research should emphasize longitudinal effects, ideally following a cohort over several years to acquire qualitative information in addition to quantitative data. Nevertheless, these findings offer insights for potential policy in the form of microfinance to support individuals' abilities to acquire such large assets and so improve their relative status and reduce their vulnerability.

APPENDIX: TABLES

Province	Men		Women	
	Percentage	(n)	Percentage	(n)
Manicaland	8.88%	1,043	12.89%	1,102
Mashonaland Central	10.46%	783	13.70%	768
Mashonaland East	12.64%	782	18.00%	829
Mashonaland West	10.44%	976	16.30%	1,010
Matabeleland North	14.69%	366	21.60%	405
Matabeleland South	14.62%	327	27.30%	365
Midlands	12.35%	951	17.80%	1,098
Masvingo	9.49%	815	16.24%	1,033
Harare	11.31%	1,367	16.52%	1,553
Bulawayo	13.91%	397	15.14%	502
Total	11.29%	7,808	16.66%	8,666

Notes: Prevalence rates are reported as percentages of the HIV-weighted total population in the respective region.

Source: Author calculations based on data from the 2015 ZDHS weighted by the corresponding DHS published HIV-population weights.

Type of Residence	Men		Women	
	Percentage	Total	Percentage	Total
Urban	83.80%	3,456	88.03%	4,521
Rural	91.58%	4,940	93.39%	5,434
Province				
Manicaland	86.37%	895	89.60%	1,019
Mashonaland Central	91.79%	987	94.26%	993
Mashonaland East	80.89%	790	86.26%	910
Mashonaland west	90.55%	931	91.65%	1,054
Matabeleland North	92.75%	745	94.70%	849
Matabeleland South	89.31%	664	92.76%	829
Midlands	86.88%	884	89.92%	1,062
Masvingo	89.91%	783	92.35%	1,046
Harare	84.31%	994	86.96%	1,235
Bulawayo	91.98%	723	92.59%	958
Total	88.38%	8,396	90.96%	9,955

Notes: Participation rates are reported as percentages to reflect the raw proportion of surveyed individuals who volunteered to have their blood drawn to be tested. "Total" refers to the corresponding raw total population.

Source: Author calculations using unweighted data from the 2015 ZDHS.

TABLE 3 – PARTICIPATION IN HIV TESTING BY EDUCATION, MARITAL STATUS, AND PREVIOUS TESTING STATUS

	Men		Women	
	Percentage	Total	Percentage	Total
Highest Education				
No education	85.96%	57	89.62%	106
Primary	91.75%	1,855	92.37%	2,385
Secondary	88.40%	5,524	91.26%	6,637
Higher	81.88%	960	84.64%	827
Marital Status				
Never in union	89.97%	3,619	91.41%	2,666
Married	86.95%	4,267	90.72%	5,700
Living with partner	94.29%	70	90.48%	315
Widowed	84.85%	66	90.23%	430
Divorced	90.18%	163	90.98%	488
No longer living together	87.68%	211	92.70%	356
Age				
15-19	91.53%	2,065	91.74%	2,156
20-24	89.46%	1,376	91.64%	1,782
25-29	86.54%	1,166	91.30%	1,656
30-34	88.86%	1,104	90.57%	1,591
35-39	85.73%	932	89.74%	1,209
40-44	85.70%	797	91.30%	966
45-49	84.60%	578	88.07%	595
50-54	89.42%	378	--	--
Previously Tested				
No	86.54%	2,889	83.39%	1,890
Yes	89.34%	5,507	92.73%	8,065
Total	88.38%	8,396	90.96%	9,955

Notes: Participation rates are reported as percentages to reflect the raw proportion of surveyed individuals who volunteered to have their blood drawn to be tested. “Total” refers to the corresponding raw total population. The survey design was such that men ages 15-54 and women ages 15-49 were sampled.

Source: Author calculations using unweighted data from the 2015 ZDHS.

TABLE 4 – HOUSE AND LAND OWNERSHIP BY GENDER				
	Men		Women	
	Percentage	(n)	Percentage	(n)
House				
Does not own	61.65%	5,176	63.29%	6,230
Alone only	11.41%	958	5.63%	560
Jointly only	21.80%	1,830	29.25%	2,911
Both alone and jointly	5.15%	432	1.83%	182
Land				
Does not own	64.56%	5,420	69.62%	6,930
Alone only	11.59%	973	3.86%	384
Jointly only	19.62%	1,647	24.92%	2,480
Both alone and jointly	4.23%	355	1.60%	159
Total	100%	8,396	100%	9,953

Notes: General population weights were applied rather than HIV weights given that the summary statistics are presented holistically rather than by HIV status. As a result, the total population is greater than when considering the HIV tested and weighted subpopulation specifically.

Source: Author calculations based on data from the 2015 ZDHS weighted by the corresponding DHS published population weights.

TABLE 5 - LARGE ASSET-OWNERSHIP BY GENDER				
Men			Women	
	Percentage	(n)	Percentage	(n)
House				
Does not own	61.65%	5,176	63.29%	6,230
Alone, jointly, or both	38.35%	3,220	36.71%	3,654
Land				
Does not own	64.56%	5,420	69.62%	6,930
Alone, jointly, or both	35.44%	2,976	30.38%	3,024
Either a House or Land				
Does not own	54.01%	4,535	57.47%	5,720
Alone, jointly, or both	45.99%	3,861	42.53%	4,234
Both a House and Land				
Does not own	72.20%	6,062	75.45%	7,509
Alone, jointly, or both	27.80%	2,334	24.55%	2,444
Total	100%	8,396	100%	9,953

Notes: See notes from Table 4.

Source: Author calculations based on data from the 2015 ZDHS weighted by the corresponding DHS published population weights.

TABLE 6: EFFECTS OF ASSET-OWNERSHIP ON HIV STATUS

	Men				Women			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Asset Ownership								
House	-0.0192*				-0.0353***			
	(0.0093)				(0.0090)			
Land		-0.00946				-0.0537***		
		(0.0091)				(0.0100)		
Either Land or House			-0.0100				-0.0428***	
			(0.0094)				(0.0097)	
Both Land and House				-0.0205*				-0.0519***
				(0.0093)				(0.0094)
(n)	7,420	7,420	7,420	7,420	9,054	9,054	9,054	9,054

Notes: Logistic regression results from four different specifications run separately for men and women. Regressions were run on all individuals who participated in the voluntary HIV testing as provided by the DHS. Age at first sex, current age, current age squared, number of children, highest level of education, current marital status, type of residence, and provinces were included in the regressions to control for their unique effects but are not reported here for the sake of space (full results are available upon request). Significance is denoted in the following manner: + $p \leq 0.10$, * $p \leq 0.05$, ** $p \leq 0.01$, and *** $p \leq 0.001$.

Source: Author calculations using the 2015 ZDHS with HIV-population weights applied.

TABLE 7: EFFECTS OF ASSET-OWNERSHIP AND AUTONOMY ON HIV STATUS FOR WOMEN

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Asset Ownership								
House	-0.0455***							
	(0.0121)							
Land		-0.0630***					-0.0617***	
		(0.0133)					(0.0132)	
Either Land or House			-0.0563***					
			(0.0135)					
Both Land and House				-0.0603***				-0.0597***
				(0.0122)				(0.0122)
Autonomy								
Major Household Decisions					0.0128		0.0121	0.0137
					(0.0130)		(0.0129)	(0.0129)
Refuse Sex						-0.0238+	-0.0218+	-0.0230+
						(0.0134)	(0.0131)	(0.0131)
(n)	5,455	5,455	5,455	5,455	5,453	5,453	5,453	5,453

Notes: Regressions were run on married and cohabitating women who participated in the voluntary HIV testing as provided by the DHS. Wealth index quintiles, current age, current age squared, number of children, highest level of education, type of residence, and provinces were included in the regressions to control for their unique effects but are not reported here for the sake of space (full results are available upon request). Significance is denoted in the following manner: + $p \leq 0.10$, * $p \leq 0.05$, ** $p \leq 0.01$, and *** $p \leq 0.001$.

Source: Author calculations using the 2015 ZDHS with HIV-population weights applied.

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AUTHOR NOTE

This research was made possible by third-party data from the 2015 Zimbabwe Demographic and Health Survey as available from the Measure DHS website at <https://www.dhsprogram.com/data/available-datasets.cfm> upon registration and request.

SUGGESTED CITATION

Hensly, C. (2018). Evaluating the Effects of Economic Empowerment on Women's HIV Prevalence in Zimbabwe. *Virginia Social Science Journal*, Vol. 52 pp. 19-30.

Dimensions of the Female Entrepreneur: A Look at How Female Entrepreneurs Inhabit, Create, and Move Within Time and Space in Washington D.C.

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Virginia Social Science Journal | Volume 52 | 2018 | Pages 31–39

ABSTRACT Most recent anthropological literature on entrepreneurship focuses on the motivations behind the rise of female entrepreneurs or the unique challenges that women must navigate in business. Unlike these studies that seek to contextualize experiences in the current political and economic environments, my work seeks to understand the dimensions of the female entrepreneur's everyday experiences in order to better support her. Through ethnographic interviews and observation with female businesses owners in Washington D.C., my research illustrates the fluidity in which the female entrepreneur exists, moves between, and creates time and space. In understanding how she navigates the 'timescape' and 'communescape,' as detailed in my paper, we can better understand how to support and grow female entrepreneurs' success.

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INTRODUCTION

We sit in a circle. To my right sits a ceramics maker and new mother. To my left sits the founder of a small creative consulting agency. There are two women who own jewelry companies, another who designs handbags, and a fourth who started a professional training firm. These six women are part of the *creative space* in the city of Washington D.C. They are self-declared entrepreneurs, artists, and makers. They are also business owners, wives, and mothers.

As they sit around the circle, they swap stories of how they started their businesses. One woman shares how she could not find a job after she graduated from college. Her mom bought her jewelry making supplies to cheer her up and a year later, she has a thriving small jewelry business online and travels to craft shows to display her work. "But I just do work out of my basement," she qualifies.

"Not *just*," another woman interjects. "You *do* work out of your basement. We have to stop using 'just,' especially as women."

The dialogue continues like this. The women are gathered together on this rainy summer morning in a small upstairs studio as part of the *Creating Conversations* series that Carolyn from MATINE Studio has been coordinating. The topic today was on marketing and telling stories. While the women do share their marketing strategies, successes, and mistakes, the conversation often shifts to something akin to a group therapy session.

Elise from Ringlet Co. leads the conversation. She mentions a feature that Carolyn did for *District Bosses*, and one of the women jumps in, expressing how Carolyn's words encouraged her as a new business owner: "A lot of times you feel so alone... It was nice to hear someone's story and to hear that it takes time." Other women agree, sharing how alone they felt as they

started their businesses and how it has taken time to build community.

There is a hidden creative community in Washington D.C. tucked beside the government institutions, bureaucratic networks, and military consultants. It is a process of one friend connecting to another through various community events like this one. But once you have broken into the hub, you are accepted with open arms—and then you can pull others along with you. In a fast-paced city like Washington D.C., these women are crafting community like they craft their products—slowly, patiently, and intentionally.

There are many dimensions to the experiences of the female entrepreneur. Few stories are retold in another's journey. Yet similarities exist between these dimensions. Female entrepreneurs operate in similar scapes of time and space. Through the event last June I saw how women were linked by the larger geographic space of Washington D.C., existed in a smaller creative space in the city, and then gathered in a tight communal space to share stories. Similar experiences of building community, networking, and fitting in linked them in a temporal scape, even if they were all at different points within this scape. The ability to find a place as an entrepreneur appeared to be linked to similar processes in time and space.

These experiences are processed across a 'timescape' and a 'communescape.' Arjun Appadurai coined the term "scape" when discussing the movement of capital across various scapes in the global cultural economy (1990). I will use Appadurai's term "scape" to describe the dimensions that the entrepreneur moves along as she lives and works in Washington D.C. The use of scape points to the fluidity and nonconformity of experiences among female entrepreneurs and acknowledges variation in perspectives and contexts across their experiences. By contextualizing the female entrepreneur's existence,

creation, and movement through time and space within these scapes, we can understand how she crafts community and finds her place.

LITERATURE REVIEW

In the last few decades, there has been an influx of research and writing on entrepreneurship in anthropological scholarship. However, most research has focused on how entrepreneurs function within the economy. Willmott and Freeman both offer two case studies about how entrepreneurs respond to the current economic environment through their businesses. Willmott looks at how Native Canadian fashion designers mobilize cultural capital to create a unique economic and social bicultural identity. The entrepreneur operates within the landscape of “the local” to both craft a physical product and craft an ethnic economy. Willmott uses the terms “radical entrepreneur” and “social entrepreneur” to show that the root of these Native Canadians’ ventures are deep in seeking opportunity and engaging in activism (2014: 98). Willmott’s research demonstrates how entrepreneurs form their own identities as they bridge the gap between economic expansion as business-people and community development as social innovators. Freeman uses the lenses of reputation and flexibility to frame her research with middle class entrepreneurs in Barbados. Societal pressures constrain these entrepreneurs to pursuing a certain reputation in society; yet, the idea of having a perceived aura of flexibility is prominent in neoliberal capitalism (Freeman 2001: 262). Thus these middle-class entrepreneurs, especially the women, live in the tension of ‘reputation-respectability’ and ‘reputation-flexibility’ (ibid). In response, they are reimagining cultural practices to respond to a new wave of capitalist globalization and as such, they are reinventing how neoliberalism manifests itself in Barbados’ culture.

Other anthropological literature focuses on how entrepreneurship functions and is regulated in developing countries. Honeyman analyzes the education of entrepreneurship in Rwanda, Africa’s first entrepreneurial state. Rwanda teaches entrepreneurship in its schools and encourages startup ventures, yet it strictly regulates the practice of entrepreneurship, limiting the education’s effectiveness. Through analyzing curriculum, observing classrooms, and following the ventures of young graduates, Honeyman concludes that the most creative and successful entrepreneurs are ‘disorderly’ despite policy attempts to regulate order (2016).

Outside of anthropology, literature on female entrepreneurs tends to focus on the discrepancies between genders in business or on how the economic environment is influencing entrepreneurs. Coughlin and Thomas’s book connects the growth of service based businesses in industrialized countries and manufacturing jobs in developing countries to the rise of women entrepreneurs. Other factors include changes in social values and attitudes and changes in household income or makeup (Coughlin and Thomas 2002: 4). Studies in the last decade have detailed the discrepancies in genders across entrepreneurial ventures, including the wage gap, marital and household status, access to venture capital, and prominence of social networks (Minniti 2009).

While current anthropological and business scholarship covers a broad variety of the economic influences and gaps in the experiences of female entrepreneurs, it removes the entrepreneur’s story and voice from discussion. On a practice level, I attempt to tell the stories of four entrepreneurs and let their heart be heard in a world that constantly tries to complicate and rationalize their experiences. On a discourse level, I propose a de-complication of the female entrepreneur’s experience through an understanding of how she inhabits, creates, and moves within time and space. I do not argue that her experience is not complex, because time and space are complex landscapes; however, I do argue that her experience does not need to be over complicated and can be humanized in dialogue.

