

M.C., the Superior Court found that the definition of “household member” applied to a man, who was temporarily living with the plaintiff for seven months.³⁹ The court found that “[d]efendant’s alleged invasion of plaintiff’s privacy in furtherance of a sexual relationship began when they were living in the same home and resulted in defendant’s eviction from that home.”⁴⁰ These combined rulings expand the availability of restraining orders to students living in dormitories.⁴¹

Restraining order availability to non-family members varies among states.⁴² For example, under New York’s narrow statute, restraining orders are only available against “[a] person related to the victim by blood or affinity, current or former spouse, [or] person who has a child with the

³⁹ *S.Z. v. M.C.*, 417 N.J. Super. 622, 623, 11 A.3d 404, 405 (App. Div. 2011).

⁴⁰ *Id.* at 407.

⁴¹ See *infra* notes xx - xx.

⁴² American Bar Association, Domestic Violence Civil Protection Orders (CPOs) (2014),

http://www.americanbar.org/content/dam/aba/administrative/domestic_c_violence1/Resources/statutorysummarycharts/2014%20CPO%20Availability%20Chart.authcheckdam.pdf (last visited Apr. 7, 2017).

victim.”⁴³ Connecticut’s statute allows a restraining order for “[a]nyone who has been subjected to a continuous threat of present physical pain or physical injury by another family/household member or a current or former dating partner.”⁴⁴ Thirty states allow restraining orders against household members, however, the definitions are open to varying interpretations and confusion for law enforcement.⁴⁵

III. SEXUAL VIOLENCE ON CAMPUSES

Sexual assault reporting on college campuses is governed by Title IX of the Civil Rights Act of 1964.⁴⁶ Title IX requires that every school have a Title IX coordinator, who “ensures schools are compliant with Title IX, coordinates the investigation and disciplinary process, and looks for patterns or systematic problems with compliance to

⁴³ *Id.* at 20.

⁴⁴ CONN. GEN. STAT. §46B-15(a) (2013).

⁴⁵ *Id.*

⁴⁶ Title IX - Know Your IX, Know Your IX, <http://knowyourix.org/title-ix/title-ix-in-detail/> (last visited Apr. 5, 2017).

ensure schools fulfill all their federal obligations.”⁴⁷ Title IX and subsequent guidance from the Department of Education also require sex assault response training for certain school employees, “prompt” handling of sex assault complaints, and “equitable” resolution of such complaints.⁴⁸

Under the Clery Act, a consumer protection law aimed to foster campus safety, schools must create and distribute an Annual Security Report (ASR), detailing crime statistics and the school’s security policies.⁴⁹ The Clery Act also requires schools to provide comprehensive sexual assault education and include a summary of such educational programs in the ASR.⁵⁰ The Act also details the information schools are required to provide to individuals, who report sexual assault.⁵¹ Victims must be informed of their right to call the police, available mental health services, and resources for changing classes

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Campus Sexual Assault Victims' Bill of Rights, Jeanne Clery Act (2016), <http://www.cleryact.info/campus-sexual-assault-victims--bill-of-rights.html> (last visited Apr. 5, 2017).

⁵⁰ *Id.*

⁵¹ *Id.*

or living situation.⁵² Schools also must have internal disciplinary procedures for sexual assault, disclose possible outcomes after a final determination, and afford both the victim and the accused the same opportunity to call witnesses.⁵³ Schools that fail to abide by the mandates of the Clery Act are subject to financial penalties.⁵⁴

However, despite the protections of Title IX and the Clery Act, reporting sexual assault to the school alone can unfortunately open the door to schools mishandling assault and misreporting sexual assault statistics.⁵⁵ A recent investigation by 31 senators indicates that many schools underreport sexual assault statistics.⁵⁶ The Senators delivered a letter to former United States Attorney General Loretta Lynch and former United States Department of

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Clery Act Reports, Federal Student Aid, <https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports> (last visited Apr. 21, 2018).

⁵⁵ “Why schools handle sexual violence reports - Know Your IX,” Know Your IX, <http://knowyourix.org/why-schools-handle-sexual-violence-reports/> (last visited Apr. 5, 2017).

⁵⁶ VAWA-Clery-Anniversary-Letter, Documentcloud.org (2016), <https://www.documentcloud.org/documents/2938057-VAWA-Clery-Anniversary-Letter.html> (last visited Apr. 5, 2017).

Education Secretary John B. King, Jr.⁵⁷ Their report found that schools were grossly underreporting sexual assault statistics, stating that

91 percent of schools reported no incidents of domestic violence or dating violence. These directly conflict with the [Department of Justice (DOJ)] and [Centers for Disease Control and Prevention (CDC)] data on sexual assault, and strongly suggest that schools are either not taking the reporting obligation seriously or are not creating an environment where students feel comfortable coming forward to report, and are vastly underreporting these crimes.⁵⁸

Some specific instances of underreporting or misreporting are William and Mary University, which failed to report a sexual assault and hate crime assault, and Georgetown, which mischaracterized a forced fondling as a “Burglary — No Force.”⁵⁹ Additionally, Georgetown University

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Clery Act Reports, Federal Student Aid, <https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports> (last visited Apr. 21, 2018).

was cited for requiring students to sign a non-disclosure agreement prior to accessing judicial proceeding outcomes and sanctions.⁶⁰ Oklahoma State University professor John Foubert observed that “too many institutions are looking to protect their institutional brand by saying ‘rape doesn’t happen here.’”⁶¹

Furthermore, despite the educational mandate of the Clery Act and government funding for educational programs, many schools fall short regarding education on violence, assault, and sexual assault.⁶² Many schools simply offer online courses that contain a 30-minute introductory program regarding sexual assault.⁶³ Studies have shown that introductory programs on sexual assault do not have long term benefits and can even help assailants

⁶⁰ Clery Act Reports, Federal Student Aid, <https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports> (last visited Apr. 21, 2018).

⁶¹ Allie Bidwell, *Campus Sexual Assault: More Awareness Hasn't Solved Root Issues*. U.S. NEWS & WORLD REPORT (2015), available at <https://www.usnews.com/news/articles/2015/05/20/sexual-assault-on-college-campuses-more-awareness-hasnt-solved-underlying-issues> (last visited Apr. 5, 2017).

⁶² See *infra* notes 64 - 66.

