



# ATLANTIC INTERNATIONAL STUDIES JOURNAL

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Volume 8 : Spring 2012

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**VOLUME 8: SPRING 2012**

The Atlantic International Studies Journal  
Volume 8: Spring 2012

The ATLIS Staff would like to acknowledge and extend an enormous thank you to the following individuals for their assistance with this year's conference and Journal:

Dr. Richard Baker  
Dr. Geoff Martin  
Dr. Vanessa Oliver  
Rev. John Perkin  
Dr. David P. Thomas  
Dr. Norman Finkelstein  
Thomas Woodley  
Dr. Robert M. Campbell  
Dr. James Devine  
Dr. Marie Hammond-Callaghan  
Ms. Maritza Farina  
Dr. Wayne Hunt  
Peer Reviewers  
Conference Presenters  
Sebastian Chiasson  
All Journal Submitters  
CIS Student Coordinators  
All those who attended ATLIS events and supported the organization

The Atlantic International Studies (ATLIS) Journal is a publication of the Centre for International Studies (CIS).  
Published in Sackville, NB, Canada

CIS is a joint student-faculty organization, founded in 2010 at Mount Allison University.  
ATLIS was founded in 2003 and is now a working group of CIS.

11/12 Journal Editor: Daphne Rodzinyak

\*Full bibliographies of all works are available in the 11/12 Online Journal, accessible at [atlismta.org](http://atlismta.org).

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## An Introduction

**R**evolution: What does it mean to different disciplines and how do individuals, institutions, and grassroots movements embody the concept? What is it that instigates change and motivates rethinking and restructuring the norm?

While Journal submitters were not mandated to adhere to the Atlantic International Studies (ATLIS) Organization 2012 conference theme of "Revolutions: Reforming Structures and Rethinking Perspectives," these pages include articles that challenge current United Nations standards, examine revolutionary endeavours of religious practices, and investigate narratives of survival and resistance in the face of natural disasters and social genocide. Each article presents a unique approach to reconstructing 'accepted' paradigms and I hope they broaden your understanding of how, not to be cliché, people can be the change they want to see in the world. If we can make conscious decisions to live more justly and sustainably, I believe that we can lead a revolution of twenty-first century understanding and compassion. These values are fostered by education and shared experiences, nurturing creativity: The joint ATLIS conference and Journal are an avenue for such exchanges.

The ATLIS Journal is Canada's first and only peer-reviewed, academic journal strictly for undergraduate students. Published at Mount Allison University in Sackville, New Brunswick, the Journal is in its eighth year and continues to garner increasing attention with each subsequent publication. Interdisciplinary in nature, ATLIS aims to include papers from students in any year of their undergraduate degree. Further, it is nationally archived and copies are held in the United Nations Department of Peacekeeping Operations Office of Military Affairs in New York.

The Journal allows undergraduate students to showcase their research, whether it is for a class, an independent study, or a thesis project. A call for conference presenters and journal submissions is sent out to many of the universities in the Atlantic Region. This year, the academic conference showcased undergraduate presenters from Mount Allison University, Acadia University, and Saint Thomas University, and was attended by students from four different institutions.

Following ATLIS' incorporation as a Centre for International Studies (CIS) working group in 2010, this is the second year the Journal has been published by CIS. The conference and Journal are organized and published by students, for students. If you enjoy the Journal and are interested in getting involved with ATLIS in future years, you can attend our conference, submit to the Journal, volunteer to peer review articles, or become a staff member and actively plan and prepare our activities.

Daphne Rodzinyak, Journal Editor 11/12

*BA Honours International Relations with a Minor in  
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**The Atlantic International Studies (ATLIS)** Organization was created in the winter of 2003 at Mount Allison University, with the purpose of fostering informed undergraduate participation in international issues through scholarship, social, and political involvement. ATLIS is committed to finding innovative ways to engage students with the world around them. ATLIS actively seeks partnerships with other organizations, clubs, universities, faculty, and experts in diverse fields of international studies.