METHODOLOGY

Observing the gap in entrepreneurship literature, I realized the missing link was the stories of the women who started businesses—why they started, how they move through their days, and what defines their experiences. During the past summer, I spent two months working alongside a female business owner in Washington D.C. She was the founder and only permanent employee of her leather accessory business. And I found this experience was not unique. Having grown up outside of Washington D.C., I associated the area with big business and big government. The sidewalks were filled with ambitious interns and jaded politicians in suits and dress shoes. Little did I know there is a creative hub of female entrepreneurs defying the visible structure of the city. I first discovered local artisans at a flea market in Eastern Market. Connecting with a few artisans on social media led me to discover more and more women who had started businesses in the city. They all supported each other by sharing each other’s work. I began to unearth this creative space of artists, makers, and influencers in Washington D.C. and I wanted to find out more. I began to ask questions: how did these women start their own ventures? What type of work did they leave behind? Where did they find support and community? What sets these women apart? Why did these women emerge in the political environment of Washington D.C.?

If I wanted to tell the story of these women, then I would need to start by listening to their stories. I conducted my ethnographic research through hour long, open-ended interviews with four female entrepreneurs in Washington D.C. I conducted two interviews in person and two interviews online. I started each interview by asking eight foundational questions and then asking follow-up questions based on the women’s answers.

1. Tell me about your business: how you got started, how long you have been working, and what your purpose is?
2. What did you do before starting your own company?
3. When making the decision to start your own company, what were the factors that you considered? What were your greatest fears before starting?
4. After starting your business, what were your biggest challenges? What are the biggest challenges and rewards that you see today?
5. Would you feel comfortable talking me through your daily

- routine? What does a typical day look like for you?
6. What are some key adjectives or phrases that you would use to describe a female entrepreneur?
 7. What are 5 adjectives that you would use to describe yourself—either related to your business or to you personally?
 8. Who are your role models (life role models, business mentors, etc.)?

In addition to conducting open-ended interviews, I also have drawn upon my experiences over the summer. I conducted participant observation through a two-month long internship with Carolyn Misterek of MATINE Studio. During this time, I did marketing research at her studio in Washington D.C. and worked retail at her pop-up shop at Tysons Galleria in Tysons Corner, Virginia. Through participant observation and qualitative research, I was able to gain a glimpse into the experiences of female entrepreneurs in Washington D.C., and I believe these insights can be expanded to female entrepreneurs across the broader United States.

I chose women that represented a variety of businesses and experiences. I hoped to gain a more complete picture by drawing from diverse business types and diverse levels of experience. Below are short profiles of the four women I interviewed (see Figures 2-5 on pp. 15 and 16).

Carolyn Misterek, MATINE Studio: Misterek started MATINE out of her guest bedroom in Minneapolis. For the first two years she worked full time as a user experience designer for a digital design firm and worked in the mornings and evenings on making and shipping orders from her handbag collection. She quit her job in 2014 and went full time with MATINE. MATINE is a luxury handbags and accessories collection, created for the modern woman on the go.

Elise Crawford, Ringlet Co: Ringlet is “a boutique digital marketing agency and resource for women entrepreneurs in the greater D.C. area,” (Crawford 1). Crawford started Ringlet Co at the end of 2015 as she was working with a startup PR firm in New York City. She immediately went full-time with Ringlet. Two years after starting Ringlet, Crawford is now preparing to hire her first full-time employee after operating with interns and part-time employees.

Ayla Newhouse, life coach and design freelancer: Newhouse has dabbled in various entrepreneurial ventures over the past decade. She has worked off and on as a freelancer and consultant for graphic design. Six years ago she went full-time to work on a startup application but struggled to monetize the service and let that go. Most recently, Newhouse quit her job in June 2017 to explore what she wanted to do next. She began a research project discerning the needs of young mothers who are also entrepreneurs and she has started a life coaching service for people contemplating a big life change.

Leah Beilhart, Behold.Her and photography freelancer: Behold.Her started as a whim or experiment but Beilhart quickly noticed, “I might finally have something that’s unique to my work [as a photographer],” (Beilhart 2). Behold.Her began as a conversation and portrait session for a small group of women

and has expanded into a growing community of women who support each other, share their stories, and gather together in the city for fun and friendship. Beilhart continues to work as a freelance photographer alongside Behold.Her as she figures out how to make profit from her work.

Through the unique stories and perspectives of these women, I will begin to weave together their separate stories in a way that describes and illuminates female entrepreneurs’ experiences across the timescape and communiscape.

A THEORETICAL FRAMEWORK FOR TIME AND SPACE

The female entrepreneur’s experiences are shaped by movement through time and space. While these terms sound vague, the ideas of time and space are grounded in the everyday life of the entrepreneurs. Clifford Geertz writes that meaning is strung together from cultural and symbolic representation in “webs of significance” (1973). Using this Geertzian framework, contemporary anthropologist Donald M. Nonini argues that space for the local is created from a larger threat of a globalized economy. Local production responds as “an assemblage of localist and millenarian activist practices and discourses” (Nonini 2013: 267). Looking at everyday practices and discourses, entrepreneurship among females can be envisioned as a series of decisions—quitting a job, working independently of an established corporation, collaborating with other creatives, or taking risks—that have cultural and symbolic representation within “webs of significance.” I argue that for the female entrepreneur, these decisions and the resulting webs of significance are drawn across scapes.

The framework of ‘timescape’ and ‘communiscape’ are influenced by Appadurai’s discussion of the flows between various scapes in the global cultural economy. The word scape is used to emphasize the “fluid, irregular shapes” of the “imaginary landscapes” that characterize the global cultural economy (Appadurai 6, 7). Scape is also used to indicate that these relations within the economy look different from different perspectives and within diverse linguistic, historical, and political contexts. Appadurai’s five scapes—ethnoscapes, mediascapes, technoscapes, finanscapes, and ideoscapes—are the building blocks of “imagined worlds” that exist within the historical imaginations of people across the globe (7). For us ‘scape’ is helpful in illustrating the fluid ways the female entrepreneur exists, moves between, and creates time and space. It also provides a landscape on which to map the female entrepreneur’s experiences.

Specifically, I look at how processes of time and space are translated across these scapes. Multiple anthropologists propose a tripartite approach to understanding how people inhabit space. John Agnew proposes a “location, locale and sense of place” approach that views space as a continuum and allows for varying levels of existence (2004: 2). David Harvey divides space into absolute, relative, and relational processes (2006). These processes describe a structure, a relationship, and a representation. A person exists within all three simultaneously but may not exist equally between all three.

A tripartite approach demonstrates how the female entre-

preneur inhabits and moves between spaces. What is unique about my research findings is that the female entrepreneur also creates space. A central theme among all four women was the idea of building or crafting community. I use the term ‘communiscap’ to describe how the entrepreneur experiences space. Within the comuniscap, there are three layers that overlap each other: the geographic space, the creative space, and the communal space (Figure 1). The entrepreneur exists within all three but the extent to which she exists or plays a role in each shifts over time.

Space here is complicated with time, which is why I believe both are essential for understanding the full picture of the entrepreneur’s experience. Nancy Munn argues for an integration of time and space. When we contrast an understanding of fixed space with dynamic time, we ignore the “the centering subject—the spatially and temporally situated actor—through whom and in whose experience the integrity of time and space emerge,” (1996: 465). Instead, she advocates for an approach that coordinates the “elements of time, space, and bodily action within a single paradigm of changing relations,” (ibid). Reflecting back to the story at the beginning, the women were relieved to realize that taking time to find a place as a business woman in D.C. was a shared experience. In the section below, I will illustrate how certain ‘aha-moments’ led to different movements in space and how processes of time are similar among women. A discussion of time will contextualize a deeper understanding of how the entrepreneur creates, inhabits, and moves within space.

OPERATING ACROSS THE TIMESCAPE & COMMUNISCAP



(Figure 1)

Each of the entrepreneurs exist within a geographic space—the city of Washington D.C. Within the city, they also exist in a smaller ‘creative space’ that is defined by the type of work they do, the events they go to, and the people in their community. Within this creative space each of the entrepreneurs also exist within “communal space.” This communal space is made up of support systems, both real and virtual. ‘Real’ constitutes

physical relationships and in-person events; whereas, ‘virtual’ indicates support systems made up of Facebook groups, shared Instagram hashtags, and other community spaces online. While each woman operates in all three spaces, the extent of operation varies. Extent is largely influenced by the length of time that one has had a business but also is influenced by how involved they are in the other spaces. The extent one engages in the geographic space impacts reach in the creative space. And the depth of involvement in the creative space influences the breadth and depth of relationships within the communal space. All three build upon each other and influence each other. The geographic space shapes the creative and communal space based on the atmosphere of the location and the length of time one has lived in the location. The atmosphere of Washington D.C. can be characterized by both physical and emotional characteristics that make the creative space and communal space harder to form. For Carolyn Misterek of MATINE Studio, finding physical space in the city for her studio has proved a problem as empty warehouses are converted into money-making apartments and hotels instead of open work spaces. With the cost of empty space rising, it becomes more difficult for new entrepreneurs to afford studio space. “You can’t have a creative community if you don’t have the creative space to support them,” (Misterek 6). Here creative space is used differently than I use it above—referring to the physical space where work is done rather than the people who are a part of that space. But the lack of workspace and support inhibits the growth of the relational creative space as well. Misterek remarks, “there’s not a lot of support for creatives, so you see a lot of people come and go. It’s like you got here and then you can’t survive here” (5).

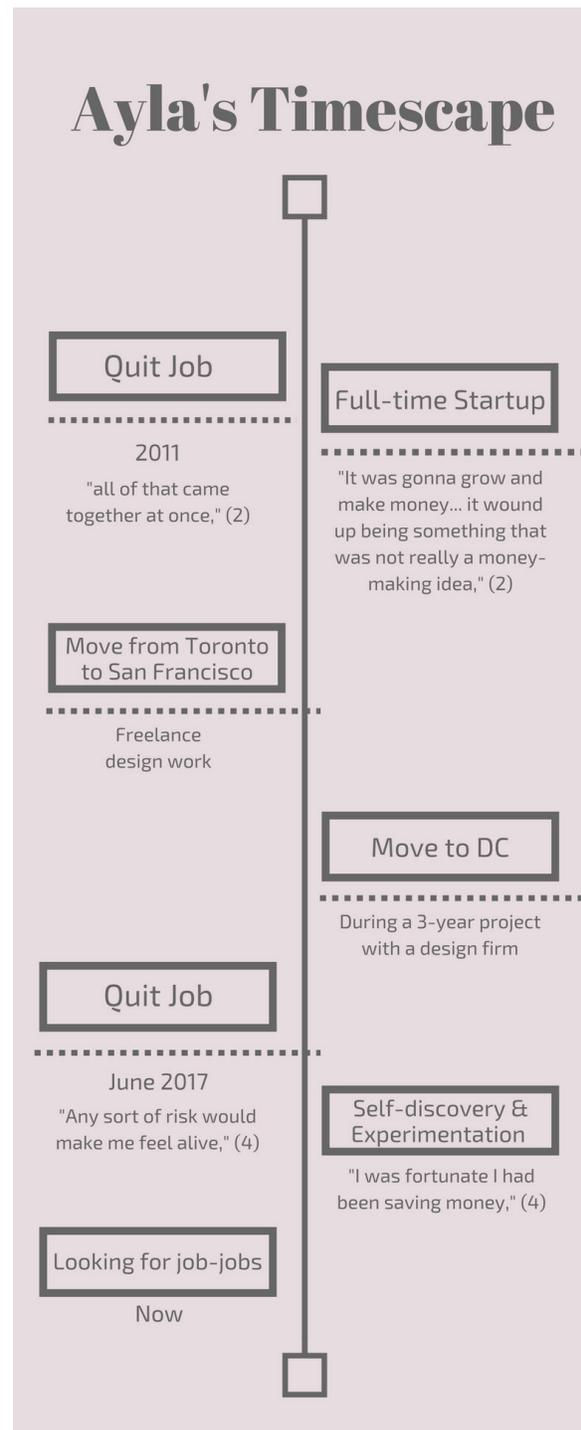
The lack of support from the geographic space means that people have to work intentionally to craft their community. However, the type of people who are drawn to D.C. also make finding connections and support more difficult. While women tend to be competitive and judgmental toward each other, Leah Beilhart of Behold.Her says that the motivations for coming to D.C. exacerbate these qualities. “[Y]ou come to D.C. to prove something, to be a leader in something. And I think that’s where a lot of the competitiveness sparks from the beginning with women living here in D.C. because they are like, ‘I got here. This is my space,’” (Beilhart 2). For Beilhart and Behold.Her, the mission is all about creating a different space; one where it is not about ‘my space’ but it becomes space where women can come together. Beilhart is intentional about creating space for women within the geographic space of Washington D.C. Both the physical limitations and the characteristics of Washington D.C. stand in opposition to what these female entrepreneurs are trying to accomplish through their work.

The other aspect to the geographic location is the amount of time that the women spend in the city and how that directly affects their connectedness to the creative and communal spaces. Both Misterek and Beilhart talked about how it took about one year to build their sense of place within Washington D.C. For Beilhart, who moved around a lot, the fact that she has stayed in D.C. for the longest amount of time has allowed her to develop relationships, and these relationships have proved vital to the growth of her business (Beilhart 6). Misterek said

that after moving to D.C., she did not leave her house for nearly a year because of working a full-time job remotely and spending her spare time growing MATINE. Because her husband's work was in politics, most of her network was with people in the political sphere. It was not until she attended a craft fair in the city that she "finally met some other local makers and was like, 'oh there's other stuff going on!'" (Misterek 3). Ayla Newhouse also remarked on the importance of a community in feeling tied to a place (Newhouse 5). For her, lacking community in D.C. has kept her from feeling rooted, whereas all the other women indicated a sense of rootedness in their relationships and their businesses.

While these entrepreneurs inhabit the geographic space, they choose how they move throughout the creative space. These women describe themselves as 'creators,' 'artists,' and 'makers.' They use words like 'create,' 'make,' 'design,' and 'craft.' They are part of the creative space in D.C. defined by the words they use to describe themselves and by the overlap in their experiences. These experiences include the way they move through time as exemplified in the timescape (Figures 2-5) and through shared inhabited space like craft fairs, community conversations, and co-working venues. Yet how they choose to move within this shared creative space is unique.