⁶³ *Id.*

avoid detection.⁶⁴ Professor Foubert remarked, describing Oklahoma State University, that “[t]hey’re getting up to a bare minimum level.”⁶⁵

Unfortunately, the Clery Act has not led to a decrease in the incidence of violence and sexual assault on campuses, but rather an increase in the number of incidents.⁶⁶ Sexual assaults on campus have risen from approximately 4,000 in 2012 to 5,000 in 2015.⁶⁷ A report by a group of Senators released in May 2015 indicated that an increase from 3,264 sexual assaults reported in 2009 to 6,016 reported in 2013.⁶⁸ Rutgers University has the eighth highest incidence of rape reporting of universities in the United States.⁶⁹

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ See Bureau of Justice Statistics, National Center for Education Statistics, Indicators of School Crime and Safety: 2015 (2015), available at <https://www.bjs.gov/content/pub/pdf/iscs15.pdf> (last visited Apr. 5, 2017).

⁶⁷ *Id.*

⁶⁸ New Data Indicates a Rise in Sexual Assault Allegations Despite Decreasing Campus Crime Numbers, Generation Progress (2016), available at <http://genprogress.org/voices/2016/05/26/43612/new-data-indicates-rise-sexual-assault-allegations-despite-decreasing-campus-crime-numbers/> (last visited Apr. 5, 2017).

⁶⁹ Tom Davis, *Rutgers’ Reported Rapes Are Eighth Most In U.S., New Data Shows*, NEW BRUNSWICK PATCH (June 7, 2016), available at <http://patch.com/new-jersey/newbrunswick/rutgers-among-us->

Increased media attention on school mishandling of sexual assault cases may contribute to colleges improving their practices.⁷⁰ In 2012, a fellow student, Paul Nungesser, sexually assaulted Columbia University student Emma Sulkowicz in her dorm room.⁷¹ Emma filed a complaint with Columbia in 2013 and a hearing was held, where Paul was found not responsible.⁷² Emma appealed the decision but her appeal was denied.⁷³ Emma then went to the local police, but found the interaction “so upsetting” that she did not pursue charges.⁷⁴ Emma maintained that Columbia’s investigation and hearing processes were flawed

colleges-most-rapes-new-report-finds. This can also indicate a higher incidence of reporting rather than a higher incidence of rape itself. *Id.*
⁷⁰ See Emily Bazelon, *Have We Learned Anything from the Columbia Rape Case?* NEW YORK TIMES (2014), available at <https://www.nytimes.com/2015/05/29/magazine/have-we-learned-anything-from-the-columbia-rape-case.html> (last visited Apr. 5, 2017).

⁷¹ Roberta Smith, *In a Mattress, a Lever for Art and Political Protest*, NEW YORK TIMES (2014), available at https://www.nytimes.com/2014/09/22/arts/design/in-a-mattress-a-fulcrum-of-art-and-political-protest.html?_r=0 (last visited Apr. 5, 2017).

⁷² *Id.* Paul continues to deny the allegations and sued Columbia in April in 2015 for allowing him to be harassed in the wake of the hearing and during Emma’s protest. *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

because of the evidence that was admitted and the inappropriate questions asked during the hearing.⁷⁵

In protest of Columbia's handling of her case, Emma carried her mattress around campus and on graduation day.⁷⁶ In 2014, Columbia changed its sexual assault practices.⁷⁷ Students involved in sexual assault hearings may have an attorney present at the hearing, and a student will be provided an attorney if he or she cannot afford one.⁷⁸ Additionally, Columbia overhauled its investigators and staff, revamped its training, and launched the Sexual Respect Initiative.⁷⁹ The Sexual Respect Initiative aims to:

[i]ncrease your knowledge of key concepts related to sexual respect, including healthy and problematic behaviors, and the methods and potential impact of bystander

⁷⁵ Emily Bazelon, *Have We Learned Anything from the Columbia Rape Case?* NEW YORK TIMES (2014), available at <https://www.nytimes.com/2015/05/29/magazine/have-we-learned-anything-from-the-columbia-rape-case.html> (last visited Apr. 5, 2017).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

intervention; [i]ncrease awareness of University resources and community values; and [p]rovide opportunities to dispel myths about sexual violence, learn more about the link between gender stereotypes, harassment and violence, and foster awareness about sexual violence within our community and broader society.⁸⁰

The grassroots advocacy of Emma Sulkowicz is a hopeful example of students' ability to publicly expose schools' mishandling of sexual assault and force schools to enact policies to protect students.

IV. ROLE OF CAMPUS POLICE

Reporting sexual assault to campus authorities provides benefits that are not available from police.⁸¹ Primarily, school reporting procedures provide an avenue for victims who may not want to

⁸⁰ Sexual Respect and Community Citizenship Initiative 2016, *Sexual Respect* (2016), Columbia University, *available at* <https://sexualrespect.columbia.edu/sexual-respect-and-community-citizenship-initiative-2016> (last visited Apr. 5, 2017).

⁸¹ "Why schools handle sexual violence reports - Know Your IX," Know Your IX, <http://knowyourix.org/why-schools-handle-sexual-violence-reports/> (last visited Apr. 5, 2017).

go to the police for fear of retaliation, the fact of reliving assault at a trial, or the result of not being believed.⁸² Furthermore, campus authorities are the only avenue for men in states where sexual assault on a man may not be a crime.⁸³ Additionally, schools are required to offer victim services that police do not offer, such as “academic accommodations, dorm and class transfers, and mental health support.”⁸⁴ Finally, campus proceedings move faster than court proceedings, offering quicker resolution to all parties involved.⁸⁵

Even though flaws exist in campus policing of sexual assault, both campus police and universities try to warn students about sexual assault. For example, the Rutgers University Health Services website advises students on the definitions of “sexual assault” and “consent;” what to do if they are assaulted; and links to an incident report form

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

for on-campus crime.⁸⁶ The website advises students to go to the emergency room. and “[i]f [they] have been injured, or feel unsafe now, if on campus, call police, 973-353-5581 (x5581); if off-campus dial 911 (emergency) immediately.”⁸⁷ The school also operates a sexual assault hotline.⁸⁸ With respect to interpersonal violence, the website contains the definition of dating violence and advises students to call campus police or 911.⁸⁹

The New Jersey State Police website also contains information defining sexual assault and advising victims regarding what to do in the event of assault.⁹⁰ The New Jersey State Police advise individuals to contact their county’s Sexual Violence Agency “for emotional support, information and to learn about your options”, seek medical attention, then “[h]ave your Sexual Assault

⁸⁶ Rutgers University Health Services, <http://health.newark.rutgers.edu/sexual-assault-interpersonal-violence-services/sexual-assault> (last visited Apr. 5, 2017).