For more information visit: [atlismta.org](http://atlismta.org)

**The Centre for International Studies (CIS)** is a joint student-faculty run organization designed to engage Mount Allison students, faculty, and the wider community across disciplines in critical learning, dialogue, and innovative, collaborative action on pressing global issues. It does so through hosting conferences and speakers, compiling databases of resources and of internship opportunities, and supporting the creation of Working Groups on areas of interest to students.

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## Agents, Victims, or Both?

### Ideology and Scholarship on Women Workers in Mexico's *Maquiladoras*

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*BA International Relations: Class of 2013*

Since the 1970s, the global economy has been characterized by the restructuring of processes on a massive and unprecedented scale. The growth of transnational corporations and the ascendance of neoliberal economic agenda has led to the “new international division of labour” (NIDL).<sup>2</sup> The NIDL has been characterized by the relocation of production sites to developing countries, enticed by favourable state policies and cheap, flexible labour. The Mexican *maquiladora* (or *maquila*) industry is a perfect example of both the NIDL and the accompanying switch to export-oriented industrialization (EOI) as the dominant model of development. Scholarship on *maquiladoras* has been divided between two positions: socialist feminist theory and pro-*maquiladora* theories, including liberal pro-globalization approaches and the gender and development framework. Pro-*maquiladora* positions stress the benefits accrued by *maquiladora* workers and the opportunities available to them, while socialist feminist theory

focuses on the exploitativeness of the mutually-reinforcing structures of global capitalism and patriarchy, especially for the unusually high numbers of women who work in *maquiladoras*. Problematically, neither body of literature engages with the other more than superficially; worse still, inquiry from one perspective or the other will lead to radically different findings, even when similar methodologies are employed. Indeed, Sargent and Matthews state that “ideological biases clouding research findings are a well recognized problem in *maquila* research”; Kopinak refers to the body of *maquiladora* research as “divided between apologists and critics, for the most part engaged in a ‘dialogue of the deaf.’”<sup>3</sup> While some scholars have identified this as a shortcoming of their research, no attempt has been made to rectify this issue.<sup>4</sup> Employing Robert Cox’s critical political economic perspective,<sup>5</sup> this paper will compare and contrast the major perspectives on *maquiladoras* and demonstrates that they are inadequate for assessing the effects of *maquiladora* employment on working women’s lives. Like Cox, I argue that knowledge production is not an objective process, but is rather a product of knowledge producers’ social locations and power relations. Therefore, the massive disparities in findings between scholars operating from different theoretical backgrounds is a product of social location, and

<sup>1\*</sup> The author thanks Richard Baker, Daphne Rodzinyak, and five anonymous peer-reviewers for their comments on earlier versions of this paper.

<sup>2</sup> M. Patricia Connelly, Tanya Murray Li, Martha MacDonald, and Jane L. Parpart, “Feminism and Development: Theoretical Perspectives,” in *Theoretical Perspectives on Gender and Development*, ed. Jane L. Parpart, M. Patricia Connelly, and V. Eudine Barriteau (Ottawa: International Development Research Centre, 2000), 64–66; Robert O’Brien and Marc Williams, *Global Political Economy*, 3rd ed. (London and New York: Palgrave MacMillan, 2010), 263–264; Ruth Pearson, “Latin American Women and the New International Division of Labour: A Reassessment,” *Bulletin of Latin American Research* 5, no. 2 (1986): 67–68; Christopher R. Tamborini, “Work, Wages and Gender in Export-Oriented Cities: Global Assembly Versus International Tourism in Mexico,” *Bulletin of Latin American Research* 26, no. 1 (2007): 24–49.

<sup>3</sup> Kathryn Kopinak, “Gender as a Vehicle for the Subordination of Women *Maquiladora* Workers in Mexico,” *Latin American Perspectives* 22, no. 1 (1995): 31; John Sargent and Linda Matthews, “Exploitation or Choice? Exploring the Relative Attractiveness of Employment in the *Maquiladoras*,” *Journal of Business Ethics* 18, no. 2 (1999): 216.

<sup>4</sup> Andrés Villarreal and Wei-hsin Yu, “Economic Globalization and Women’s Employment: The Case of Manufacturing in Mexico,” *American Sociological Review* 72, no. 3 (2007): 386.