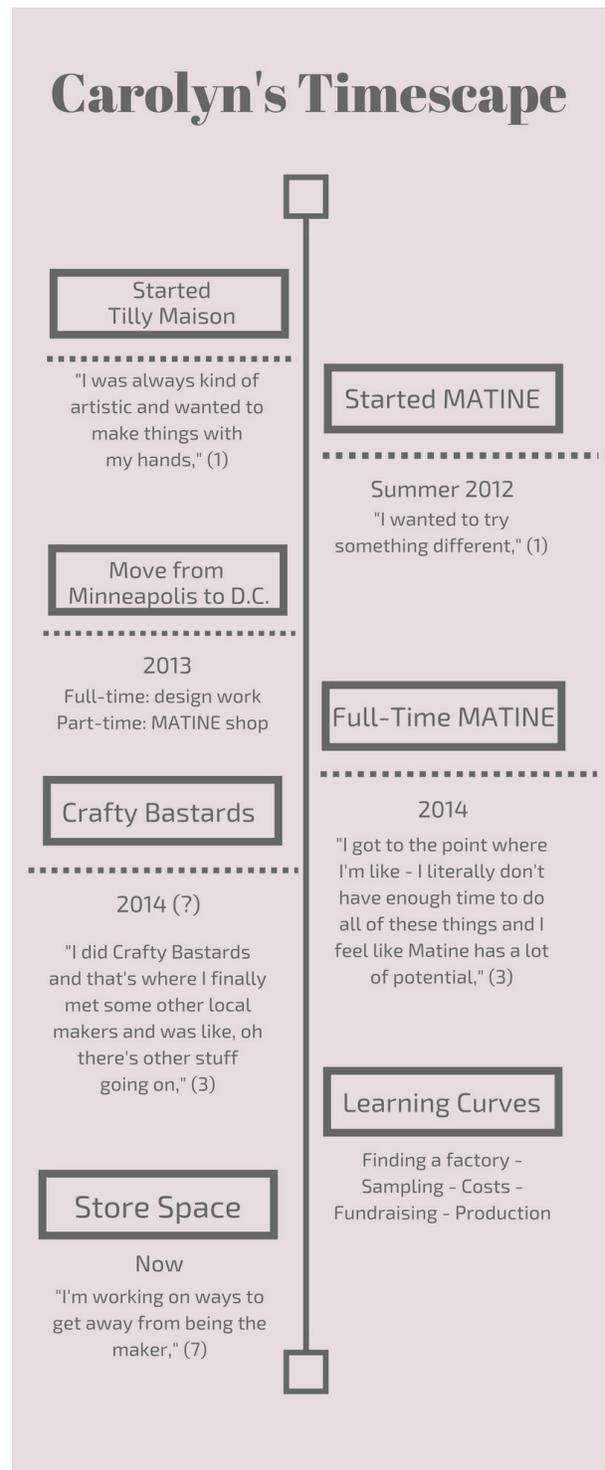
When I first reached out to Newhouse, she mentioned that she might be "an odd case" for me (Newhouse 1). She had recently quit her job and launched a new businesses, but was in the process of looking for "job-jobs." Her community in D.C. had been slow to grow and she remarked, "I have a few girlfriends here who are working in high, pretty fast paced jobs or thinking about starting their own, but it's tough," (Newhouse 5). Her connection to the creative space was loose. Not many of her friends in D.C. moved in the same space and she was still trying to feel included in the communal space that is a part of this creative space.



(Figure 2)



(Figure 3)



(Figure 4)

Movement within the creative space is a balance between intentional action and organic encounters. Misterek discovered other makers almost by accident as she sold her products at the Crafty Bastards fair in 2014. As her business grew, she began to gain press recognition and get interviews simply because of the small size of the creative space in the city. Beilhart also described the way that her business grew effortlessly: “things have really tumbled in the right ways,” (3). The use of the word “tumbled” here denotes a lack of intentionality and a result of happenstance circumstances. But this is not always the case. Crawford recounted how she attended many events in the city when starting out in order to meet people and build her network. She described her businesses growth as a combination of “making organic and intentional relationships with people,” (3). As women move within the creative space, they respond to the opportunities that arise and work to grow and build in the space.

Roles within the creative space also shift over time. Misterek started MATINE because she “wanted to make things with [her] hands,” (1). Originally, she felt constrained by the amount of financial and organizational work that went into building a business when all she wanted to do was be a creator. Yet over time that desire has shifted. Now she is trying to move away from being the maker and sees her role being a support to other women. She is working on leasing a permanent studio and store space and is curating brands for her online shop that has extended beyond MATINE products. We can see this transition as a move from being in the creative space to now creating space. In the past year, Misterek opened a pop-up shop that featured some of her favorite small businesses, expanded her online shop to feature other American made crafters, and opened a holiday pop-up for local makers. She says that her outlook on supporting small businesses has stayed the same but now she’s asking, “how can I help this community and bring up other people who I see a lot of potential in?” (Misterek 8). Because she has responded to the creative opportunity and grown her business with intentionality, Misterek is now in a position where she can create space to support other makers who were in her place a few years ago.

This idea of creating space is one that sets these female entrepreneurs’ experiences apart from other discussions of space within anthropology. Within the creative space, makers are creating communal space for relationship building. These communal spaces look different but they operate as spaces where women can come together to share their stories and support each other within the city’s creative space; thus, it exists as a subset of the creative and geographic spaces. When Misterek first held a Creating Conversations event, she was looking for a way to use her large studio space to benefit other women. She opened up her studio for other makers and artists in the city to congregate. “We’re all here trying to feel out and find each other but no one can, and so it’s like there’s so much opportunity,” (Misterek 4).

Other makers are taking advantage of this opportunity and creating their own spaces. As a business, Behold.Her exists in the overlap between the creative space and the communal space. Behold.Her creates a physical space for people that isn’t



(Figure 5)

When Elise Crawford started Ringlet, she stepped into an open market in D.C. While there are many large consulting agencies for big businesses in the city, Crawford saw smaller businesses run by women who did not have the resources to market their businesses. She stepped into this gap and created Ringlet to “equip women to do the work that they want to be doing,” (Crawford 3). Crawford moves in a way that equips and empowers women in the creative space. Different from MATINE or other makers in the creative space, Ringlet exists in a way that

is for the creative space and not simply *in* it.

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Other makers are taking advantage of this opportunity and creating their own spaces. As a business, Behold.Her exists in

the overlap between the creative space and the communal space. Behold.Her creates a physical space for people that isn’t “meant to be competitive... the intention is set from the beginning that people have to find an identity outside from what they probably spend the majority of the day doing,” (Beilhart 2). In spaces where people are defined by what they do, an alternative space is created in opposition of societal norms and expectations

There is also a virtual component to the communal space where women are linked through common hashtags, Facebook groups, or Instagram accounts. At the Creating Conversations event I attended in the summer all of the women traded Instagram handles so they could follow each other’s work. Misterek referenced the emergence of ‘A Creative D.C.’ that features profiles of creatives across D.C. on their website and offers support and networking events for these creatives. The hashtag #acreatedc allows creatives across D.C. to share their experiences, favorite places, and work in a virtual space where others can find and connect with them. Misterek also talked about a private Facebook group where creatives offer support by posting about events, asking and answering questions, and occasionally meeting in person together. This was a group she found by happenstance after becoming friends with various people. Even the virtual space is challenging to find and enter without previous connections and time. Yet within this space exists an opportunity for connection and support among makers working in their separate scapes.

Space is also created in the everyday life of the entrepreneur. All of the women mentioned that a motivation for starting their own venture was the ability to create ideal lifestyles for themselves. When evaluating the factors that went into starting Ringlet, Crawford said, “I knew I wanted a job that was flexible, that allowed me to make my own hours,” (2). For these women, leaving a corporate job and starting their own venture allows them to do the things that they want to do and invest time where they want to invest it. The ability to dictate their own rules, travel spontaneously, spend time building relationships, and create with their own hands is worth the sacrifices and struggles along the way. For three out of the four women, their businesses were side projects before they were full-time ventures. In each case there was what I will call an ‘aha-moment’ when they realized that they might actually have a unique idea or when the pieces came together and made it feasible to start a venture (Figures 2-5). There was a period of growth and exploration, of taking a good idea and making it a better one, and of having to rely on someone for support in the interim before making the jump to full-time (Misterek 2, Beilhart 5, and Newhouse 5). Yet it is in making this jump that the entrepreneur creates for herself the space to design a life she wants to live.

CONCLUSION

I use the tripartite model of geographic, creative, and communal to demonstrate the spaces in which the female entrepreneur is a part. Within these spaces, she responds to the space by inhabiting, moving between, or creating space. The dimensions of the female entrepreneur can be traced along the timescape and communiscape, illustrating the different

ways that she responds to changes in time and space. There is also a dimensionality in the way that these spaces overlap and transform. The entrepreneur exists in all three, but the extent to which she inhabits, moves, and creates is not equal between them. This model allows us to understand how time and space is dynamic through the involvement of the actor along these scapes. By analyzing the everyday experiences and movement of the female entrepreneur, I humanize her story—grounding societal and economic influences in the simple, commonplace interactions of time and space.

In understanding how it takes time and space to grow a business and form these deeper connections, I un-complicate the narrative and draw a simple picture of how female entrepreneurs can continue to enter and engage in these spaces. “We should spend more time trying to utilize each other’s skills and talents and support each other because... for generations, we would always commune in a circle. We would always communicate things that were going on. We shared more time with each other. God knows what happened,” (Beilhart 2). At the Creating Conversations event I recounted in the introduction, we sat in a circle. We communicated things that were going on in our ventures and business. We sat, drank coffee, and shared time together. Just as the globalization of our economy is creating space for renewed local production, the pace of a fast-moving world is creating space for crafting businesses and community slowly and intentionally. There is power in time and space set aside to translate stories and experiences across scapes.

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SUGGESTED CITATION

- Meyer, P. (2018). Dimensions of the Female Entrepreneur: A Look at How Female Entrepreneurs Inhabit, Create, and Move Within Time and Space in Washington D.C. *Virginia Social Science Journal*, Vol. 52 pp. 31-39.

Predictors of Public Policy Preferences Toward English Language Learners

GRANT E. RISSLER

Virginia Social Science Journal | Volume 52 | 2018 | Pages 39–52

ABSTRACT

Education policy toward English Language Learners (ELL) is a key factor in immigrant integration and a potential lightning rod for debate as the U.S. becomes a more diverse country due to immigration. Significant research explores public attitudes toward immigrants and immigration (ATII) in general but few studies have examined factors driving public opinion on more specific policy areas such as policy toward ELLs. To fill this gap, this paper analyzes data from the Commonwealth Educational Policy Institute's 2016 poll on support for two policy areas – funding for added outreach to parents of ELLs and tracking of ELL students. Demographic factors analyzed include age, sex, race/ethnicity, education levels, income, party identification and ideology. The paper concludes by summarizing potential implications.

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INTRODUCTION AND SIGNIFICANCE

The great demographic transformation occurring in the United States is driven in large part by immigration. Since 1970, the immigrant population in the United States grew from 5% of the population to more than 13% (Steil and Vasi, 2014). This transformation since the U.S. adopted the current broad immigration policy in 1965 has increased the racial/ethnic, linguistic and religious diversity of the United States significantly.

As evidenced by debates during recent presidential campaigns, policy towards immigrants in the US remains contentious, polarized and consequently gridlocked over the past decade at the federal level (Aguilera 2012, Cohen-Marks, Nuño, and Sanchez, 2009, Rosenblum 2011, Triadafilopoulos, 2010). National immigration policy also serves as a flashpoint for debates about normative values like the rule of law and human rights (Lee, 2013), as well as fodder for politicians seeking a spotlight for their campaigns. Even the language used in the debate is considered an important battleground (e.g., illegal vs. undocumented immigrant—see Patriot 2012, Colford, 2013).

At the same time that immigrants became a larger portion of the entire population, immigrants also dispersed more widely across the United States. The US Census Bureau (2010) points out that while in 1960 foreign born residents represented less than 5% of the population in two-thirds of the states, in 2010, more than two-thirds of states had a percentage of foreign born that was greater than 5%. Williamson (2014) notes that nearly half of the foreign born population in the United States now live in cities between 5,000 and 200,000 in population, where previously they concentrated in the largest urban areas.

This dispersion created hundreds of “new immigrant destinations” (NIDs) – communities that historically had few immigrants but saw rapid increases since the 1990s (Suro and

Singer, 2002). Local governments in these NIDs had little prior experience providing services across multiple languages and cultures and hence faced new challenges in various sectors, including education (Steil and Vasi, 2014; Zuniga and Hernandez-Leon, 2005). Public education systems have long been a focus and a flash point for immigrant incorporation, including around the topics of language acquisition and service provision. Rapid immigrant population growth can create profound fiscal and policy impacts in the education sector ranging from needs for additional facilities, translation capacity and English as a Second Language (ESL) teachers (Kandel and Parrado, 2006). In turn, this need for expanded services may affect public opinion toward immigrants – research has shown that if native born residents of an area perceive immigrants as needing language accommodations in schools, they are more likely to support restricting immigration overall (Chandler and Tsai, 2001; Fussell 2014).

While significant research has explored these general attitudes toward immigration overall, research on drivers of public opinion toward specific integration-focused education policies has been minimal. The general research has explored public attitudes toward immigrants and immigration (ATII) around broad questions of whether immigrants are perceived as a threat and whether the current flow of immigrants is too high. The resulting insights into what influences people's perspectives regarding immigration also provide indications as to what policy proposals may be feasible given public sentiment, as well as how it may be possible to frame immigration policy proposals to the broader public to increase or decrease the likelihood of public support (Cornelius and Rosenblum, 2005; Berg 2009). For example, some advocates for robust immigration cite economic benefits in their argument. Yet as Ceobanu and Escandell note, “if negative attitudes stem from identities and ideologies rather than economic interests, then strategies such as public information campaigns could be highly effectual” (2010, pg. 323).

This paper first reviews existing research on factors that influence attitudes toward immigrants and immigration in general and highlights those factors found to be consistently relevant by a growing research consensus. I will look briefly at the significant overlap between the immigrant population and English Language Learners within education settings, outlines the range of policy options available to local public schools under current law and reviews two areas of policy toward ELLs – how ELLs are incorporated into classrooms and how much school systems invest in providing communications to parents who are limited English proficient about their child’s education. Following the literature review, I use the data from a recent public opinion survey of Virginians that asked about these two areas to test whether those factors identified as driving attitudes toward immigrants and immigration broadly are also significant in determining preferences on the narrower education topics. Factors tested include age, sex, race/ethnicity, education levels, income, party identification and ideology. After presenting results of the logistic regression analysis, I conclude by summarizing potential implications for policy-makers.

RESEARCH ON GENERAL ATTITUDES TOWARD IMMIGRANTS AND IMMIGRATION

Existing research provides theoretical arguments for a myriad of individual and contextual characteristics and statistically explores the degree to which they influence immigration policy preferences. Several recent articles review the existing research on factors that impact attitudes toward immigrants and immigration (ATII) and policy preferences across nations (Ceobanu and Escandell 2010, Hainmueller and Hopkins 2014) and in the US (Berg 2010). A summary of statistically significant factors contained in the reviewed studies is provided in Table 1 (see appendix). The division of factors into categories follows those used by Ceobanu and Escandell (2010).

This matrix of results indicates that many characteristics (sex, ethnicity, presence of a large minority/immigrant population, income levels) have mixed impacts from study to study or even between data sets in the same study (e.g. Burns and Gimpel 2000). At the same time other factors (educational attainment, conservative ideology) appear consistent from inquiry to inquiry (Ceobanu and Escandell, 2010). Some factors, such as religiosity (Knoll 2009), have been investigated by fewer researchers, making it harder to discern whether the results of one study are consistent in other situations. Such characteristics are often then used to analyze responses based on an assumption of competition between natives and immigrants over limited societal resources (e.g. jobs) (Ceobanu and Escandell 2010, Feagin 2013).

Grounded within economic theory, this privileging of a competitive lens as a basis for analysis of public policy discourse is at least incomplete. Hainmueller and Hopkins (2014), in a comprehensive review of approximately 100 existing studies on public attitudes toward immigration, argue that there is little empirical evidence for competitive threat hypotheses at the individual level and only mixed evidence supporting economic competition based hypotheses at the group level. Instead, they argue that research much more consistently demonstrates the

role of symbolic factors such as concerns about a changing national identity or perceived threat to the national economy in determining public attitudes toward immigrants. For example, one study of Dutch respondents found that when respondents were presented with culturally threatening cues like an immigrant not speaking Dutch, they were much more likely to report negative attitudes toward immigrants than respondents given economically driven cues (Sniderman, Hagendoorn, and Prior 2004). In short, whether immigrants are understood to have a desire to assimilate into the host society is critical and adopting the host language is a very visible sign of that norm (Schilckraut 2005, Hainmueller and Hopkins 2014). In the United States, research has shown that speaking English is a key factor for most people (90%) in being “American” (Theiss-Morse 2009). As Hempel, et al., (2013) point out, some academics like Huntington (2004) have exhibited this concern with particular gravity toward Latinos.