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ New Jersey State Police. Sexual Violence Information, *available at* <http://www.njsp.org/division/operations/sexual-violence-info.shtml> (last visited Apr. 6, 2017).

seventy-seven percent of cases.¹⁰⁵ Parties have increased flexibility to control the damages and outcome, including customized non-monetary damages, which would be ideal in cases of campus assault, where the parties may have to continue to coexist on campus.¹⁰⁶ For example, damages have included a personal apology, which can be integral in helping a victim gain closure.¹⁰⁷ Mediation has already been successfully implemented in workplace sexual harassment cases, and would be beneficial to all parties if implemented in college sexual assault cases.¹⁰⁸

In sum, New Jersey's expansion of restraining order availability to more college students is a step in the right direction to curtail campus sexual

¹⁰⁵ Carrie Bond, *Shattering the Myth: Mediating Sexual Harassment Disputes in the Workplace*, 65 *Fordham Law Review* 2511, 2513 (1997).

¹⁰⁶ Carrie Bond, *Shattering the Myth: Mediating Sexual Harassment Disputes in the Workplace*, 65 *Fordham Law Review* 2514, 2516 (1997).

¹⁰⁷ Carrie Bond, *Shattering the Myth: Mediating Sexual Harassment Disputes in the Workplace*, 65 *Fordham Law Review* 2517 (1997).

¹⁰⁸ Carrie Bond, *Shattering the Myth: Mediating Sexual Harassment Disputes in the Workplace*, 65 *Fordham Law Review* 2514, 2516 (1997).

assault.¹⁰⁹ However, schools still need to go further to comply with existing laws and protect their students.¹¹⁰ Increasing media attention and student mobilization should put a spotlight on schools and incentivize them to abide by existing laws to reduce sexual assault on campuses.¹¹¹ Furthermore, mediation should be implemented on campuses to resolve sexual assault disputes because it would ensure a more individualized, flexible and confidential resolution process that would protect the interests of both the victim and the accused from the intersecting interests of schools and the police.¹¹²

¹⁰⁹ See *S.P. v. Newark Police Dep't*, 52 A.3d 178 (App. Div. 2012).

¹¹⁰ See VAWA-Clery-Anniversary-Letter, Documentcloud.org (2016), <https://www.documentcloud.org/documents/2938057-VAWA-Clery-Anniversary-Letter.html> (last visited Apr. 5, 2017); see also Allie Bidwell, *Campus Sexual Assault: More Awareness Hasn't Solved Root Issues*, U.S. NEWS & WORLD REPORT (2015), available at <https://www.usnews.com/news/articles/2015/05/20/sexual-assault-on-college-campuses-more-awareness-hasnt-solved-underlying-issues> (last visited Apr. 5, 2017).

¹¹¹ See Emily Bazelon, *Have We Learned Anything from the Columbia Rape Case?* NEW YORK TIMES (2014), available at <https://www.nytimes.com/2015/05/29/magazine/have-we-learned-anything-from-the-columbia-rape-case.html> (last visited Apr. 5, 2017).

¹¹² Carrie Bond, *Shattering the Myth: Mediating Sexual Harassment Disputes in the Workplace*, 65 Fordham Law Review 2518 (1997).

**BOOK REVIEW: *ILLICIT SEX WITHIN
THE JUSTICE SYSTEM* BY CARMEN
M. CUSACK**

Jessica T. Bracho

Religion, tradition, sex, laws, and the justice system. Carmen M. Cusack, Ph.D., J.D., in *Illicit Sex Within the Justice System*, paints a detailed mural of how these four categories blend in, sometimes seamlessly, with each other. Cusack's book begins with an exploration of how laws are created by society's standards and are based off tradition and religion; both of which have been intertwined through time. She discusses that although times and society have changed, laws are not adapting and, in turn, are affecting the justice system.

Cusack's book highlights how morality comes from tradition, the backbone to the laws currently set in place. Although things have changed, some laws remain, as they are heavily saturated by morality and tradition. She specifically addresses

the role sex has played throughout time and place. She describes how traditions have progressed, but, yet the laws and the justice system have struggled to keep up. Because of society adopting certain norms, it is experiencing some negative effects from certain old-school mentalities. Cusack's book explains that the justice system's inability to adapt, to reflect the current times, has led to moral deviance, specifically sexual deviance, which has disoriented society's moral compass.

A timely, yet, still controversial topic, this book adds descriptive examples of how sex is viewed and used on all sides of the justice system. Cusack begins by laying out a foundation and discussing the essential role religion and tradition played (and still plays) in legislating and regulating. She describes both how the justice system is reliant on power and how power is achieved through many things, but particularly sex. She explains how sex is a commonly used tool and how morality has been used to suppress some while helping others advance. Cusack lays out vivid examples of this

throughout the justice system—from prisoners to judges, from police officers to federal agents. She elaborates on how civilians and officials both react to power and sex, leading to possible deviant behavior and leadership.

Cusack's book presents the urgency to end hypocrisy. Actions deemed to be immoral and/or illegal are being punished by those with authority. Yet, those with authority are also violators of such immoral and/or illegal acts. One broad example, which Cusack returns to frequently in her book, is adultery. In some states, adultery is illegal, yet, some of the authoritative officials enforcing, punishing, policing, or enacting such laws have been a party to said crime. Cusack further examines and expands on the negative effects this double standard causes. From victims of domestic violence not speaking up because of fear of being caught breaking the law to the population's loss of faith in the system or government.

Although Cusack suggests that laws and the justice system adapt to the times, she acknowledges

that society's moral compass has been cracked and needs to be replaced. Without certain laws set in place to protect women, men, homosexuals, etc., society will continue to morally decay. Cusack suggests that society's morals have evolved and the justice system is falling behind. Thus, the justice system is failing society, causing distrust, and leading to moral deviance. She holds that for society to function there must be trust in the justice system, which must lead by example.

Cusack's book is not for the faint of heart or the close-minded. It is a book begging for change; change that is necessary to appreciate each other's individuality without fear, for government to regain society's trust, and for our moral compass to be reset. Cusack, so wisely, proposes interaction between the justice system's members with authoritative power (e.g., officials and agents) and the civilian world to understand each other, identify, and come to terms with the new norm.

FOOT BINDING: A FEMINIST POINT OF VIEW¹

Carmen M. Cusack

I. INTRODUCTION

To symbolize and communicate grace, elegance, and refinement, women begin at a young age to subject their feet to “a battery of injuries: black nails, purpling flesh, growths galore,” “black” “feet,” “numb[ness],” “joint” “inflammation,” “aggravating” bone fragments,” “broken bones and stress fractures,” “bruised toenails,” “cracked” “toenails,” “broken toenail[s],” “blisters, bunions,” “corns,” “bits of hard skin between...toes,” “infections,” “hard skin that splits at the joints of...toes,” “sprain[s],” “pain,” “damaged” “tendon[s],” “surgery,” “twisted ankle[s],” “ulcers between” “toes,” “removing a nail,” “cramp[s], and

¹ Many thanks to Bows, who gives me courage to fight oppression. This is dedicated to white tigers. Joelle Lejano, “Mary Jane Shoes-Fergie,” YOUTUBE.COM, July 24, 2008, *available at* <https://www.youtube.com/watch?v=MrWuBiF2Hac>.