<sup>5</sup> For some examples of this perspective, see Robert Cox, “Ideologies and the New International Economic Order: Reflections on Some Recent Literature,” *International Organization* 33, no. 2 (1979): 257–302; Robert Cox, *Production, Power, and World Order* (New York: Columbia University Press, 1987); Robert Cox, “The Crisis in World Order and the Challenge to International Organization,” *Cooperation and Conflict* 29, no. 2 (1994): 99–113.



not necessarily a result of flawed scholarship.<sup>6</sup>

### DEFINITIONS

The term *maquiladora* refers to any one of the approximately three thousand plants participating in Mexico's Border Industrialization Program (BIP), employing a total of approximately 1.2 million people.<sup>7</sup> As the Mexican version of export-processing zones (EPZs), they are foreign-owned and are required to export all of the goods they produce for foreign consumption in exchange for duty-free imports and relaxed enforcement of labour laws.<sup>8</sup> Confined to the region along the US–Mexico border until the early 1970s, *maquiladoras* can now be found all over Mexico.<sup>9</sup> The majority, however, remain in the border region, and are principally concentrated in cities such as Ciudad Juárez, Tijuana, Mexicali, Nogales, and Reynosa.<sup>10</sup> *Maquiladoras* produce a wide range of goods, including textiles, electronics, automobiles and chemicals.<sup>11</sup> Until the end of the 1980s, *maquiladora* labourers were generally female and concentrated in low-skilled, and therefore low-paying, jobs on the labour-intensive assembly line.<sup>12</sup> However, by 1999, men had overtaken women by a small margin as

the majority of *maquiladora* workers.<sup>13</sup>

*Maquiladoras* are considered by many political economists and development experts to be one of the best examples of the new international division of labour. NIDL is a term used to summarize a collection of major shifts in production patterns in the period following the 1970s, when third-world countries were seeking new ways to attract foreign direct investment and transnational corporations were seeking to lower production costs.<sup>14</sup> Labour-intensive production has largely moved to industrializing countries where wages are lower. Some capital-intensive industries have moved as well.<sup>15</sup> Feminization and flexibilization of labour are also attributes of NIDL: increasing the size of the labour force, such as by hiring including women, and favouring short-term contracts over long-term labour can lower production costs.<sup>16</sup> The NIDL attracted the attentions of feminist scholars because of its almost exclusive preference for female labour: women represent up to 90% of the labour forces in EPZs worldwide.<sup>17</sup>

The definitions of empowerment and exploitation are variable within and between theoretical perspectives. Kabeer defines empowerment as “the ability to make choices,” as well as “the processes by which those who have been denied the ability to make choices acquire such an ability.”<sup>18</sup> She qualifies her conceptualization of choice by adding that there must be multiple

<sup>6</sup> “Bad theory” should be interpreted to mean theory that rests on false or problematic assumptions. The problem is the social relations that give rise to the theories, not the theories themselves.

<sup>7</sup> C. Daniel Dillman, “Assembly Industries in Mexico: Contexts of Development,” *Journal of Interamerican Studies and World Affairs* 25, no. 1 (1983): 32–33; Ruth Melkonian-Hoover, “Gendered Pathways to the Political: The Political Participation of Women in Factory Workers in Mexico,” *Social Science Quarterly* 89, no. 2 (2008): 351.

<sup>8</sup> Paul Cooney, “The Mexican Crisis and the *Maquiladora* Boom: A Paradox of Development or the Logic of Neoliberalism?” *Latin American Perspectives* 28, no. 3 (2001): 55–83; Villarreal and Yu, 2007, 368.

<sup>9</sup> Dillman, 1983, 33.

<sup>10</sup> *Ibid.*, 34; Melkonian-Hoover, 2008, 355.

<sup>11</sup> Cooney, 2001, 80; Dillman, 1983, 37; Robert Fiala and Susan Tiano, “The World Views of Export Processing Workers in Northern Mexico: A Study of Women, Consciousness, and the New International Division of Labour,” *Studies in Comparative Development* 26, no. 3 (1991): 3–27; Leticia Peña, “Retaining a Mexican Labour Force,” *Journal of Business Ethics* 26, no. 2 (2000): 123–131; Melkonian-Hoover, 2008, 356.