These findings and the overall importance of the symbolic in determining attitudes toward immigrants are important in two ways. First, they point toward the likely similarity of factors influencing attitudes regarding education policy toward English language learners as are found in attitudes towards immigrants and immigration in general. Hence, I expect many of the same factors (e.g. conservative ideology, lower education attainment) to influence opinion about specific educational policies toward ELL’s. Second, it points to the saliency of educational policy choices in the larger debate over immigration because public education has always been one of the primary instruments of immigrant integration into U.S. society. Because of this second point, I turn now to a brief review of language policy in educational systems in the United States.

EDUCATION POLICY IN THE UNITED STATES

McGroarty (1997) notes that decisions related to language in the U.S. face an uneasy equilibrium that results from conflicting ideologies about language present in the political sphere as well as the fact that policies are implemented by government structures that are responsive to majority opinion but which have bound themselves to protect certain minority rights.

With regard to prevailing ideologies toward language, on one hand McGroarty points out that Americans tend to be pragmatists in regards to language, tolerating the use of non-English languages within smaller geographic areas that have many recent immigrants – the Little Italy or Chinatown that is familiar in many traditional immigrant gateways. On the other, she points out that there is a long-standing assumption that immigrants over time will assimilate into the society, including in the adoption of, and development of, proficiency in English (McGroarty 1997). The English “exam” that is part of the naturalization process for most immigrants is one concrete example of this belief. Based on this, one might expect a significant portion of public opinion to favor educational policies that emphasize progress toward mastering English, rather than policies that provide instruction in native languages.

Immigrants and ELL students are not synonymous as group designations, but they are still highly correlated in local

communities (Capps et al. 2005). Either group represents a significant and growing portion of the national public school population. By 2000, children of immigrants represented 1-in-5 school-aged children and 1-in-4 low-income school-aged children. There were more than 3.2 million ELL children across the nation (Capps et al. 2005). Kochhar, Suro, and Tafoya (2005) note that the Hispanic school-aged population in the South from 1990-2000 grew 322% compared to white (10%) and black (18%) population growth.

As several authors argue, the number and share of students who have ELL parents is also a concern for school systems as language barriers can prevent parental involvement in schools, a factor often associated with student success (Capps et al. 2005, Marschall, Shah, and Donato 2012). Children who live in a household where all members over the age of 14 are ELL are designated as “linguistically isolated” and in 2000 five percent of all children and 6 of 7 ELL children in grades 1-5 met this description (Capps et al. 2005). These students, who are more common in elementary grades than secondary, face the challenge of learning English without the support of others at home who speak English fluently or very well (Capps et al. 2005). The challenge is even greater for children whose parents never completed high school themselves – 48% of elementary-age ELL students in 2000 fit this category while 25% of the total ELL elementary population had parents with less than a 9th grade education. This compares to rates for English proficient students of 11% and 2% respectively (Capps et al. 2005).

Turning from the question of demand for ELL-sensitive education programs to policy, it is also important to note that government structures related to education in the U.S. are historically very decentralized, with primary responsibility for policy residing at the state and local rather than federal levels. Local school boards have significant latitude to shape policy. Yet some federal parameters emerged from Great Society legislation of the 1960’s and interpretations and enforcement of this federal law have varied during different administrations. Specifically, long-established constitutional case law requires local educational agencies to provide immigrants and those with limited English proficiency with equal access to education. Key cases included *Lau v. Nichols* (1974), which mandated equal opportunity to gain an education even if recent immigrants did not yet speak proficient English and *Plyler v. Doe* (1982) which barred K-12 public education institutions from conditioning access to an education on proof of legal residence (Vacca and Boshier, 2012). But enforcement of these provisions until the implementation of No Child Left Behind in 2003 was often more robust during Democratic presidencies than Republican (McGroarty, 1997).

Since No Child Left Behind, the inclusion of “limited English proficient” students (more recently termed English Language Learners) as a group that is tracked annually for progress within each school has increased the stakes of performance of these students on standardized tests and, as a result, increased the pressure on programs that support their English acquisition (Capps et al. 2005). This has reduced support in some localities for some instruction being provided in a student’s native language or in a bilingual program until English proficiency is

gained, because student’s test scores cannot be excluded from being used in the evaluation of a school’s performance beyond the first year that a recent immigrant is enrolled in U.S. schools (Wagner 2008, Kim, Hutchison, and Winsler 2015). In turn, this has focused attention on which policies are most effective in supporting robust English acquisition by students while also learning important subject content - a transitional period being taught in a native language; an English-only focus or a bilingual structure (sometimes termed two-way immersion) that assists native English speakers in acquiring another language at the same time that native speakers of that language acquire English. Reviews of pedagogical research find bilingual education to be ideal (Wagner 2008, Genesee et al. 2005) but other research highlights the political difficulties that may accompany a transition to such a policy (Dorner 2011). The contentiousness of these debates points to the value of deepening understanding of public opinion on these topics and the factors that shape that opinion.

A subset of the question of how to provide quality education to English Language Learners is how parents who are limited in their English proficiency should interface with schools and the education of their children. Parental engagement has long been a factor seen as contributing to the success of students and research has shown diversity in how school systems in traditional and new immigrant destinations engage with parents (Marschall, Shah, and Donato 2012). Legally since *Lau v. Nichols* (1974), school systems have been required to provide equal access to information about a child’s education to parents with limited English in a language and manner that the parent can readily understand (Goetz 2015). However, in practice, many school systems may focus only on the most widely spoken additional language or languages. Such schools were recently put on notice by the federal Justice and Education departments that this practice failed to comply with local responsibilities (Office of Civil Rights 2015), forcing school systems to consider whether to invest heavily in increasing translation and interpretation capacity. This recent development increases the importance of understanding whether the public would support such investments and what individual characteristics appear to drive such support.

RESEARCH ON PUBLIC OPINION TOWARD EDUCATION LANGUAGE POLICIES

Compared to the wide range of research on general attitudes toward immigrants, research on factors influencing public opinion about specific education language policies is less robust. Huddy and Sears (1995) examined factors that made non-Latino parents more or less likely to have a positive view of bilingual education. They found that non-Latinos living in heavily Latino areas and parents who perceived resources for bilingual education as being in competition with resources that would benefit their own children were less supportive of bilingual education. They found also that conservative political values led to greater opposition.

More recently Hempel et al. (2013) examined opposition to bilingual education and support for English-only education

among non-Latino whites in the state of Texas.¹ Consistent with much of the research on more general attitudes towards immigrants and immigration, they found that older, lower income and less educated respondents were more likely to oppose bilingual education and that males and those identifying as politically conservative were more likely to support an English-only policy in public education settings. They did not examine whether other racial/ethnic groups were significantly different in their support.

As this review shows, public opinion on educational policy toward English language learners is both an important and sparsely studied slice of the broader research on attitudes toward immigrants, immigration, and policies towards immigrants. This research extends the existing research in three ways. First, it uses a unique and recent public opinion data set that contains questions specifically about policy toward ELLs to deepen that sparsely studied slice. Second, it provides an opportunity to see if those individual characteristics found to be significant in general research on attitudes toward immigrants are also significant in this focused policy context. Finally, the research contributes to understanding what factors policy makers might need to give attention to about their constituencies when considering shifts in policy toward ELLs, including the expansion of resources dedicated to providing educational opportunity to that group.

RECENT DATA SET PROVIDES UNIQUE WINDOW

The research makes use of a unique data set, a representative poll of public opinion in Virginia that asked a variety of education policy questions, including two related to English Language Learners. The survey was conducted by Princeton Survey Research Associates International (PSRAI) December 15-20, 2015 on behalf of the Commonwealth Educational Policy Institute.

The two questions explore the two areas of education policy mentioned above – whether resources for communication with ELL parents should be increased and which method the public prefers while ELL students are mastering English. These two questions are provided below:

“Would you favor or oppose more state funds being used to ensure that public school parents who only understand limited English have access to information about their children’s education in a language they fully understand?” [1=Favor; 0=Oppose].

“Many families who come from other countries have school-age children who understand little or no English. Which one of the following do you think is the BEST way for public schools to handle the education of non-English-speaking students, even if none of these is exactly right?”

¹ Hempel measured opposition via a three choice question – a) “Students should be taught in English because it is the best way for them to learn; b) Students should be taught in their native language for a brief time such as a year or two; c) Students should be taught in their native language and English for as long as educators and parents believe it is necessary”.

- Require students to learn English in special classes at the parents’ expense before enrolling in regular classes
- Require public schools to provide instruction in the students’ native language, OR
- Require students to learn English in separate public school classes before enrolling in regular classes

The first question was constructed from scratch but modeled in its phrasing on other survey questions used in the same poll for whether respondents favored certain policy shifts. The second question is directly based on language used by the national Gallup/PDK poll on education issues in 2005 (Phi Delta Kappa 2005).

Also included in the data set is information on each respondent’s sex, income range, race/ethnicity, education level, political party identification, and community context (urban/suburban/rural) as well as several other educational policy questions (descriptive statistics for variables used are summarized in Table 2). This allows the use of complex sample logistic regression analysis to explore which of these factors are statistically significant predictors of immigrant-focused education policy preferences, holding the other factors constant. This analysis can then be compared to the consensus factors identified in more general research on attitudes towards immigrants and immigration to see whether the factors remain consistent in the specific educational policy context.

METHODOLOGY

The general question explored by this paper is the following: “What factors influence public opinion preferences on policies towards English Language Learners?” More precisely, the questions contained in the Commonwealth Education Poll allow us to look at two specific policies:

- Whether to increase funding for translation and interpretation to allow limited English proficient parents equal access to information about their child’s education.
- Whether students still learning English should be placed in one of three tracks:
 - Instruction in their native language
 - Separate classes in public schools until English is learned
 - Separate classes that parents must pay for until English is learned

As outlined above, variables are drawn from the 2015-16 Commonwealth Education Poll conducted by the Princeton Survey Research Associates International (PSRAI) on behalf of the Commonwealth Educational Policy Institute. This means all sampling methodology used by the institute is imported into this study. The survey was conducted by telephone using

a combination of landline and cellular random digit dial (RDD) samples to represent all adults in Virginia who have access to either a landline or cellular telephone (Commonwealth Education Policy Institute 2016). In addition, the data are weighted on sex, age, education, race, Hispanic origin, region of residence and population density to reflect the demographic composition of the adult population in Virginia and these weightings are utilized in the regression analysis by using complex sample logistic regression in SPSS.

To examine the two policy areas (funding for increased communications with ELL parents and preferred tracking for ELL students) as a focused insight into attitudes toward immigrants and immigration (ATII) within the education policy context, I use four dependent variables to measure ATII. Each is a dichotomous dummy variable.

Dependent Variable 1 (*d_favincLEPcomm*) is coded 1 if the respondents said they favored more funds being used for communications with ELL parents of children in public school. Conceptually, favoring increased funds in this situation is understood as evidence of a positive attitude toward immigrants. The exact wording of the question was:

“Would you favor or oppose more state funds being used to ensure that public school parents who only understand limited English have access to information about their children’s education in a language they fully understand?” [1=Favor; 0=Oppose].

Dependent Variables 2, 3 and 4 are each formed by coding the variable 1 if the respondent selected the respective option for how schools should teach children with limited English and 0 if they chose one of the other two options:

“Many families who come from other countries have school-age children who understand little or no English. Which one of the following do you think is the BEST way for public schools to handle the education of non-English-speaking students, even if none of these is exactly right?”

- DV2 (*d_parentexp*) - Require students to learn English in special classes at the parents’ expense before enrolling in regular classes [1= Selected; 0= Not Selected]
- DV 3 (*d_sepclass*) - Require students to learn English in separate public school classes before enrolling in regular classes? [1= Selected; 0= Not Selected]
- DV 4 (*d_native*) - Require public schools to provide instruction in the students’ native language [1= Selected; 0= Not Selected]

Conceptually, being in favor of immigrant parents paying for their child’s English classes is understood as having a strongly negative attitude toward immigrants. Being in favor of children with limited English proficiency being taught in their native language is understood to be a positive attitude toward immigrants as it signals a sense of value for the home culture of the immigrant. The third option, to be taught in separate classes

at public expense, is understood to be a moderate stance somewhere between the other two in conveying a positive or negative attitude toward immigrants.

Seven independent micro-factor variables found in the existing literature that have a logical equivalent within the CEPI dataset were used to test factors that affect ATII. These variables, the variable name within the dataset (*italics*), the coded categories and the expected relationship to the dependent variable are listed in Table 3 (see Appendix). Also listed is an example of research that serves as the basis for the expected relationship. For continuous (Age) and ordinal variables (Education level, household income, ideology), a positive expected relationship means that as the respondent has a “higher” value in that variable, the more likely they are to favor the policy option implicit in the dependent variable. In the case of purely categorical variables (e.g. race/ethnicity), an expectation is listed for each category, meaning that if the relationship is positive, that a respondent being of that category is expected to increase the likelihood of that respondent to favor that policy option. In those cases where the existing literature is mixed, the expectation is noted as ambiguous.

I create also two slightly different models for examining DV1. Conceptually, the factor driving those favoring increased funding for improved communication with ELL parents could be a positive attitude toward immigrants. But one could argue that they might just generally be in favor of increased funding going to schools to better serve disadvantaged students. To control for this possibility, a second version of Model 1 was tested, which uses responses to another question in the same survey as a control variable called *TaxWillingness* (Q7):

“Q7. One of the ongoing policy challenges is low-performing schools. Would you be willing or not willing to pay more in taxes in order to provide additional resources to high-poverty, low-performing schools that are working to increase student performance?” [1=Willing; 2=Not Willing]

As noted above, because the dependent variables are dummy variables, SPSS was used to run a multivariate complex sample logistic regression analysis for each equation and the results are reported below. The regression equations used were:

Model 1 – Favor Increased Funds Being Used for Communication with ELL parents

$$incLEPcomm = \beta_0 + \beta_1 Gender + \beta_2 Age + \beta_3 Income + \beta_4 EdLevel + \beta_5 Ideology + \beta_6 Race/Ethnicity + \beta_7 Community Type$$

Model 1a - Favor Increased Funds Being Used for Communication with ELL parents (with control for willingness to pay taxes

$$incLEPcomm = \beta_0 + \beta_1 Gender + \beta_2 Age + \beta_3 Income + \beta_4 EdLevel + \beta_5 Ideology + \beta_6 Race/Ethnicity + \beta_7 Community Type + \beta_8 TaxWillingness$$

Model 2 – ELL students in separate classes at parents’ expense

$$d_parentexp = \beta_0 + \beta_1 Gender + \beta_2 Age + \beta_3 Income + \beta_4 EdLevel +$$

β_5 Ideology+ β_6 Race/Ethnicity + β_7 Community Type

Model 3 – ELL students taught in separate classes at public expense

$d_{sepclass} = \beta_0 + \beta_1$ Gender+ β_2 Age + β_3 Income + β_4 EdLevel + β_5 Ideology+ β_6 Race/Ethnicity + β_7 Community Type

Model 4 – ELL students taught in native language

$d_{native} = \beta_0 + \beta_1$ Gender+ β_2 Age + β_3 Income + β_4 EdLevel + β_5 Ideology+ β_6 Race/Ethnicity + β_7 Community Type

RESULTS AND DISCUSSION

Factors Influencing Support for Increased Funds Used for Communication with LEP parents

As noted above, I test two versions of Model 1 (see Table 4). Comparing Model 1 and Model 1a, the model that incorporates a willingness to pay higher taxes to send more funds to high-poverty schools clearly provides a more robust model, as measured by the Nagelkerke R-squared (.188 for Model 1 compared to .254 for Model 1a). This argues for focusing any subsequent discussion on interpretation of Model 1a and for this reason all odds ratios (OR) reported in the discussion are from Model 1a.