“swell[ing].”² These women are ballet dancers.³ Male dancers suffer similar injuries, including “ankle and muscular injuries.”⁴ “[S]elf-treatment is the norm. Some is benign: wrapping feet in tape” or “covering their feet in glue and other chemicals.”⁵ “More dangerously still, many attack their feet with scissors and razor blades.”⁶ “The culture of popping painkillers is widespread.”⁷ Dancers circulate brands to maintain medications’ effectiveness.⁸

These injuries are acceptable to society.⁹ For example, parents are unlikely to be arrested for requiring their children to perform.¹⁰ Discomfort and injuries are normal for many amateur and

² Emma John, “I Was Doing a Solo and I Heard My Foot Crack,” THE GUARDIAN, September 5, 2006, *available at* <https://www.theguardian.com/stage/2006/sep/05/dance>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ John, THE GUARDIAN (2006).

⁹ *Id.*

¹⁰ Leah McLaren, “Leah McLaren: If I Want My Son to Respect Women, I Need to Teach Him to Embrace the ‘Girlish,’” THE GLOBE AND MAIL, April 14, 2016, *available at* <https://www.theglobeandmail.com/life/parenting/why-im-teaching-my-son-to-embrace-girly-things/article29629855/>.

professional dancers, as well as for other athletes.¹¹ Majority cultural condonation distinguishes these lawful activities from sanctionable practices.¹² Although the law may not directly discriminate against a group of people based on ethnicity, it may be used to castigate minorities' cultural practices.¹³

Foot binding is a cultural tradition that has been portrayed in terms of feminism and subjugation of women.¹⁴ Generally, in the United States, it is not *per se* illegal.¹⁵ Arguments against it, which have not persuaded the law, but have infiltrated culture,

¹¹ *Id.*

¹² *Id.*

¹³ O.C.G.A. § 16-5-27 (2017). *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

¹⁴ Shoes generally may convey classes. Shoes hanging on utility wires can symbolize patriarchy or matriarchy at work. Utility wires sometimes represent oppression and neglect. On any given utility pole, the top wire is likeliest to be the power company (e.g., Gulf Power). The middle wire is likely a cable/internet company (e.g., Cox). The bottom wire is likely to be a phone wire (e.g., AT&T). Companies (i.e., Cox) may be reluctant to remove shoes when annoyed residents do not have accounts (i.e., nonhuman) or individuals (i.e., account holders) occupying dwellings nearest to the shoes neglect to report the problem. Symbolic oppression with shoes of certain members of society is ongoing, albeit in different forms that foot binding. Carmen M. Cusack, *Advocacy to utility companies for humans and birds in Pensacola, FL* (2017).

¹⁵ *See, e.g.*, Minn. Stat. §§ 146B.01-146B.10(c) (2018). Piercing minors' tongues is lawful with parental consent. *Id.* Minn. Stat. § 146B.07(2)(3)(c) (2018). Tongue bifurcation on minors is illegal. *Id.*

appear to be xenophobic or bigoted.¹⁶ Section II of this Article examines some historical notes about foot binding in China and describes cultural input from Christians. Section III analyzes relevant law, which may be used to deter foot binding activities. Section IV compares ballet shoes and other western forms of body modification to Chinese foot binding. Section V criticizes feminist cultural attacks on foot binding. Section VI concludes that foot binding is an acceptable form of cultural expression.

II. TRADITION AND CONTEMPORARY COMPARISON

A. Chinese History

Foot binding was protested in China during the mid-nineteenth century by Christian Chinese women.¹⁷ Christianity in China correlated with gender disparity (e.g., sex-segregated education).¹⁸

¹⁶ See *infra* Sections II-V.

¹⁷ Mary Szto, *Gender and the Chinese Legal Profession in Historical Perspective: from Heaven and Earth to Rule of Woman?*, 18 TEX. J. WOMEN & L. 195, 227 (2009).

¹⁸ *Id.*

Foot binding pronounced class differences more than gender disparities, but not misogyny.¹⁹ Christian women insisted on separating women from men.²⁰ They allowed the poor to have access to education previously reserved for wealthy women.²¹ The alleged purpose of education was to train women in Biblical studies and to be wives.²² However, the majority of missionaries in China were single women.²³ Using queer studies as a lens through which to analyze this era, it may seem as if some missionaries intended to infiltrate the home.²⁴ Some lower class individuals, including homosexuals and heterosexuals, may have conducted class warfare by claiming gender liberation.²⁵ Poor women gained access to new

¹⁹ Our Last Night, "Fantasy Land," SELECTIVE HEARING (2018), available at <https://www.youtube.com/watch?v=b-4TdBvpxEw>. "Perfect on the outside. Broken on the inside." *Id.* "We display split personalities out on our trophy shelves to erase the parts of us that we don't want to face." *Id.* "It's like we're living in fantasy land, burying our heads in the sand, running from the dark, covering our flaws." *Id.* "Stuck in utopia, a fabrication, screaming out for help so silently." *Id.*

²⁰ Szto, 18 TEX. J. WOMEN & L. 195 (2009).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Paul Oremland, 100 MEN (2017).

²⁵ Szto, 18 TEX. J. WOMEN & L. 195 (2009).

ideas and were exposed to new ideologies.²⁶ Wealthy women may have been paternalized by Chinese law and Christianity.²⁷

In retrospect, feminists may claim that laws intruding into upper class rituals benefited women, but, in fact, such laws were to women's detriment because they suffered from a loss of privilege that had insulated them from poverty—a detriment to any woman.²⁸ “In one generation, some [women] went from seclusion and immobility to being political[ly] revolutionary.”²⁹ Some scholars have justified prejudice against wealthy women by pointing to a few examples of middle class foot binding.³⁰ Women subjected to physical labor due

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Szto, 18 TEX. J. WOMEN & L. 195, 227 (2009).