<sup>12</sup> Kopinak, 1995, 38.

<sup>13</sup> Susan Tiano, “The Changing Gender Composition of the *Maquiladora* Workforce Along the U.S.–Mexico Border,” in *Women and Change at the U.S.–Mexico Border: Mobility, Labour, and Activism*, ed. Doreen J. Mattingly and Ellen R. Hansen (Tucson: The University of Arizona Press, 2006), 84.

<sup>14</sup> Fiala and Tiano, 1991, 5; Pearson, 1986, 67.

<sup>15</sup> Fiala and Tiano, 1991, 5.

<sup>16</sup> *Ibid.*

<sup>17</sup> M. Patricia Fernández-Kelly, “International Development and Women's Employment: Issues for a Feminist Agenda,” *Women's Studies Quarterly* 14, no. 3/4 (1986): 3; Fiala and Tiano, 1991, 5; Kopinak, 1995, 31.

<sup>18</sup> Naila Kabeer, “Gender Equality and Women's Empowerment: A Critical Analysis of the Third Millennium Development Goal,” *Gender and Development* 13, no. 1 (2005): 13.



options available and that these options “must be seen to exist.”<sup>19</sup> Young identifies the relational exercise of power as central to empowerment and argues that women’s empowerment means “challenging and changing hierarchical relationships beginning with gender relations but including all other relations of class and race, as well as North-South relations.”<sup>20</sup> Exploitation is a less flexible term. Collins English Dictionary defines it as: “[taking] advantage of a person ... unethically or unjustly for one’s own ends.”<sup>21</sup> Liberal pro-globalization scholars prefer this definition, although Sargent and Matthews clarify it by stating that “as long as the *maquilas* have comparable benefits and working conditions to local firms, they are acting in an ethically defensible way.”<sup>22</sup> On the other hand, socialist feminists view exploitation and women’s subordination as one and the same—the product of hierarchical social relations under capitalism and patriarchy.<sup>23</sup>

#### GENDER-BASED EXPLOITATION: SOCIALIST FEMINIST TREATMENTS OF *MAQUILADORAS*

The first major body of literature on *maquiladoras* was created by scholars working from a socialist feminist perspective.<sup>24</sup> This body of work focuses on the high proportion of women in the *maquiladora* labour force and the environment in which these women worked. The three main categories of this body of work relevant to this study are material compensation, the conscious and deliberate feminization of the labour force, and the use of patriarchal discipline techniques on the shop floor.

Socialist feminism draws on both Marxist feminism and radical feminism to inform its approach to the social relations of production.<sup>25</sup> It affirms the Marxist feminist conceptualization of the female “reserve army of labour” and combines it with the radical feminist interpretation of patriarchal social relations.<sup>26</sup> Connelly et al. define socialist feminism as combining critiques of patriarchy, defined as “a set of hierarchical relations with a material base in men’s control over women’s sexuality, procreation and labour power” and an expanded Marxist definition of economic activity, “[including] both productive and reproductive work.”<sup>27</sup> Fiala and Tiano argue that, for socialist feminists, “a capitalist system takes advantage of preexisting structures of male domination (patriarchy) to create a marginal and easily exploitable labour force.”<sup>28</sup> Some theorists working within the socialist feminist framework have identified women’s bodies as the most basic colonies, and the role of the state in reinforcing the exploitation of women.<sup>29</sup> Finally, socialist feminism acknowledges the social construction of gender as a part of these processes.<sup>30</sup>

For socialist feminists, compensation for workers in *maquiladoras* is firmly exploitative. Fernández-Kelly identifies the high growth rate of the *maquiladora* industry in the early 1980s and the rapid corresponding decline in real wages for *maquiladora* workers as particularly problematic.<sup>31</sup> She states that, in 1978, *maquiladora* workers in Ciudad Juárez earned 59 cents an hour; in 1986, they earned 51 cents an hour, and inflation had rapidly increased as a result of the peso devaluation

<sup>25</sup> Connelly et al., 2000, 126.

<sup>26</sup> *Ibid.*, 121–123.