However, before doing that, it is worth noting that in addition to giving the model more explanatory capacity, including the willingness to pay more in taxes as a control mitigates the effect and strength of significance for all statistically significant micro-factors. This may indicate the importance in future research on attitudes toward immigrants and immigration to consider what general policy stances might be endogenous within a response on immigration-related policy and artificially inflating the significance of micro-attitudinal or context factors such as those outlined in the literature review.

In both models, the factors of gender and community type show no significant impact on support likelihood. Likewise, the same five factors are statistically significant at a 90%, 95% or 99% confidence interval (as indicated by one, two or three stars respectively) in relation to a respondent favoring more funds being used for communication with LEP parents:

- Liberal ideology (odds ratio of 2.041** compared to conservative) respondents have an odds ratio more than two times greater when it comes to favoring more funds. There is no significant difference between conservatives and moderates.
- White non-Hispanic (odds ratio of .541* compared to Black) have an odds ratio of .541 to 1, meaning they are substantially less likely to favor more funds. There is no significant difference between the other three ethnic groups. (I pause to note that the distance

in odds ratio between White non-Hispanic and Hispanic or Other non-Hispanic is even greater – however statistical convention for categorical variables in regressions such as this suggests the use of the largest category not of direct interest as the base for comparison. In this case that is Black.)

- Some College and High School or Less respondents (odds ratio of .352*** and .518** respectively compared to College or more) both are substantially less likely to favor more funds. Perhaps surprisingly, those with some college are less likely to favor more funds for the purpose than those with a high school education or less.
- Those with household income below \$20,000 a year (odds ratio of 2.830** compared to those with income above \$100,000) are substantially more likely to favor increased funding. There is no significant difference between the wealthier comparison group and the two middle range income groups.
- Older respondents are less likely to favor increased funding (every additional year of age drops the odds ratio of favoring about 2.5% - odds ratio of .978***).

With the possible exception of the education variable, all of these results align with the expected relationship, as outlined in table 2 based on existing research. From this, one can generally say that the results of research on this question confirm a consistency of influential factors across both general immigration policy questions and a more focused educational policy question. For the education variable, the results indicate that seeing increased education as having a constant effect across years of education is potentially flawed – those with some college are less likely to support more funding for this purpose than those with a high school education or less. Also, since this study controls for a general liberal outlook via the ideology variable, the persistent effect of education indicates that claims of a general liberalizing effect to education, as Hood and Morris (1998) argue, may deserve added scrutiny. Alternative explanations (e.g., that the culture of certain types of institutions of higher education may create norms of tolerance while others may not) might provide an answer. Another potential explanation for the impact of higher education lies in the fact that college campuses and especially graduate programs in the U.S. increasingly draw an international student body.

FACTORS INFLUENCING LIKELIHOOD OF CHOOSING THREE APPROACHES TO ELLS

As mentioned before, models 2, 3 and 4 each explore which factors are influencing those respondents who choose each of three options for how public schools should handle the education of ELLs until mastery of English is gained. My expectation is that favoring classes at the parents' expense is indicative

of a somewhat negative attitude toward immigrants and that the factors and directions of impact would largely follow those found in prior research to be connected to negative ATII (e.g. conservative ideology, greater age, less education). Favoring classes in a student's native language (Model 4) is expected to be similar to positive ATII and separate classes at public expense (Model 3) is enough of a middle ground that I do not state an expectation. As with both versions of Model 1, each one as a whole is statistically significant, though the Nagelkerke R-squared for Model 3 is quite low at .117.

From the results, my expectations for Model 2 – separate classes at parents' expense – are largely confirmed. Ideology (Liberal - odds ratio of .486** compared to conservative), education (Some College and High School or Less respondents - odds ratio of 3.195*** and 2.755*** respectively compared to College or more) and age (odds ratio of 1.020***) are all highly significant (see table 5). If the respondent is from a rural area, the results are similar. Surprisingly, race/ethnicity is not a statistically significant factor, nor is income.

My expectations for Model 3 – separate classes but at public expense – shows only four factors as significant with two of the factors only qualifying at a 90% confidence interval:

- High School or Less and Some College respondents (odds ratio of .436*** and .608* respectively compared to College or more) both are less likely to favor the separate public classes option, though the difference is much more significant for High School or Less respondents.
- Rural respondents (odds ratio of .471** compared to urban) were less likely to favor this option.
- Those with household income between \$50,000 and \$99,999 a year (odds ratio of .589* compared to those with income above \$100,000) are weakly significant in being less likely to favor the separate public classes option.

My expectations for Model 4 – classes in the student's native language – contains also several interesting results. Notable is the fact that education level is not significant; a finding that is counter to my expectation that factors influencing a respondent choosing this option would be similar to positive ATII, where more education has consistently been found to be significant. Likewise, two income brackets are significant with both being more than 3 times more likely to favor a native language approach to teaching ELLs than those with income over \$100,000. What is interesting is that the two groups are the lowest bracket (less than \$20,000) and the upper-middle bracket (from \$50,000 to \$99,999). One might conjecture that because many recent immigrants earn less than native born workers, that this fact may be driving the lower income bracket, but the significance of the upper-middle income group being in favor of this likely requires more study in order to form

any potential explanations.

Despite these puzzling findings, other factors such as ideology and race/ethnicity do perform similarly to my expectation. White non-Hispanics, with an odds ratio of .484* have a significantly lower likelihood of favoring this policy compared to the reference group of Black while Hispanics, with an odds ratio of 3.304** have a significantly higher likelihood of favoring instruction in a native language. Compared to black respondents, other non-Hispanic respondents are not significant in their greater likelihood to support such a policy.

In other factors, a liberal self-identification, though barely significant at a 90% confidence interval, has an odds ratio of 2.030 relative to conservatives. Finally, age is again significant, with an odds ratio of .984**.

Looking across all three models, one item to note is that only with regards to the native language option does race/ethnicity show significance. This could be interpreted as evidence supporting the argument that symbolic threats (a language other than English) are more important to White non-Hispanics than is competition over scarce resources (which might drive support for classes being separate and at the parents' own expense). However this argument requires more study before anything definitive can be said.

CONCLUSIONS AND IMPLICATIONS

Though there are caveats that require further explanation, on the whole the results of this inquiry suggest that factors which influence attitudes toward immigrant-responsive policies in the educational sector are largely the same factors have also consistently been shown to be significant in broader research on attitudes toward immigrants and immigration. Three factors that almost all existing research find to be significant - age, education level, and liberal/conservative ideology - are significant factors in 3 of 4 models. Age and ideology were both not significant in Model 3, perhaps indicating that educating immigrants at public expense is not ideologically or generationally salient. Two factors that have been mixed in their significance in existing broader research - race/ethnicity and rural contexts - were mixed in the current research. Both were significant in two models but not the other two. Interestingly, they did not overlap; i.e., when one was significant, the other was not. This may encourage caution in lumping rural residents and whites together in relation to immigration. Specifically, two different elements may be at play which may be conflated due to the predominance of whites in many rural areas. Greater examination of rural areas where significant minority populations exist may help resolve the question.

In summary, while recognizing the limitations of a medium sized, one state survey for generalization, this research generally confirms several implications for practitioners and policy-makers:

- Those with more education tend to be more positive in their attitude toward immigrants and those with less, including those with

some college, are less likely to favor policies that benefit immigrants.

- Policy toward immigrants usually accesses the liberal/conservative identity that increasingly drives the U.S. political system, making such policy potentially polarizing as well.
- These factors only explain a small portion of the variability observed – a reminder to practitioners and policy-makers that essentialist estimations of what a particular individual will think based on personal characteristics or history are likely to be very imperfect.

Table 1: Summary of statistically significant factors in previous studies

Factors	Studies showing factor increases negative ATII or restrictive policy preference	Studies showing factor increases positive ATII or less restrictive policy preference	Studies showing factor not significant
Micro Non-Attitudinal Factors			
Education		Berg, 2009a , Berg 2010, Burns and Gimpel, 2000; Cohen, Nuno and Sanchez, 2009; Espenshade, 1995; Hainmueller & Hiscox 2007; Hello et al. 2002; Hood, Morris, and Shirkey 1997; Quillian 1995, Wagner & Zick 1995	
White	Cohen, Nuno and Sanchez, 2009;		Neal and Bohon 2003
Black			Neal and Bohon 2003
Latino or Hispanic		Cohen, Nuno and Sanchez, 2009;	
Born in US	Cohen, Nuno and Sanchez, 2009;		
Unemployed	Berg, 2009a, Esses et al. 2001; Quillian 1995; Semyonov et al. 2006, 2008		Berg, 2009a
Household income levels		Coenders et al. 2008, Jackson et al. 2001, Kehrberg 2007	Semyonov et al. 2006, 2007; Wilkes et al. 2007
Age	Berg, 2009a, Cohen, Nuno and Sanchez, 2009; Gorodzeisky & Semyonov 2009, Quillian 1995		
Male	Gorodzeisky & Semyonov 2009, Quillian 1995		Espenshade and Hempstead 1996; Hood and Morris 1997, 1998; Neal and Bohon 2003; Sanchez 2006; Berg 2009a
Female	Espenshade and Calhoun 1993; Burns and Gimpel 2000	Berg, 2009a, McLaren 2003	Espenshade and Hempstead 1996; Hood and Morris 1997, 1998; Neal and Bohon 2003; Sanchez 2006; Berg 2009a
Rural	Gorodzeisky & Semyonov 2009, Quillian 1995		
Religion		Knoll, 2009	Scheepers et al. 2002b
Micro Attitudinal Factors			
Perceptions of negative consequences of immigration	Citrin & Sides 2008, De Figuero & Elkins 2003, Rajiman et al. 2008, Sides & Citrin 2007; Jackson et al. 2001; McLaren 2001, 2003		
Perceive Larger immigrant population	Green 2009, Scheepers et al. 2002a, Schneider 2008, Semyonov et al. 2006		
Conservative Political/Ideological orientation	Berg, 2009a, Cohen, Nuno and Sanchez, 2009; Hainmueller & Hiscox 2007; McLaren 2001, 2003; Semyonov et al. 2006, 2008		
Contextual Determinants (macro-level structural conditions)			
Large minority/ immigrant population	Kunovich 2002; Quillian 1995; Scheepers et al. 2002a; Semyonov et al. 2006, 2008; Schneider 2008	Berg, 2009a, Berg 2010, Schlueter & Wagner 2008	Hello et al. 2002, Hjerm 2007, Sides & Citrin 2007

Table 2: Descriptive Statistics

Variable	Variable options	Frequency (or mean)
Willing to pay more in taxes for high-poverty schools (Q7)	Willing	63.2%
	Not Willing	34.6%
	Don't Know/Refused	2.2%
Favor funds for ELL parent comm. (Q9)	Favor	60.5%
	Oppose	37.4%
	Don't Know/Refused	2.1%
ELL track (Q10)	At Parents' expense	26.6%
	In Native Language	15.0%
	Separate Public School classes	51.2%
	Other (Vol.)	3.4%
	Don't Know/Refused	3.8%
Age (<i>age</i>)	Age in years (continuous)	46.73 (mean)
Ed Level (<i>reeduc</i>)	1-H.S. Grad or less;	35.6%
	2-Some College;	29.6%
	3-College Grad or more;	34.4%
	9-DK/Ref;	.4%
Race (<i>raceethn</i>)	1-White Non-Hispanic;	63.5%
	2-Black Non-Hispanic;	17.9%
	3-Hispanic;	6.7%
	4-Other Non-Hispanic;	7.7%
	9-DK	4.2%
Gender (<i>d_female</i>)	1-Female	50.5%
Income (<i>income_rec</i>)	1-< 20,000;	11.0%
	2-20K-49,999;	26.8%
	3-50K-99,999;	23.4%
	4-100,000 +;	25.6%
	9-DK/Ref	13.3%
Community Type (<i>usr</i>)	1- rural;	16.1%
	2-suburban;	60.7%
	3- urban	23.2%
Ideology (<i>lib1</i>)	1-liberal;	17.6%
	2-moderate;	40.0%
	3-conservative	33.7%

Table 3: Independent Variables to be tested for impact on ATII

Variable	Operational Definition	Lit Source	Expected relationship			
			DV1 <i>incLEPcom</i>	DV2 <i>d_parentexp</i>	DV4 <i>d_sepclass</i>	DV3 <i>d_native</i>
Age (<i>age</i>)	Age in years (continuous)	Berg, 2009a	-	+	Ambig	-
Ed Level (<i>reeduc</i>)	1-H.S. Grad or less; 2-Some College; 3-College Grad or more; 9-DK/Ref;	Berg 2010	+	-	Ambig	+
Race (<i>raceethn</i>)	1- Black Non-Hispanic; 2- White Non-Hispanic; 3-Hispanic; 4-Other Non-Hispanic; 9-DK	Cohen, Nuno and Sanchez, 2009	Ambig - + +	Ambig + - -	Ambig Ambig Ambig Ambig	Ambig - + +
Gender (<i>d_female</i>)	0-Male; 1-Female	Neal and Bohon 2003	Ambig	Ambig	Ambig	Ambig
Income (<i>income_rec</i>)	1-< 20,000; 2-20K-49,999; 3-50K-99,999; 4-100,000 +; 9-DK/Ref	Kehrberg 2007	Ambig	Ambig	Ambig	Ambig
Community Type (<i>usr</i>)	1- rural; 2-suburban; 3- urban	Quillian 1995	-	+	Ambig	-
Ideology (<i>lib1</i>)	1-liberal; 2-moderate; 3-conser-vative	Hainmueller & Hiscox 2007	-	+	Ambig	-

Table 4 – Impact of Factors on Likelihood of Support for Increased Funds Being Used for Communication with ELL parents

DV=1 if favor the following: "Would you favor or oppose more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education in a language they fully understand?" [1=Favor; 0=Oppose]"						
	Model 1 – No Tax Willingness Control			Model 2 – Tax Willingness Control		
Useable N	611			604		
Nagelkerke R-squared	.188			.254		
Model Signif. (Wald F)	.000 (4.203)			.000 (4.373)		
	Exp(B)	t-Stat	Sig.	Exp(B)	t-Stat	Sig.
CONSTANT	8.639***	3.694	.000	3.456**	2.039	.042
Liberal	2.616***	2.976	.003	2.041**	2.127	.034
Moderate	1.315	1.145	.253	1.125	.488	.626
Conservative	1.000			1.000		
Other Non-Hispanic	1.235	.374	.708	1.417	.579	.563
Hispanic	.911	-.151	.880	.1.122	.179	.858
White non-Hispanic	.475**	-2.220	.027	.541*	-1.870	.062
Black	1.000	.	.	1.000	.	.
H.S. Grad or less	.468**	-2.517	.012	.518**	-2.127	.034
Some College	.351***	-3.936	.0800	.352***	-3.754	.000
College Grad or more	1.000	.	.	1.000		
MALE	1.177	.738	.461	1.268	1.034	.302
FEMALE	1.000	.	.	1.000	.	.
Rural	1.145	.383	.702	1.062	.168	.867
Suburban	1.153	.530	.596	1.119	.391	.696
Urban	1.000	.	.	1.000		
< \$20,000	2.864**	2.149	.032	2.830**	2.067	.039
20K-49,999	1.532	1.304	.193	1.380	.955	.340
50K-99,999	1.004	.017	.987	.921	-.312	.755