³⁰ Janice A. Lee, *Family Law of the Two Chinas: A Comparative Look at the Rights of Married Women in the People's Republic of China and the Republic of China*, 5 CARDOZO J. INT'L & COMP. L. 217 (1997). “Foot binding was not only practiced by the wealthy. Many middle and lower class families had their women's feet bound only for the chance for their daughters to be married or to seek work as a prostitute.” *Id.* at 226, n. 62.

to disadvantage were never permitted or encouraged to foot-bind.³¹

In China, foot binding was performed on infants.³² Fathers allegedly bound infant daughters' feet using swaths of cloth to constrict growth and to shape the bones, ligaments, and muscle structure.³³ Foot binding may be performed on adult females.³⁴ Feet are malleable and may be shaped by shoes and other gear, including swaths of cloth.³⁵ Cultural intolerance for foot binding did not correlate with the female's capacity or incapacity to assent. The practice was totally abhorred.³⁶

B. Comparison

Adult women may modify their bodies, for example with breast implants and rhinoplasty.³⁷ Baby daughters may not be prevented from

³¹ Anna M. Han, *Holding-Up More Than Half the Sky: Marketization and the Status of Women in China*, 11 J. CONTEMP. LEGAL ISSUES 791 (2001).

³² Szto, 18 TEX. J. WOMEN & L. 195 (2009).

³³ *Id.*

³⁴ *Id.*

³⁵ John, THE GUARDIAN (2006).

³⁶ Szto, 18 TEX. J. WOMEN & L. 195 (2009).

³⁷ Minn. Stat. § 146B.03(3)(a) (2018).

walking, but some attorneys have argued that foot binding on daughters rises to the level of child abuse.³⁸ Yet, some children are subjected to body modifications even before they can assent.³⁹ For example, non-religious, routine circumcision of male children is not prohibited in the United States; and yet, medical and legislative evidence shows that it may alter the form and function of the erect and flaccid male sex and excretory organ.⁴⁰ Girls and boys may be suited with orthodontic braces for strictly cosmetic corrections.⁴¹ They may be ushered into ballet classes and fitted for toe shoes,

³⁸ See Lee, 5 CARDOZO J. INT'L & COMP. L. 217 (1997).

³⁹ Minn. Stat. §§146B.07 2(1), 3(2) (2018).

⁴⁰ Jennifer Medina, *Efforts to Ban Circumcision Gain Traction in California*, THE NEW YORK TIMES, June 4, 2011, Available at <https://www.nytimes.com/2011/06/05/us/05circumcision.html>. Claudia Otto & Hilary McGann, *Iceland's Proposed Ban on Male Circumcision Upsets Jews, Muslims*, CNN, February 20, 2018, available at <https://www.cnn.com/2018/02/20/health/iceland-circumcision-ban-reaction-intl/index.html>. Stephen Evans, *German Circumcision Ban: Is It a Parent's Right to Choose?*, BBC NEWS, July 13, 2012, available at www.bbc.com/news/magazine-18793842, xbrook2, "The Zohan, Dangerous Feet," YOUTUBE.COM, August 17, 2008, available at <https://www.youtube.com/watch?v=60qBoHrwYH4>.

⁴¹ Jay Rivera, *Child Support and Orthodontic Expenses*, LEGAL MATCH, May 26, 2010, Available at <https://lawblog.legalmatch.com/2010/05/26/child-support-and-orthodontic-expenses/>. Barret v. Kantz, No. 2506-09-1 (VA Ct. App., April 20, 2010).

which change the shape of the feet.⁴² They are permitted to wear high heels, and no law prevents them from electively or forcibly wearing any shoe that alters their foot shape, spinal health, and ligamentous and tendinous structures, and affects their status as independent or gender-neutral beings.⁴³ They are given and, in some instances, required by law to wear restrictive garbs, which constrict, damage, shape, and may harm their breasts.⁴⁴ Breast cancer, for example, has been linked to use of braziers.⁴⁵ Laws, customs, and processes determining female children and adults' physical health culturally vary within sociolegal contexts.⁴⁶

⁴² John, THE GUARDIAN (2006).

⁴³ Neal M. Blitz, *How Young Is Too Young For High Heels?*, HUFFINGTON POST, August 6, 2011, available at https://www.huffingtonpost.com/neal-m-blitz/girls-high-heels_b_919484.html

⁴⁴ C. Hsieh & Dimitrios Trichopoulos, *Breast Size, Handedness and Breast Cancer Risk*, 27 EUR. J. OF CANCER 131 (1991).

"Pre-menopausal women who do not wear bras had half the risk of breast cancer compared with bra users." *Id.*

⁴⁵ *Id.*

⁴⁶ Jay Rivera, *Child Support and Orthodontic Expenses*, LEGAL MATCH, May 26, 2010, Available at <https://lawblog.legalmatch.com/2010/05/26/child-support-and-orthodontic-expenses/>.

III. DETERRENCE

In Genesis 22:1-24, God commands Abraham, the patriarch, to bind and sacrifice his son, Isaac.⁴⁷ Binding is a portion of the restriction; incapacitation is the essential result that God requires.⁴⁸ This example is instructive.⁴⁹ Binding may be treated as a crime or viewed in context as being part of a greater harm.⁵⁰

Battery is a generalizable example.⁵¹ Elements typically require harm or damage, yet may require offense.⁵² In Louisiana, simple battery results from nonconsensual battery.⁵³ Parents may be deterred from foot binding by battery laws because the government could allege that foot binding causes damage and infants cannot consent or assent to such treatment.⁵⁴

⁴⁷ Genesis 22:1-24.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Infra* note.

⁵² *See also* O.C.G.A. § 16-5-20 (2017).

⁵³ La. R.S. § 14:35 (2017).

⁵⁴ *Id.*

Numerous counterarguments demonstrate that this allegation may be unfair (e.g., male circumcision,⁵⁵ ear piercing,⁵⁶ corporal punishment,⁵⁷ and gender correction⁵⁸). Cultural nuisances may impassion the government to pursue nontraditional forms of parenting.⁵⁹ On one extreme, parents in Utah legislated a right to allow children to be home alone despite risk of harm; whereas parents in Georgia legislated a fetus's right, at any stage, to be free from simple battery.⁶⁰ These differences could yield dramatically different results when proving elements, such as "harm" in a court of law.⁶¹

Under child cruelty statutes, prosecution and conviction is just if foot binding causes "excessive pain" that is not normally experienced by children

⁵⁵ O.C.G.A. § 16-5-27 (2017).

⁵⁶ O.C.G.A. § 16-5-71.1 (2017).

⁵⁷ Carmen M. Cusack, *White Tigers and Corporal Discipline of Minors* (2017).

⁵⁸ O.C.G.A. § 16-5-71 (2017).

⁵⁹ Cusack, *White Tigers and Corporal Discipline of Minors* (2017).

⁶⁰ Angelica Lai, "A State Just Made It Legal to Leave Your Kids Home Alone," MSN, March 23, 2018, *Available at* <https://www.msn.com/en-us/lifestyle/whats-hot/a-state-just-made-it-legal-to-leave-your-kids-home-alone/ar-BBKIG3y?ocid=spartanntp#image=1>. O.C.G.A. § 16-5-29 (2017).

⁶¹ O.C.G.A. § 16-5-23 (2017).

within the jurisdiction.⁶² For example, foot binding may cause pain similar to when playing a sport such as football or softball; and therefore, should not be prosecuted.⁶³ Foot binding may result in abnormalities, which correlate with extreme pain, but are relatively common among children within the jurisdiction, such as for gymnasts, ballerinas, and ice skaters.⁶⁴

California's law indicates how sensitive this government may be toward foot binding.⁶⁵

Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering....shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.⁶⁶

⁶² O.C.G.A. § 16-5-70 (2017).

⁶³ *Id.*

⁶⁴ Aliya Mustafina, "Mustafina back from Injury, Eyes Gymnastics Gold in London," YOUTUBE.COM, April 23, 2012, *Available at* <https://www.youtube.com/watch?v=H3sXcutIzQ8>.

⁶⁵ *Infra* note.

⁶⁶ Cal Pen Code § 273a (2017).

This statute may evenly apply to parents permitting their children to bind their breasts, wrists, ankles, or any other body part for any reason (e.g., sports and art).⁶⁷

In Tennessee, aggravated child abuse laws may deter many parents.⁶⁸ “A person commits the offense of aggravated child abuse, aggravated child neglect or aggravated child endangerment, who commits child abuse...; child neglect...; or child endangerment...and...[t]he act of abuse, neglect or endangerment results in serious bodily injury to the child.”⁶⁹ “‘Serious bodily injury to the child’ includes, but is not limited to... a fracture of any bone, ...subdural...bleeding, ...injuries to the skin that involve severe bruising or the likelihood of permanent or protracted disfigurement.”⁷⁰ A parent’s defense is that the statute is intended to protect children from physical abuse; and, foot binding does not abuse a child.⁷¹ Foot binding

⁶⁷ *Id.*

⁶⁸ Tenn. Code Ann. § 39-15-402 (a)(1)(d) (2018).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

formulates or beautifies a child without humiliation or damage.⁷² Such treatment may be comparable with putting a toddler in constricting dress shoes or excessively overloading a child's knapsack to the point of causing the child to slump and experience neck pain.⁷³ A child provided without a prescription a back brace affecting the shape of a crooked spine may be labeled a victim under this statute if it is applicable to foot binding.⁷⁴

Exaggerated and biased responses are unjust.⁷⁵ Foot binding should be analyzed objectively in comparison to other similar activities and impacts on children.⁷⁶ Subjectively, foot binding ought to be considered in connection to the process, pain, or suffering, if any, experienced by a particular child.⁷⁷ Pain and suffering could relate to a child's

⁷² *Id.*

⁷³ Blitz, HUFFINGTON POST (2011).

⁷⁴ Rivera, *Child Support and Orthodontic Expenses* (2010). *Barret* (VA Ct. App., 2010).

⁷⁵ Tenn. Code Ann. § 39-15-402 (a)(1)(d) (2018).

⁷⁶ *Id.*

⁷⁷ Rivera, *Child Support and Orthodontic Expenses* (2010). *Barret* (VA Ct. App., 2010).

willingness to undergo the procedure and to a child's maturity and age.⁷⁸

IV. BALLET

Ballet is an exemplary comparison to foot binding because gender-specific pointe shoes cause injuries, bunions, and deformities.⁷⁹ Dancers wear ballet shoes, including pointe shoes, not to beautify their skeletons, but to adorn their feet and perform the art of ballet.⁸⁰ One effect of wearing pointe shoes includes the injuries resulting from the pressure of landing on the pointe shoe toe "box."⁸¹ These injuries may be compared to injuries correlating with other athletic footwear, such as cleats (e.g., anterior cruciate ligament (ACL) injury).⁸²

⁷⁸ Tenn. Code Ann. § 39-15-402 (a)(1)(d) (2018).

⁷⁹ John, *THE GUARDIAN* (2006).

⁸⁰ *Id.*

⁸¹ Bryan W. Cunningham, Andrea F. DiStefano, Natasha A. Kirjanov, Stuart E. Levine & Lew C. Schon, *A Comparative Mechanical Analysis of the Pointe Shoe Toe Box. An In Vitro Study*, 26 *THE AM. J. SPORTS MED.* 555 (1998).

⁸² Humans' election to wear shoes for art and sport may be differentiable from implementations used to correct or protect, for example orthopedic shoes or horseshoes.

Wearing pointe shoes is like foot binding because the shape and mechanism of the shoe results in bone deformities, not solely permanent bunions, hammer toe,⁸³ claw toe, mallet toe, curly toe, corns, and fractures.⁸⁴ Dancers' joints, ligaments, tendons, skeletons, organs, and muscles are affected.⁸⁵

[A dancer] may beg[] the chiropodist not to remove the thick layers of dead skin,...[because] they're the only thing preventing her from getting too many blisters. For most dancers, blisters, bunions and corns are the norm, the inevitable result of feet compressed into unforgiving pointe shoes (with blocks built up using layer upon layer of hessian triangles, paper and glue) that give the illusion of dancing on tiptoe.⁸⁶

With constant wear, the kind of minor ailments that most people would find merely irritating

⁸³ MovieClips, "Boomerang (1/9) Movie CLIP - Hammertime Feet (1992) HD," YOUTUBE.COM, May 23, 2012, available at https://www.youtube.com/watch?v=NP7_SIRfo-c.

⁸⁴ Nancy Kadel, Mark Boenisch, Carol Teitz, & Elly Trepman, *Stability of Lisfranc Joints in Ballet Pointe Position*, 26 FOOT & ANKLE INT'L 394 (2005).

⁸⁵ John, THE GUARDIAN (2006).

⁸⁶ *Id.*

become self-perpetuating agonies.⁸⁷ Corns develop sinuses and become ulcers; nails thicken and grow hard skin underneath; and dancers, compensating for one kind of pain, risk putting undue stress elsewhere, causing new injuries.⁸⁸

Amateur and hobby dancers must train for several years before wearing pointe shoes.⁸⁹ Only a small portion of elite dancers rely on this specialized occupational tool.⁹⁰ Some podiatrists report that pointe shoes are as likely as any other shoe to worsen deformities or cause bunions and other painful conditions (e.g., lesions); however,

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Stephen J. Pearson & Alison F. Whitaker, *Footwear in Classical Ballet: A Study of Pressure Distribution and Related Foot Injury in the Adolescent Dancer*, 16 J. DANCE MED. & SCI. 51 (2012). Carol C. Teitz, Richard M. Harrington, & Hannah Wiley, *Pressures on the Foot in Pointe Shoes*, 5 FOOT & ANKLE 216 (1985). Selina Shah, *Determining a Young Dancer's Readiness for Dancing on Pointe*, 8 CURRENT SPORTS MED. REP. 295 (2009). Natasha Nunes, Jesse J. Haddad, Doreen J. Bartlett, & Katherine D. Obright, *Musculoskeletal Injuries among Young, Recreational, Female Dancers Before and after Dancing in Pointe Shoes*, 14 PEDIATRIC PHYSICAL THERAPY 100 (2002). Helen Day & Lucas Lundgren, *Ballet Shoes*, 14 PODIATRY NOW 48 (2011).