\$100,000+	1.000			1.000		
Age (in years – continuous)	.975***	-3.875	.000	.978***	-3.246	.001
Willing to pay more in taxes for high-poverty schools				3.339***	5.136	.000
Not willing to pay more in taxes				1.000		

Table 5 Impact of Factors on Likelihood of Choosing Three Approaches to ELLs

DV=1 if select the named approach:									
““Many families who come from other countries have school-age children who understand little or no English. Which one of the following do you think is the BEST way for public schools to handle the education of non-English-speaking students, even if none of these is exactly right?”									
	Model 2 – Parents’ Expense			Model 3 – Separate Public Classes			Model 4 – Native Language		
Useable N	587			587			587		
Nagelkerke R-squared	.193			.117			.186		
Model Signif. (Wald F)	.000 (3.735)			.001 (2.672)			.000 (3.569)		
	Exp(B)	t-Stat	Sig.	Exp(B)	t-Stat	Sig.	Exp(B)	t-Stat	Sig.
CONSTANT	.034***	-4.824	.000	4.186**	2.520	.012	.396	-1.314	.189
Liberal	.486**	-2.037	.042	1.088	.268	.789	2.030*	1.666	.096
Moderate	.882	-.481	.631	1.052	.209	.834	1.252	.659	.510
Conservative	1.000			1.000			1.000		
Other Non-Hispanic	1.063	.098	.922	.706	-.708	.480	1.459	.670	.503
Hispanic	.222	-1.433	.152	.671	-.726	.468	3.304**	2.082	.038
White non-Hispanic	1.253	.607	.544	1.258	.717	.474	.484*	-1.831	.068
Black	1.000	.	.	1.000	.	.	1.000	.	.
H.S. Grad or less	3.195***	3.238	.001	.436***	-2.756	.006	.979	-.048	.962
Some College	2.755***	3.179	.002	.608*	-1.842	.066	.668	-1.027	.305
College Grad or more	1.000	.	.	1.000			1.000		
MALE	1.522	1.624	.105	.869	-.636	.525	.757	-.974	.330
FEMALE	1.000	.	.	1.000	.	.	1.000	.	.
Rural	3.101***	2.920	.004	.471**	-2.194	.029	.745	-.663	.508
Suburban	1.669	1.485	.138	.921	-.313	.755	.598	-1.544	.123
Urban	1.000	.	.	1.000			1.000		
< \$20,000	.645	-.899	.369	.649	-.970	.332	3.928**	2.470	.014
20K-49,999	1.128	.317	.751	.697	-1.137	.256	1.752	1.226	.221
50K-99,999	.874	-.394	.694	.589*	-1.926	.055	3.416***	3.235	.001
\$100,000+	1.000			1.000			1.000		
Age (in years – cont.)	1.020***	2.803	.005	.993	-1.194	.233	.984**	-1.980	.048

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SUGGESTED CITATION

Rissler, G. (2018). Predictors of Public Policy Preferences Toward English Language Learners. *Virginia Social Science Journal*, Vol. 52 pp. 39-52.

Jewish Identity in a Deep Southern City

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Virginia Social Science Journal | Volume 52 | 2018 | Pages 53-67

ABSTRACT A recent national Pew Research Center (PRC) study noted the changing nature of Jewish identity. Research indicates that ethnicity and religion have less influence in determining Jewish identity than in previous decades. For some, Jewish identity is constructed/chosen not necessarily inherited. The present study used survey data gathered from Jewish members and friends affiliated with a local Jewish community center to understand the nature of their Jewish identity. Our sample is substantially older, much more likely to belong to the Conservative and Reform denominations, and much less likely not to be affiliated with a denomination than the PRC sample. Our sample is less likely to report being Jewish as mainly a matter of ancestry or culture/ethnicity, but much more likely to report it as a matter of religion, ancestry, and culture/ethnicity. Ancestry combined with religion or culture/ethnicity plays an increasingly important role in defining Jewish identity as age increases. A very small number of Jews in our study consider their Jewishness as chosen. Overwhelmingly, most consider it inherited or inherited and chosen. The issues of symbolic religiosity and symbolic ethnicity are addressed.

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INTRODUCTION

A current profile/portrait of Jewish America can be found in a Pew Research Center study (the most recent national survey of American Jews since the 2000-2001 National Jewish Population Survey). Lugo et al. (2013) found that the data revealed, "Jewish identity is changing in America" (p. 7). Sixty percent of U.S. Jews identified, "being Jewish is mainly a matter of culture or ancestry, compared with 15% who say it is mainly a matter of religion" (Lugo et al., 2013, p. 47). Twenty-three percent of U.S. Jews, "Say being Jewish is a matter of religion as well as ancestry/or culture" (Lugo et al., 2013, p. 54).

The present study is important because the sociological literature has focused on Jews in the Northeast and on the West Coast neglecting Jews, regardless of place of birth, who reside in the South (Cutler, 2006; Lavender, 1977b). It is also important because it will contribute to the discourse about Jewish identity. We will create a profile/portrait of the Jewish members and friends of Savannah, Georgia's Jewish Educational Alliance (JEA) and compare and contrast this profile/portrait with the one presented in the most recent Pew Research Center study of Jewish Americans. Our key research question for this paper is: How do Jewish members and friends of the JEA in Savannah, Georgia determine their Jewish identity?

The subject of Jewish identity in the United States has intrigued scholars for many decades (Elazar, 1999; Goldstein, 2006; Sklare, 1971) and there is a prodigious body of scholarship addressing this topic (Alper and Olson, 2013; Brodtkin, 1998; Cohen, 1998; Cohen and Eisen, 2000; Cutler, 2006; Dashefsky, Lazerwitz, and Tabory, 2003; Davidman, 2007; Diner, 2004; Evans, 1993, 2005; Gitelman, 2009; Goldscheider, 2009, 2010; Hartman and Kaufman, 2006; Hartman and Sheskin 2012; Kelman, Belzer, Hassenfeld, Horwitz, and Williams 2016; Klaff, 2006; Kotler-Berkowitz, 2015; Lavender, 1977c; Lipson-Walker,

1989; Lugo, Cooperman, Smith, O'Connell, and Stencel, 2013; Magid, 2013; Rebhun, 2004a, 2016; Sheskin and Hartman, 2015; Silberstein, 2000; Thompson, 2014). The interest in Jewish identity is generated partly by its fluid or changing nature, thus making it more difficult to characterize American Jewry and its future (Cohen and Eisen, 2000).

There is also much debate among scholars about the meaning of Jewish identity and how it is constructed. Alper and Olson (2013) and Magid (2013) have summarized these debates concluding that for growing numbers of Jewish Americans, ethnicity and religion no longer serve a major role in determining their Jewish identity. Magid (2013) argues that much of the debate/interest in Jewish identity is because "postethnic America has challenged Jews to consider whether Jewishness can exist beyond Judaism" (p. 5).

Identities are "tied to social structure" and forged through social interaction with others (Vryan, Alder, and Alder, 2003, p. 379). Sociologists use social constructionist and narrative frameworks to study identity and contemporary identities are viewed as malleable and contingent (Greil and Davidman, 2007). Identity theory is useful for explaining the connections or linkages between society, self, and social behavior (Stryker and Serpe 1982). Stryker and Burke (2000) noted "the relation of social structures to identities influence the process of self-verification, while the process of self-verification creates and sustains social structures" (p. 284). For example, Gans (1956a, 1956b) suggested that shortly prior to World War II, as an outcome of assimilation, traditional Judaism started to evolve or transition into a symbolic Judaism for growing numbers of American-born Jews. Symbolic Judaism facilitated the process whereby Jews could choose to "feel and express their Jewishness" in a nostalgic, less pervasive way, while still maintaining some semblance of Jewish identity (Gans, 1956a, p. 427).

Gans (1979, 1994) later argued that ethnicity and religiosity (the quality of being religious) became mostly symbolic identities for white Americans of European ancestry who have the ability to choose whether or not to identify with a specific ethnic/religious group. Alba (1990) interviewed a wide range of European Americans in upstate New York and Waters (1990, 1998) interviewed white Catholic European Americans from California and Pennsylvania. Their studies supported Gans's symbolic ethnicity thesis, while Kivisto and Nefzger's (1993) study of a midwestern Jewish community did not support Gans's symbolic ethnicity thesis. Winter's (1996) study based on data gathered from the 1990 National Jewish Population Survey did not support either Gans's symbolic ethnicity thesis or his symbolic religiosity thesis. Rebhun's (2004b) study used data from the 1970-71 and the 1990 National Jewish Population Surveys and mostly supported Gans's symbolic ethnicity and symbolic religiosity theses. In their study of Jewish Americans, Cohen and Eisen (2000) noted, "They showed signs of far less ethnic commitment than was common a decade or two ago" (p. 10). Additionally, Cohen and Eisen (2000) stated, "We are not sure that Gans's concept of merely "symbolic religiosity" adequately characterizes the practice of those we interviewed and surveyed" (p. 198).

Symbolic Judaism, symbolic ethnicity, and symbolic religiosity are essentially forms of compensatory identity (Gans, 2007). According to Gans (2007), "Acquiring a compensatory identity is not difficult; it is also entirely compatible with an assimilated way of life. All it really required is experiencing that identity—feeling Russian, Mexican, or Korean, or for that matter Asian American" (p. 106). For example, feeling Jewish and identifying with key symbols becomes more important than physical and social ties or connections to established ethnic and religious social structures where one maintains ethnic/cultural/religious practices and behaviors. The symbols therefore compensate individuals for distancing themselves from ethnic and religious social structures. What Gans described is an example of the malleable and contingent nature of identities (Greil and Davidman, 2007). In recent years Gans (2007, 2009) laments the shift in focus among researchers from that of studying ethnic social structure and culture and how they are impacted by assimilation to the more psychological concept of identity or ethnic identity. Nevertheless, Gans (2007) concluded that if he had conducted his research on white ethnics later in his career he might have substituted the concept symbolic identity for symbolic ethnicity.

Cohen and Eisen's (2000) findings revealed what Hollinger (1995) referred to as a postethnic perspective. Jewish identity has diminished as ethnic boundaries have waned. For example, Cohen (1998) found no differences between younger and older Jews in their level of religious commitment or identity, but younger Jews were "considerably less ethnically defined than their elders" (p. 3). The following point is informative. Since the theme of this paper is about Jewish identity in the South, Lipson-Walker (1989) concluded that Southern Jews differed from Northern Jews in that "Southern Jews have acted out their Jewishness in a religious way rather than an ethnic or cultural way" (p. 13). This pattern fits two trends among American Jews, more attention is being placed on religiosity and less on

ethnicity (Dashefsky, Lazerwitz, and Tabory, 2003).

Goldscheider (2010) noted, "In the twenty-first century the boundaries that make Jewish identity distinctive and mark Jewish communities off from others are porous. Since they are not fixed or rigid, individuals move in and out of the Jewish community" (p. 110). Similarly, Magid (2013) concluded that Jewish identity in the United States is now more likely to be constructed instead of inherited (passed on by ancestors/family). For example, Davidman (2007) found, "My respondents (unsynagogued Jews) show us that lived culture is not a logical syllogism. It may not be rational for people to claim that certain characteristics are innate at the same time that they are consciously choosing how to define them...My respondents are capable of moving easily between the discourses of ascription and achievement" (p. 65).

Cohen and Eisen (2000) acknowledged that contemporary Jews understand their Jewish identity to be inalienable (similar to Davidman's findings) no matter "what they choose to do and not do Jewishly" (p. 185). Whitfield (1999) and Dawidowicz (1977) concluded that Jewish identity in the United States is influenced by a myriad of choices not by fate. Identities are socially constructed and "are learned rather than given, contingent rather than secure, historically positioned rather than inherent" (Whitfield 1999, p. 10). Kelman et al. (2016) determined that for the post-boomers they studied, their Jewish identity was constructed relationally. Nevertheless, many Jews struggle with the meaning of Jewishness. Thompson (2014) found that among the intermarried couples she studied they had difficulty explaining, "why they had committed themselves to religious practices about which they were ambivalent" (p. 174).

The discourse on Jewish identity has expanded to include not only essential or inherent conceptions of Jewish identity such as "predetermined attitudes, beliefs, and behavior patterns" (Silberstein 2000, p. 1) but also non-essentialist concepts of Jewish identity that reflect "becoming rather than being" (Silberstein 2000, p. 12). Jewish identity is characterized by the elements of "definitional instability" and "liminality" (Itzkovitz 1997, p. 185). Kotler-Berkowitz (2015) argued that the discourse on Jewish identity lacks a "well-defined conceptual framework" and proposed a structural model based on three key concepts: cohesion, assimilation, and division (p. 1). Kotler-Berkowitz (2015) used this model to interpret data from a recent Pew Research Center study of Jewish Americans and concluded, "American Jews will always find themselves somewhere between maximal cohesion and maximal assimilation on one continuum, and between maximal cohesion and maximal division on another" (p. 13). Jewish identity in the future will rely even less on religion, while intermarriage and lack of denominational membership will contribute to more assimilation and less cohesion (Kotler-Berkowitz, 2015).

SAVANNAH'S JEWISH COMMUNITY

Savannah, situated in the southeast corner of Georgia along the coast bordering South Carolina to its north, is the county seat of Chatham County. Savannah is considered a mid-size city and it is the largest city in the county with a population

of 144,352 (U.S. Census Quick Facts, 2016a). Chatham County is the fifth-most populous county in the state. Of the county's population of 283,379 (U.S. Census Quick Facts, 2016b), approximately 3,000 individuals are affiliated with one or more of three Savannah synagogues: Congregation Bnai Brith Jacob, Orthodox, founded in 1860; Congregation Agudath Achim, Conservative, founded in 1902; and Congregation Mickve Israel, Reform, founded in 1735 and is the third oldest Jewish congregation in the United States (City-Data.Com, 2014). The Berman Jewish DataBank (2015) estimated Savannah's Jewish population at 1,000-4,999.

The first Jewish community in the South was established in Savannah in 1733, although there were a small number of Jews living in Charleston, South Carolina from as early as 1695 (Dinnerstein and Palsson, 1973; Lavender, 1977a). Frey and Kole (2002) stated, "Along with the synagogues, the largest influence on the Jewish community has been the Jewish Educational Alliance, also known as the J.E.A. or the Alliance" (p. 7).

METHOD

A forty-eight question web-based survey (Survey Monkey) was sent out on October 18, 2015 as an e-mail attachment to 1,632 Jewish members and friends of the Jewish Educational Alliance (JEA) of Savannah, Georgia. Jewish friends of the JEA are not officially registered as dues paying members but frequently use the facilities (swimming pool, etc.) and partake in the various programs offered at the JEA. These members and friends had previously identified themselves as Jewish and were on an e-mail list compiled by the JEA. According to the executive director of the JEA this e-mail list or sampling frame contained virtually every address of adult Jews in Savannah. The JEA is also known as Savannah's Jewish Community Center and its focus is primarily cultural rather than religious. One of the advantages of studying the Jewish members and friends of the JEA is that this group consisted of a mix of religious Jews and cultural/secular Jews. If we had only studied members of the three synagogues in Savannah we would not have had access to those whose Jewish identity is cultural/secular. One of the goals of the JEA is to provide programming and services that contribute to enhancing Jewish community life and strengthening relationships with the broader Savannah community.