⁹⁰ Helen Day & Lucas Lundgren, *Ballet Shoes*, 14 PODIATRY NOW 48 (2011).

dancing on pointe is likelier than most activities (e.g., sitting at an office desk)⁹¹ to deform feet.⁹²

Feminists may agree that high heels, an alleged symbol of patriarchy, contribute to deformation (e.g., Barbie Feet Syndrome) associated with oppression (e.g., “strain injuries”).⁹³ Yet, many bra-burners may wear pointy boots,⁹⁴ rock climbing shoes, or other uncomfortable and possibly damaging footwear.⁹⁵ Dancers, feminists, and other women may allow pedicurists to use foot-shaping razor blades; or they may use them on their own feet.⁹⁶ Thus, among non-feminists and feminists,

⁹¹ Nathan Ensmenger, *‘Beards, Sandals, and Other Signs of Rugged Individualism:’ Masculine Culture within the Computing Professions*, 30 OSIRIS 38, 39 (2015). Office attire is inherently feminine. *Id.*

⁹² Denton, J. (1997). Overuse foot and ankle injuries in ballet. *Clinics in Podiatric Medicine and Surgery*, 14(3), 525-532.

⁹³ Neil Cronin, *Barbie Feet from Wearing High Heels?*

WhereIsMyDoctor.com. Feb. 2, 2012. Available at http://www.wheremydoctor.com/news/barbie-feet-from-wearing-high-heels_5049.

⁹⁴ HectorSavage, “Harry Crumb: Black Belt In Aikido And The Boots To Match with a TOUCHDOWN,” YOUTUBE.COM, October 22, 2010, Available at

<https://www.youtube.com/watch?v=d4reL9AmhVg>.

⁹⁵ Hsieh & Trichopoulos, 27 EUR. J. CANCER (1991).

⁹⁶ See, e.g., Board of Cosmetology and Barber Examiners, State regulators warn against credo blades during pedicures, December 14, 2010, available at <https://pr.mo.gov/cosbar-pressrelease.asp>.

some forms of foot shaping seem to be acceptable.⁹⁷ Blatant disdain for the Chinese custom correlates with cultural importation of Christianity and religious conversion, not women's liberation.⁹⁸ Therefore, feminists should broadly recognize parallels between Chinese foot binding and Western strictures to accurately contemplate any feminist implications of foot binding on women, minors, or infants.⁹⁹

V. ANTI-FOOT BINDING FEMINISM

Chinese foot binding has been criticized by some women liberationists as an oppressive practice embodying patriarchal subjugation of women.¹⁰⁰ However, such feminists overlook their own interests in disciplining, shaping, coursing, and altering their own bodies (e.g., cosmetic orthodontic

⁹⁷ *Id.*

⁹⁸ Szto, 18 TEX. J. WOMEN & L. 195 (2009).

⁹⁹ Hsieh & Trichopoulos, 27 EUR. J. CANCER (1991).

¹⁰⁰ Foot binding may correlate with employment. Therefore, it may be protected under the First Amendment and the Contract Clause. U.S. Const. Art. 1, Sec. 10, Cl. 1. In conjunction with nonharmful sexual conduct, it may be protected under the Fifth and Fourteenth Amendments.

braces).¹⁰¹ They may also ignore similarities between foot binding and activities that they support (e.g., feminist ballet).¹⁰² The result is bigoted analyses.¹⁰³ Unfair analyses directly or indirectly may contribute to a loss of protection for harmless activities, including, but not limited, to foot binding.¹⁰⁴

Feminism has thrived; however, with its immense power, some “bums” thrive on “embody[ing]” the ethos while turning it against other women, who are not in danger or under oppression.¹⁰⁵ Feminist “bums” feasting on feminism’s potency without contributing compassion and self-honesty exhibit “the

¹⁰¹ Season Five Episode 1, *ORANGE IS THE NEW BLACK* (2017). A riot breaks out and an administrator is robbed of her purse.

Inmate 1: Should we take the shoes too?

Inmate 2: Maybe to use the heels for weapons, but not to wear. They represent the patriarchy and the oppression of women; and they hurt like fuck. *Id.*

¹⁰² “Feminist Ballet,” *THE OXFORD DICTIONARY OF DANCE*, available at

www.oxfordreference.com/view/10.1093/oi/authority.20110803095814210; McLaren, *Leah McLaren: If I Want My Son to Respect Women, I Need to Teach Him to Embrace the ‘Girlish’* (2016).

¹⁰³ McLaren, *Leah McLaren: If I Want My Son to Respect Women, I Need to Teach Him to Embrace the ‘Girlish’* (2016).

¹⁰⁴ *Id.*

¹⁰⁵ Ensmenger, 30 *OSIRIS* 38, 39 (2015).

dehumanizing effects of pursuing” political “power as an end rather than a means; deceived by the illusion of omniscience associated with mastery of this powerful” network, “these wasted young” women and “men” behave “not [as] scientists uncovering new truths about the universe, or engineers building useful products to benefit society, but mere junkies in search of a fix.”¹⁰⁶ They are unable to analogize procedures, such as abortion and breast reconstruction, with elective beautification, such as foot binding and hair dying.¹⁰⁷ “That such myopic and socially maladjusted tinkerers” seek to harness “influential” ideologies “in the construction of the essential structures of” contemporary “society” may have “dangerous and disturbing consequence[s].”¹⁰⁸ “[R]eckless” bigotry could cast doubts on “imperative[s]” “entrusted” to those unlocking closed doors using the “keys to the increasingly”

¹⁰⁶ *Id.*

¹⁰⁷ Rivera, *Child Support and Orthodontic Expenses* (2010). Barret (VA Ct. App., 2010).

¹⁰⁸ Ensmenger, 30 OSIRIS 38, 39 (2015).

integrated, accepting, and mutually tolerant society.¹⁰⁹

Feminists isolate women and withdraw feminism from the mainstream when they distinguish liberated from unliberated women according to aesthetic and culture.¹¹⁰ If women choose to modify their bodies (e.g., piercings, tattoos, or foot binding), then feminists should acknowledge their independence from patriarchy, which would steal away women, subject them to domestic servitude, and prevent them from tampering with their property.¹¹¹ Feminized feminists may not weaken the appearance or philosophy of feminism, but may smuggle feminism into otherwise politically neutral or traditional environments.¹¹² Feminists should acknowledge foot-binders as individuals, who each have distinct

¹⁰⁹ *Id.*

¹¹⁰ THE OXFORD DICTIONARY OF DANCE, *available at* www.oxfordreference.com/view/10.1093/oi/authority.20110803095814210.

¹¹¹ Brenda R. Weber, *Masculinity, American Modernity, and Body Modification: A Feminist Reading of American Eunuchs*, 38 SIGNS 671.

¹¹² McLaren, *Leah McLaren: If I Want My Son to Respect Women, I Need to Teach Him to Embrace the 'Girlish'* (2016).

motives, environments, and philosophical perspectives that may or may not include feminism, but may effectuate it.¹¹³ Feminist societies enforce equality for women, which generally means that—like men—they have rights to “life, liberty, and the pursuit of happiness.”¹¹⁴ Control over one’s body is a fundamental tenet of feminism; and foot-binders, who can assent to treatment, may be happy when they control their bodies.¹¹⁵ Feminists should include diversity in their analyses and positions, particularly when analyzing women’s consensual activities in cultural and social contexts.¹¹⁶

VI. CONCLUSION

Foot binding is a relevant concept explored by art, politics, sports, and commerce.¹¹⁷ Performance

¹¹³ *Id.*

¹¹⁴ UNITED STATES DECLARATION OF INDEPENDENCE. Ensmenger, 30 OSIRIS 38 (2015).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Remy Martin Remy Red, ADFORUM.COM, *available at* <https://www.adforum.com/creative-work/ad/player/41874>. Remy Martin’s ad depicting a woman’s foot in restrictive foot attire alleviated New Yorkers post 9-11. The advertisement, displayed inside subway trains above passengers’ heads, suggested that the

imposes on and alters the body.¹¹⁸ Distinctions between male and female genders are relevant throughout the world in light of foot attire and the politics of dress.¹¹⁹ Performers and businesses

essence of looking down is to establish one's self. After 9-11, city people believed that they should look up to be successful—to overcome harm. Remi Martin established their brand to defy newness at a time when the fundamental viability of looking down had been lost. Looking up transformed the world to a place that promised deviance; it did not lead attention to despair (i.e., looking down into eternal depths of damnation) or admonish dark deeds done for fun.

Id.

¹¹⁸ Britney Spears, "Selfish," Britney: Piece of Me, Las Vegas, NV, October 23, 2015. Popstar Britney Spears sings a relevant stanza.

"The shoe is going on the other foot tonight. I'm about to turn you... You think you got me where you want me. I'm 'a show you tonight that I'm a girl." *Id.*

¹¹⁹ See, e.g., Harjant Gill, MILIND SOMAN MADE ME GAY (2007). In a Tuff shoe advertisement, Bollywood star Milind Soman appears with a woman fully nude. The two Bollywood stars are only wearing running shoes. Their genitals appear to be touching as they stand together with their bare profiles facing viewers. A snake slithers. The serpent actor does not appreciate their intimacy or his or her position in the photo; but, appreciates the work and opportunity to be in close proximity with Bollywood stars. Perhaps the documentarian becomes homosexual to save the snake from an uncomfortable scene. By becoming gay and insinuating himself in an intimate scene with the actor, he takes away the photoshoot and photo. If he is there, then she was never cast, the snake was not placed in contact with her, and the shoot did not happen. Furthermore, such an unappealing scenario would turn-away interest from those, who would gaze upon a snake in such an unappealing context. Foot binding may be comparable with enclosing animals in uncomfortable habitats and subjecting them to dissimilar environments.

Appearing nude in public was classified as obscenity and corrupting public morals; yet use of an animal in this scenario also offended the eye. However, the role of footwear was the main message, and likely contributed to the establishment's appall. It may have been banned because they believed such electric, sensual contact could transform a

explore, capitalize on, and comment on their observation of emboldened men wearing comfortable shoes and women performing while traditionally, loudly, and tightly dressing their feet.¹²⁰ Powerful effects of footwear in conjunction with attraction to a human figure is evident.¹²¹

Humans' attitudes toward using footwear to complement performance, not only supersedes gender, it is evident in their compassionate treatment of animals (e.g., horseshoes).¹²² Although concerns about gendered traditions seem to apply to foot binding, the practice cannot be criticized in a

perfectly heterosexual male into practicing a gay sexuality because he doubts that the woman wants the male subject of the photos and wants her so badly that he is overcome and resigns himself to wanting the male and not the female as to not compete. This type of thinking correlates with gender norms for foot attire, including those imposed by feminists. "After 10 years the Maharashtra government dropped the obscenity charges filed against him." *Id.* "You hear the rhythms of the feet, they are telling you the stories and it puts together all these different sensual elements in one place." *Id.* "Particularly in Indian dance a man can portray several different characters within the framework of one dance. Within one dance you can be a god, a goddess, a demon, a woman, a man, a child," or an animal. *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² "Eenie, meenie, miney, moe. Catch a tiger by the toe. If he hollers, let him go. Eenie, meenie, miney, moe." White Tigers at the Secret Garden of Siegfried and Roy, YOUTUBE.COM, October 4, 2014, Available at <https://www.youtube.com/watch?v=WKL6LXGFfS4>. THE WIZARD OF OZ (1939).

vacuum.¹²³ It ought to be compared and contrasted with other forms of foot binding involving a variety of genders, classes, sexualities, religions, cultures, epochs, species, and uses of the body.¹²⁴ Therefore, feminist critiques of foot binding, which are unbiased and broad, may be relevant to current discussions about the welfare of the human body and human standards for gender exploration and body modification.¹²⁵ Thorough analyses holistically contribute to society, and therefore, should influence legislation.¹²⁶

¹²³ See *supra* Sections II-IV.

¹²⁴ *Id.*

¹²⁵ Kylo-Ren, INSIDE EDITION, Available at https://www.youtube.com/watch?v=KIY_MNqsGuQ. Holly Cooper, *Two More Arrested in Michigan in First FGM Prosecution in the US*, Equality Now, April 20, 2017, Available at http://www.equalitynow.org/blog/two-more-arrested-michigan-first-fgm-prosecution-us?utm_source=email_04262017&utm_medium=text&utm_campaign=FGM_summit.

¹²⁶ See *supra* Sections II-IV.