Respondents had to be at least 18-years-old to participate in the study. Six hundred and twelve recipients opened the e-mail sent by the director of the JEA and 187 opened the link to the survey. On October 25, 2015 a follow-up survey and reminder letter was sent to the same 1,632 members and friends. Five hundred and eighty-one of the recipients opened the e-mail and 148 opened the link to the survey. A total of 335 surveys were completed online. Fourteen paper copies of the survey were completed by individuals who did not have access to a computer or who preferred to complete a hard copy of the survey. Data from these 14 surveys were entered on the online survey. Three hundred and forty-nine members and friends of the JEA completed the survey for a response rate of 29%. We believe this is a more accurate way to report the response rate since only 1,193 of the 1,632 e-mail recipients opened their e-mails and were aware of the link to the survey. The response

rate is 21% if it is calculated using the number of e-mail messages originally sent (1,632) instead of the 1,193 that were opened.

We cannot say with any degree of certainty that this sample is representative of Jews in the South, or the United States. Nevertheless, these respondents are representative of Jews in Savannah and have provided us with very valuable data about themselves and their beliefs and practices. Savannah is a good case study to contribute to the existing scholarly literature on Jewish communities since it has not been studied, even though it was the first Jewish community established in the South. Important sources such as *How Jewish Communities Differ: Variations in the Findings of Local Jewish Population Studies* (Sheskin, 2001). This resource discussed Jewish community studies done from 1982-1999 and has been updated online in 2012/2013 in the *Comparisons of Jewish Communities: A Compendium of Tables and Bar Charts* (Sheskin, 2013). The report did not mention the Savannah Jewish community.

MEASURES

Respondents were asked a variety of demographic questions, questions that assessed their identity (ethnic, religious, and regional) as well as their Jewish identity, and a series of questions designed to determine their levels of religiousness and spirituality. Some of the questions were previously used on the Pew Research Center Survey of U.S. Jews (Lugo et al., 2013). The questions on religiousness and spirituality were developed by Rohrbaugh and Jessor (1975) and Niederman (1999).

The results from the following and other (not included due to space limitations) questions will be discussed in the remaining sections of this paper: (1) What is your present religion, if any? Are you: Jewish (Judaism); Protestant (Baptist, Methodist, Non-denominational, et al.); Roman Catholic (Catholic); Atheist (do not believe in God) or none; Agnostic (not sure if there is a God); Other (Please specify: __), (2) IF NOT JEWISH IN RELIGION: ASIDE from religion, do you consider yourself Jewish or partially Jewish, or not? Yes; Yes, partially Jewish (includes "half Jewish"); No, do not.; NA. I am Jewish in Religion, (3) To you personally, is being Jewish any of the following? Check all that apply. Mainly a matter of religion; Mainly a matter of ancestry; Mainly a matter of culture/ethnicity; NA. I am not Jewish; Something else (Please specify: __), (4) Is your Jewish identity primarily ____? inherited; chosen; a mix of inherited and chosen; I no longer consider myself Jewish; I have never been Jewish, (5) How important is being Jewish in your life? Very important; Somewhat important; Not too important; Not at all important; NA. I am not Jewish, (6) How important is religion in your life? Very important; Somewhat important; Not too important; Not at all important; NA. I am not religious, (7) Thinking about Jewish religious denominations, do you consider yourself to be primarily ____? Conservative; Orthodox; Reform; No particular denomination; NA. I am not Jewish; NA. I am not religious; Something else (Please specify: __), (8) How important is your ethnicity (cultural background) to your identity? Not at all important; Somewhat important; Important; Very important, (9) How important is your religion to your identity? Not at all important; Somewhat important; Important; Very

important; NA. I am not religious.

SAMPLE

Most of the respondents were Jewish (91.0%), married (72.2%), and white (98.4%). Only those who identified themselves as Jews were included in the statistical analyses. There were more females (51.0%) than males (49.0%). The average age was 62.2. The age range was 73, from 18 to 91. Forty-two percent identified with Reform Judaism, 33.7% with Conservative Judaism, and 12.5% with Orthodox Judaism. Thirty-one percent had earned a bachelor's degree, 9.9% had attained some graduate/professional education, and 48.7% had earned a graduate/professional degree. Eighty percent were or had been engaged in art, science, engineering, finance, law, medicine, social work, or management. About 14% were or had been in sales, 2.3% in service occupations such as administrative assistants, 1.4% in blue-collar occupations such as machine operators, and another 1% in other occupations. Forty-seven percent were retired. Sixty-two percent had family incomes of \$100,000 or more annually. Jews in Savannah from our sample include those who were born in the South or other states but who currently reside in Savannah. Thirty-seven percent were born in Georgia, 6.5% in another southern state, 37.7% in New England, and 19.0% in a non-southern state other than in New England. Thirty-three percent had lived in the Savannah/Hilton Head area for more than 20 years, while 20.6% had lived in the area all of their lives. Only 1.7% (four) considered themselves a Southerner first and Jewish second, while 43.2% identified themselves as Jewish first and a Southerner second. Not surprisingly since the Savannah/Hilton Head area is home to many retirees/transplants, 40.7% indicated that they were Jewish but not a Southerner.

VARIABLES AND ANALYSIS

Two identity measures were used as dependent variables: Jewishness as religion, ancestry or culture/ethnicity, and Jewishness as inherited or chosen. The first identity variable was adapted from the 2013 Pew study in part for comparison purposes. The two variables were recoded into two sets of dummy variables. The first set included a total of seven dependent dummy variables, they were recoded from three questions that respectively collected information about being Jewish as a matter of religion, ancestry, or culture/ethnicity, or a combination of all three or any of two of the three. Information from the three questions were first recoded into a single variable that contained the seven categories, which were then recoded into the present seven dummy variables. The second set of dependent dummy variables was recoded from the single question about Jewishness as inherited, chosen, or both. Binary logistic regression was used to examine associations of the two sets of dummy variables with three groups of independent variables: denomination dummy variables included Conservative, Orthodox, Reform, no particular denomination, and other. Various measures for meanings of being Jewish were also adapted from the 2013 Pew study in the form of a Likert scale for remembering the Holocaust, leading an ethical and moral life, observing Jewish law, having a good sense of humor, working for justice and equality in society, being intellectually curious, eating traditional Jewish foods, caring about Israel, and

being part of a Jewish community. The demographic variables included age, gender, state of birth, years living in the South, years of education, and Jewishness of spouse. Jewishness of spouse was recoded into dummy variables: Jewish spouse, partially-Jewish spouse, non-Jewish spouse, and no spouse. It should be noted that although the variables are labeled as dependent or independent, the regression analysis results should be interpreted with care as they may or may not reflect strictly causal relationships.

A third set of dependent variables was created to assess the extent of symbolic religiosity and symbolic ethnicity displayed by the sample. The reported importance of religion to one's identity was used as a baseline. The difference of the practice of prayer or religious meditation from the baseline was used as a proxy for symbolic religiosity regarding prayer and meditation, and the difference of attending religious services from the baseline was used as a proxy for symbolic religiosity regarding religious services. By the same token, the reported importance of ethnicity to one's identity was used as a baseline. The differences of eating traditional Jewish foods and leading an ethical and moral life from the baseline were used respectively as proxies for symbolic ethnicity regarding foods and symbolic ethnicity regarding ethics and morality. It should be acknowledged that the variables used to create the proxy measures were originally designed to investigate the importance of ethnicity or religion in the respondents' identity, to measure religiosity regarding prayer and meditation and participation in religious services, or to assess the meanings of being Jewish regarding eating traditional Jewish foods and leading an ethical and moral life. Although they were all ordinal measures, the number of categories were not identical. To minimize the measurement discrepancies, the standardized z-scores of the four proxies were used as dependent variables in OLS regressions with the same independent variables for the first two sets of dependent variables, excluding the variables that reflect meanings of being Jewish. These variables were excluded because two of them were used to create proxy measures for symbolic religiosity and symbolic ethnicity. Jewishness as inherited, chosen, or both were added to the list of the independent control variables.

RESULTS

Table 1 provides a description of variables. In contrast to the 2013 Pew study where large percentages of the national sample report being Jewish mainly as a matter of ancestry (27.5%), culture (24.5%) and religion (16.2%), our sample shows a strong tendency toward combined selections. Only 18.8% of the Pew sample report being Jewish as a matter of all three indicators. In comparison, nearly 50% of our sample report being Jewish as a matter of all three indicators. Only 6.2% of our sample report being Jewish as mainly a matter of ancestry, another 6.2% report as mainly a matter of culture/ethnicity, 13.1% as mainly a matter of religion. Our sample also shows slightly higher percentages of respondents reporting being Jewish as a combination of two of the three. In contrast to Magid's (2013) conclusion that Jewish identity in the United States is now more likely to be constructed instead of inherited, Those with Jewish spouses are less likely than those with

partially-Jewish spouses ($p < 0.01$, Column 3 of Table 3) and those with non-Jewish spouses ($p < 0.10$, Column 3 of Table 3) to report being Jewish as a matter of both ancestry and culture/ethnicity. JEA members are more likely to report being Jewish as a matter of culture/ethnicity ($p < 0.10$, Column 3 of Table 2).

Table 4 provides results of logistic regressions for the second set of dependent variables: Jewishness as inherited, chosen, and both. Conservatives are less likely to report their Jewishness as a choice than Reform Jews ($p < 0.05$, Column 2 of Table 4) and Jews of denominations other than Orthodox and Reform ($p < 0.10$, Column 2 of Table 4). The difference between Conservative Jews and Jews with no particular denominational affiliation ($n = 15$) is not statistically significant probably because of the small sample size. It is not surprising that Conservative Jews are more likely to report their Jewishness as inherited than Reform Jews ($p < 0.05$, Column 1 of Table 4). Our data analysis only shows differences between Conservative Jews compared with others about whether their Jewishness is inherited or chosen. There is no significant difference among other denominations.

Those who regard observing Jewish law as essential for being Jewish are more likely to report their Jewishness as chosen ($p < 0.01$, Column 2 of Table 4), but less likely to report it as inherited ($p < 0.05$, Column 1 of Table 4). Those who consider eating traditional Jewish foods as essential for being Jewish are more likely to report their Jewishness as inherited ($p < 0.01$, Column 1 of Table 4) but less likely to report their Jewishness as inherited and chosen ($p < 0.01$, Column 3 of Table 4).

Age also has a strong relationship with the dependent variables. Older Jews are more likely to report their Jewishness as inherited ($p < 0.05$, Column 1 of Table 4), but less likely to report it as inherited and chosen ($p < 0.10$, Column 3 of Table 4). A regression analysis with different controls for state of birth (born in the South versus other) shows a significant negative relationship between age and chosen (not reported in table). The positive relationship between age and inherited confirms the finding in Table 3 about the central role of ancestry combined with religion or culture/ethnicity in defining Jewish identity. Jews born in New England are more likely to report their identity as chosen than those born in Georgia ($p < 0.05$, Column 2 of Table 4) and those born in other non-Southern states ($p < 0.05$, Column 2 of Table 4), but less likely than the two groups to report their Jewish identity as inherited ($p < 0.05$, Column 1 of Table 4).

Table 5 provides the result of OLS regression analysis with the four created proxies for symbolic religiosity and symbolic ethnicity. Positive regression coefficients indicate higher symbolic religiosity or symbolic ethnicity. Having no spouse is the only variable that reaches statistical significance in the model of symbolic religiosity regarding prayer and meditation. Jews without a spouse display higher symbolic religiosity regarding prayer and meditation ($p < 0.05$, Column 1 of Table 5). The model of symbolic religiosity regarding attending religious services shows the largest number of statistically significant variables (see Column 2 of Table 5). The variables that make the greatest difference

include Jewishness as inherited or chosen, gender, and having a non-Jewish spouse. Jews who report their Jewishness as chosen are far less likely to display symbolic religiosity regarding attending religious services than those who report their Jewishness as inherited or inherited and chosen ($p < 0.01$). In other words, Jews who report their Jewish identity as chosen display the smallest gap between their behaviors regarding religious services and their perceived importance of religion in their life. Females are far more likely than males to display a symbolic religiosity regarding religious services ($p < 0.01$). In other words, males are far more likely than females to attend religious services relative to their perceived importance of religion. Jews with non-Jewish spouses display a larger gap between their behaviors regarding religious services and their perceived importance of religion in their life ($p < 0.01$). Orthodox Jews display a lower level of symbolic religiosity regarding religious services than Conservative Jews ($p < 0.10$). It is interesting that Jews born in other Southern states display a lower level of symbolic religiosity regarding religious services ($p < 0.10$). The more years living in the South, the more likely to display a lower level of symbolic religiosity regarding religious services ($p < 0.10$). JEA members display a higher level of symbolic religiosity than non-members ($p < 0.05$) and the higher the household income, the higher the symbolic religiosity regarding religious services ($p < 0.05$).

The models of symbolic ethnicity regarding foods and regarding ethics and morality include more significant variables than the model of symbolic religiosity regarding prayer and meditation, but fewer significant variables than the model of symbolic religiosity regarding religious services. Jews who report their Jewishness as chosen display a lower level of symbolic ethnicity regarding foods than Jews who report their Jewishness as inherited and chosen ($p < 0.05$, Column 3 of Table 5). Years living in the South ($p < 0.05$, Column 3 of Table 5) and JEA membership are positively related to symbolic ethnicity regarding foods. Reform Jews display the lowest level of symbolic ethnicity regarding ethics and morality among the denominations, but the only statistically significant difference is in comparison with Orthodox Jews ($p < 0.05$). Again, Jews who report their Jewishness as chosen display a lower level of symbolic ethnicity regarding ethics and morality than those who report their Jewishness as inherited and chosen ($p < 0.01$). Jews born in New England display a higher level of symbolic ethnicity regarding ethics and morality than those born elsewhere, but it is interesting that the only significant difference is in comparison with Jews born in other non-Southern states ($p < 0.10$).

The fact that 41.8% of our sample report religion to be very important, 30.8% report important, and 23.1% report somewhat important to their identity, and that 9.0% attend Jewish religious services more than once a week, 12.3% once a week, and 19.7% two or three times a month (not reported in table), suggests a large gap between attending religious services and the perceived importance of religion to their identity. However, 38.4% of our sample report prayer or religious meditation as a regular part of their life, 20.5% report prayer or religious meditation in times of stress and need, and another 25.3% report prayer or religious meditation in formal ceremonies (not reported in table). There seems to be a smaller gap between prayer and meditation compared with the perceived impor-

tance of religion.

Thirty-seven percent report culture/ethnicity as very important in their Jewish identity. Another 36.2% and 21.7% respectively report culture/ethnicity as important and somewhat important (not reported in table). Only 5.1% report it as not at all important. In comparison, 24.6% report eating traditional Jewish foods as essential to being Jewish, 53.3% report it as important but not essential, and 22.1% report it as not important (not reported in table). There seems to be a difference between eating traditional Jewish foods and the perceived importance of culture/ethnicity in Jewish identity, but the difference does not seem to be as dramatic as the difference between attending religious services and the perceived importance of religion in Jewish identity.

DISCUSSION

Several of our findings may offer some support to those found in the scholarly literature. For example, Alper and Olson (2013) and Magid (2013) concluded that for growing numbers of Jewish Americans, ethnicity and religion play less of a role in determining their Jewish identity. We found that alone, religion and particularly ancestry and culture/ethnicity are less of a factor in determining Jewish identity than religion, ancestry and culture/ethnicity combined. On the one hand, our findings about the positive relationship of age with religion and ancestry and with ancestry and culture/ethnicity as well as the negative relationship of age with religion and culture/ethnicity should be interpreted as it was in the previous section. On the other hand, it can also be interpreted as, the younger the Jews in Savannah are, the less likely ancestry, not by itself, but combined with religion or culture/ethnicity, plays a dominant role in defining their Jewish identity, and the more likely religion and culture/ethnicity play a role in defining their Jewish identity. In this sense, our findings contradict Alper and Olson (2013) and Magid (2013).

Lipson-Walker (1989) concluded that Jewishness for Southern Jews was primarily influenced by religion rather than culture/ethnicity. Besides the importance of the combined three (religion, ancestry, and culture/ethnicity) indicators, which determined close to 50% of Jewish identity, we found that the combination of ancestry and culture/ethnicity (13%) accounted for as much of their identity as religion (13%). If denominational affiliation reflects level of commitment to religion, and if Savannah Jews are more certain regarding their denominational affiliation in contrast to the Pew sample, then our sample supports Lipson-Walker's (1989) claim.

Our finding about reported causes for Jewish identity differs from Magid's (2013) claim that Jewish identity in the United States is more likely to be constructed instead of inherited. The low percentage of our sample who report their Jewishness as chosen (8%) indicates that it is rare for people to choose to be Jewish in Savannah area. Most of our sample report their Jewishness as inherited (53.8%) or inherited and chosen (38%) which demonstrates the important role that inheritance plays in one's Jewish identity. This may be in part accounted for by

age, which increases the odds of selecting inherited (Column 1, Table 4) and decreases the odds of selecting chosen (Column 2, Table 4), and in selecting inherited and chosen (Column 3, Table 4). Thus, inheritance may be more applicable to older Jews; whereas, choice may be more applicable to younger Jews. In other words, the younger the respondents are in our sample the more likely they are to select chosen. Therefore, our findings do not contradict Magid (2013) but provide an illustration of how age or cohort plays a role in the perception of Jewish identity.

Relating to Gans's (1979, 1994) concepts of symbolic ethnicity and symbolic religiosity, our analysis suggests a smaller difference between the perceived importance of culture/ethnicity and its practice than the difference between perceived importance of religion and its practice. Symbolic religiosity is particularly conspicuous regarding the attendance of religious services.

The differences and similarities between the findings in our study and the others previously mentioned matter and are worthy of discussion because they offer insight into the flexible, changing, and malleable nature of Jewish identity. The present study has brought to light how a certain segment of the Jewish population in a certain city determine their Jewish identity and how that identity's composition is different and similar to Jews in a national sample. These findings are important because, as Kotler-Berkowitz (2015) noted, the influence of ethnic and religious social structures may continue to play a diminishing role in the future on Jewish identity.

CONCLUSION

This paper provides a description of Jewish identity in a Deep Southern city and attempts to compare and contrast certain findings with the Pew study. By doing so, this paper has added to the growing discourse on the changing nature of Jewish identity. The major research question was: How do Jewish members and friends of the Jewish Educational Alliance (JEA) in Savannah, Georgia determine their Jewish identity? They are less likely to report being Jewish as mainly a matter of ancestry or culture/ethnicity, but much more likely to report it as a matter of religion, ancestry, and culture/ethnicity. Older Jews in Savannah are more likely to consider ancestry, not by itself, but combined with religion or culture/ethnicity, as playing a dominant role in defining their Jewish identity, and are less likely to consider religion and culture/ethnicity as playing a role in defining their Jewish identity. A very small number of Jews in our study consider their Jewishness as chosen. Overwhelmingly, most consider it inherited or inherited and chosen. Older Jews are more likely to perceive Jewishness as inherited and less likely to perceive it as chosen or inherited and chosen. Our sample is substantially older, much more likely to belong to the Conservative and Reform denominations, and much less likely to not be affiliated with a denomination than the Pew sample.

Gans's work described an example of the malleable and contingent nature of Jewish identity (Greil and Davidman, 2007). Our sample somewhat reflects this phenomenon. They state overwhelmingly that religion is important to them but the

majority do not attend weekly religious services regularly. They also report that ethnicity is important to them and the majority are supportive of ethnic indicators such as eating traditional Jewish food and caring about Israel. Thus our findings suggest that there is a much larger gap between the importance of religion and its practice and a much smaller gap between the importance of ethnicity and its practice.

In order to strengthen our understanding of Jewish life in the American South, further research on a variety of topics related to Jewry, including what determines Jewish identity, may need to be conducted in other locations in the Upper and Deep South. For example, the Charlotte and Atlanta metropolitan areas have experienced substantial population growth in the last two decades and as a result have become more ethnically and religiously diverse and cosmopolitan. Both of these cities are often referred to as part of the New South; whereas, Savannah is still viewed by many as part of the Old South. These two metropolitan areas contain numerous and larger Jewish enclaves/communities than Savannah and thus could provide a potentially different mix of community and individual-level characteristics that determine Jewish identity.

Table 1. Variable Description

Variable	Frequency	%	Mean	std. dev.
<i>Jewish as ... By Single and Multiple Choices</i>				
Religion	38	13.1		
Ancestry	18	6.2		
Culture/Ethnicity	18	6.2		
Religion and Ancestry	11	3.8		
Religion and Culture/Ethnicity	23	8.0		
Ancestry and Culture/Ethnicity	38	13.1		
All three	143	49.5		
Total	289	100		
<i>Inherited, Chosen, or Both</i>				
Inherited	159	55.2		
Chosen	22	7.6		
Inherited and Chosen	107	37.2		
Total	288	100		
Conservative	97	33.7		
Orthodox	36	12.5		
Reform	120	41.7		
No particular denomination	14	4.9		
Other	21	7.3		
Remembering the Holocaust			2.86	0.36
Leading an ethical/moral life			2.90	0.33
Observing Jewish law			1.95	0.67
Having a good sense of humor			2.44	0.71
Working for justice and equality			2.66	0.54
Being intellectually curious			2.68	0.55
Eating traditional Jewish foods			2.02	0.69
Caring about Israel			2.69	0.56
Being part of a Jewish community			2.68	0.55
Born in Georgia	91	36.8		
Born in Another Southern State	16	6.5		
Born in New England	93	37.7		
Born in Another Non-Southern State	47	19.0		
Years living in the South			26.4	19.8
Age			62.2	15.5
Male	119	49.0		
Female	124	51.0		
Married	178	72.7		
Jewish Spouse	156	63.2		
Partially-Jewish Spouse	12	4.9		
Non-Jewish Spouse	38	15.4		
No Spouse	38	15.4		
Years of Education			18.0	2.1

Table 2. Logistic Regressions of Religion, Ancestry, and Culture/Ethnicity

Variable	Religion	Ancestry	Culture/ Ethnicity
Constant	-2.03	30.58	-167.97
Denomination			
Orthodox	0.15	3.77	-14.09
Conservative	-----	-----	-----
Reform	0.77	4.64*	0.73
No Particular Denomination	1.62	4.69	-13.82
Other	-1.39	-0.40	5.02**
Meaning of being Jewish			
Remembering the Holocaust	-1.23*	-2.14	4.12*
Leading an ethical/moral life	-0.48	-0.61	30.46
Observing Jewish law	0.37	-0.80	0.92
Having a good sense of humor	-0.35	-3.23**	0.17
Working for justice and equality	-0.47	-3.08*	1.76
Being intellectually curious	-0.17	5.47**	15.99
Eating traditional Jewish foods	0.56	0.18	-1.99
Caring about Israel	-0.29	2.33	-5.39**
Being part of a Jewish community	0.94	-4.02**	1.20
Region			
Born in Georgia	0.59	2.13	-4.80
Born in Another Southern State	0.40	-----	-27.23
Born in New England	-----	-2.97	-----
Born in Another Non-Southern State	1.23	0.99	0.53
Years Living in the South	0.03*	-0.08	0.05
Demographic			
Age	0.02	0.09	0.09*
Female	1.67***	-2.52	2.10
Jewish Spouse	-----	-----	-----
Partially-Jewish Spouse	0.11	-24.48	6.25**
Non-Jewish Spouse	0.35	-2.92	1.00
No Spouse	0.68	-22.56	-16.96
Years of Education	-0.03	-1.36**	0.49
Household Income in Dollars	0.00	0.00	0.00
JEA Member	-0.10	-2.82	2.62*
N	200	200	200
Hosmer & Lemeshow Goodness of fit	0.21†	0.98†	0.57†
Cox & Snell R ²	0.16	0.20	0.23

Notes: * p < 0.10, ** p < 0.05, *** p < 0.01.

† Goodness of fit > 0.05: Model is significantly different from the null-model.

Table 3. Logistic Regressions of Religion and Ancestry, Religion and Culture, Ancestry and Culture, and All Three

Variable	Religion and Ancestry	Religion and Culture/ Ethnicity	Ancestry and Culture/ Ethnicity	All Three
Constant	-0.29	-0.12	-1.19	-8.59
Denomination				
Orthodox	-31.60	-2.89*	1.08	0.41
Conservative	-6.78**	-0.68	-----	0.36
Reform	-9.54**	-----	-0.72	0.01
No Particular Denomination	-----	-18.33	-1.53	-----
Other#	-15.18**	-0.90	-0.30	0.30
Meaning of being Jewish				
Remembering the Holocaust	4.45	0.69	0.25	0.61
Leading an ethical/moral life	3.91	-2.02*	-1.00	0.43
Observing Jewish law	-0.37	1.93**	-2.80***	0.44
Having a good sense of humor	2.98	-0.75	1.81**	0.37
Working for justice and equality	-3.30	0.70	0.36	0.08
Being intellectually curious	-4.48**	1.74*	-1.44	-0.21
Eating traditional Jewish foods	1.04	-1.30*	1.43**	-0.41
Caring about Israel	-7.13**	-0.87	-0.14	0.88**
Being part of a Jewish community	6.00*	0.64	-1.27*	0.46
Region				
Born in Georgia	-----	-----	-1.41	-----
Born in Another Southern State	-20.74	-18.77	-19.37	1.57*
Born in New England	-5.08*	-0.61	-----	0.77
Born in Another Non-Southern State	-28.64	-1.01	-1.10	0.57
Years Living in the South	-0.02	0.00	0.01	0.00
Demographic				
Age	0.16**	-0.06***	0.05*	-0.01
Female	-1.62	0.09	-0.56	-0.47
Jewish Spouse	-----	-----	-----	-----
Partially-Jewish Spouse	1.49	-18.89	3.87**	-0.28
Non-Jewish Spouse	0.24	-0.96	1.78*	0.40
No Spouse	-25.00	1.17	1.48	-0.18
Years of Education	-0.78**	-0.05	0.09	0.11
Household Income in Dollars	-----	0.00	0.00	0.00
JEA Member	-3.62	0.56	-0.16	0.24
N	200	200	200	200
Hosmer & Lemeshow Goodness of fit	1.00†	0.28†	0.98†	0.34
Cox & Snell R ²	0.18	0.16	0.24	0.18

Notes: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

$b = -8.40$ in comparison with Conservative ($p < 0.10$) in the model of Religion and Ancestry.

† Goodness of fit > 0.05 : Model is significantly different from the null-model.

Table 4. Logistic Regressions of Inherited, Chosen, and Inherited and Chosen

Variable	Inherited	Chosen	Inherited and Chosen
Constant	-1.51	-69.53	0.42
Denomination			
Orthodox	0.15	0.97	-----
Conservative	-----	-----	0.15
Reform	-0.84**	2.35**	0.48
No Particular Denomination	-1.11	2.92	0.56
Other	-0.55	2.74*	0.02
Meaning of being Jewish			
Remembering the Holocaust	-0.05	-1.40	0.32
Leading an ethical/moral life	-0.58	22.29	0.25
Observing Jewish law	-0.73**	2.07***	0.24
Having a good sense of humor	-0.03	0.84	-0.20
Working for justice and equality	0.32	-1.27	0.00
Being intellectually curious	-0.27	0.03	0.32
Eating traditional Jewish foods	1.03***	-0.71	-0.85***
Caring about Israel	0.36	0.78	-0.36
Being part of a Jewish community	-0.04	0.22	-0.08
Region			
Born in Georgia	-1.32**	3.18**	0.59
Born in Another Southern State	0.46	-16.99	-----
Born in New England	-----	-----	0.18
Born in Another Non-Southern State	-0.89*	2.80**	0.42
Years Living in the South	0.03**	-0.06**	-0.01
Demographic			
Age	0.03**	-0.02	-0.02*
Female	0.14	0.35	-0.34
Jewish Spouse	-----	-----	-----
Partially-Jewish Spouse	0.80	-0.52	-0.49
Non-Jewish Spouse	0.78	0.09	-0.56
No Spouse	0.18	-2.52*	0.31
Years of Education	-0.00	-0.09	0.06
Household Income in Dollars	0.00	0.00	0.00
JEA Member	0.19	-1.27	0.09
N	200	200	200
Hosmer & Lemeshow Goodness of fit	0.44†	0.04	0.50†
Cox & Snell R ²	0.22	0.21	0.14

Notes: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

† Goodness of fit > 0.05 : Model is significantly different from the null-model.

Table 5. OLS Regressions of Symbolic Religiosity and Symbolic Ethnicity

Variable	Symbolic Religiosity Regarding Prayer and Meditation	Symbolic Religiosity Regarding Religious Services	Symbolic Ethnicity Regarding Foods	Symbolic Ethnicity Regarding Ethics and Morality
Constant	-0.78	-0.90	-1.32	-0.57
Denomination				
Orthodox	-0.34	-0.39*	0.32	-----
Conservative	-----	-----	-----	-0.40
Reform	-0.21	-0.17	0.14	-0.58**
No Particular Denomination	-0.25	0.53	0.12	-0.52
Other	0.21	-0.02	0.27	-0.16
Inherited or Chosen				
Inherited	-----	0.69***	0.05	0.45
Chosen	-0.12	-----	-----	-----
Inherited and Chosen	-0.12	0.71***	0.63**	0.72***
Region				
Born in Georgia	-----	-----	-----	-0.01
Born in Another Southern State	-0.02	-0.52*	-0.08	-0.14
Born in New England	-0.01	-0.12	0.17	-----
Born in Another Non-Southern State	-0.12	-0.21	-0.25	-0.35*
Years Living in the South	-0.01	-0.01*	0.01**	0.00
Demographic				
Age	0.00	0.00	0.00	-0.00
Female	-0.02	0.39***	-0.21	-0.07
Jewish Spouse	-----	-----	-----	-----
Partially-Jewish Spouse	-0.14	0.41	0.00	-0.05
Non-Jewish Spouse	0.29	0.59***	-0.08	-0.14
No Spouse	0.53**	0.18	-0.04	0.01
Years of Education	0.05	-0.01	0.03	0.04
Household Income in Dollars	0.00	0.00**	0.00	-0.00
JEA Member	0.09	0.38**	0.34**	0.24
N	201	200	204	205
R ²	0.09	0.21	0.20	0.12

Notes: * p < 0.10, ** p < 0.05, *** p < 0.01.

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SUGGESTED CITATION

Smith, W. & Zhang, P. (2018). Jewish Identity in a Deep Southern City. *Virginia Social Science Journal*, Vol. 52 pp. 53-68.