<sup>27</sup> Connelly et al., 2000, 127.

<sup>28</sup> Fiala and Tiano, 1991, 11.

<sup>29</sup> Edna Acosta-Belen and Christine E. Bose, “From Structural Subordination to Empowerment: Women and Development in Third World Contexts,” *Gender and Society* 4, no. 3 (1990): 310–312; Shirin M. Rai, *Gender and the Political Economy of Development* (Malden, MA: Blackwell Publishers, 2002), 80.

<sup>30</sup> Connelly et al., 2000, 127.

<sup>31</sup> Fernández-Kelly, 1986.

<sup>19</sup> Kabeer, 2005 14.

<sup>20</sup> Gay Young, “Claiming Empowerment at Home: Outcomes of Export-led Development for Working Women (Conference Paper)” (Philadelphia: American Sociological Association Annual Meeting, 2005), 3–4.

<sup>21</sup> Collins English Dictionary, 7<sup>th</sup> ed., s.v. “exploit.”

<sup>22</sup> Sargent and Matthews, 1999, 215.

<sup>23</sup> Connelly et al., 2000, 126–127.

<sup>24</sup> Sargent and Matthews, 1999, 216.



by the Mexican government.<sup>32</sup> Writing on the effects of the 1994 Mexican peso crisis, Cooney argues that since the value of the peso declined rapidly with no corresponding increase in wages for *maquiladora* workers, the transnational corporations which own the *maquiladoras* were able to exploit both the Mexican depression and the feminized labour force and rapidly augment the flow of surplus value out of Mexico.<sup>33</sup> Similarly, Kopinak states that wages declined 45 percent for *maquiladora* workers between 1982 and 1991. She argues that since average household basic needs can only be met by earning between two and five minimum wages, the effect of the wage decline has been to force women into *maquiladora* labour as a household survival strategy.<sup>34</sup> These findings suggest that for many women in Mexico, the decision to enter the *maquiladora* workforce is a Hobson's choice.<sup>35</sup> If this is the case, then the women of *maquiladoras* are not empowered, as they do not have agency with which to make choices about employment.

Until the late 1990s, Mexico's *maquiladoras* overwhelmingly favoured female employees; this was consistent with employment patterns in other export-processing zones throughout the developing world.<sup>36</sup> Commenting on this preference for female workers, Kopinak states that "of the jobs counted in advertisements placed by *maquilas* in the Spanish-language daily, *La Voz del Norte*, throughout the 1980s, 39% specified the gender of the person to be hired. In over two-thirds of these cases women were preferred."<sup>37</sup> The socialist feminist perspective tends to explain this preference for women as a consequence of ideas of about gender held by *maquiladora* managers and, more broadly, as a

symptom of Mexican patriarchy more broadly.. The justifications for these hiring practices can be divided into biological rationales and socialization rationales. In one example of the a biological rationale, Fernández-Kelly states that one *maquiladora* manager "noted the differential distribution of fatty tissue in men's and women's posteriors make the latter more adept at sitting for hours on end without discomfort," and another manager identified women workers as more "nimble and meticulous."<sup>38</sup> Villarreal and Yu, while not writing from a socialist feminist perspective, identified a large proportion of managers who preferred women assembly workers for their "special abilities," which men ostensibly do not possess.<sup>39</sup> Bank Muñoz reports that both managers and workers in a tortilla factory agree that tortilla making is women's work.<sup>40</sup> Similarly, Livingston argues that managers prefer women "because of their manual dexterity and their ability to tolerate tedious and repetitive work."<sup>41</sup>

Most managerial justifications for preferring women workers that have appeared in *maquiladora* scholarship focus on the assumed "biological differences" outlined above; nevertheless, some scholars have identified patriarchal social norms held by managers for this preference instead. For example, in a discussion of the gendered hiring practices of *maquiladora* managers, Tiano states that "while employers continued the patriarchal practice of defining women in terms of their reproductive roles ... the content of their patriarchal images had shifted to accommodate the changing nature of the *maquiladora* workforce and the hiring practices

<sup>32</sup> Fernández-Kelly, 1986, 4.

<sup>33</sup> Cooney, 2001.

<sup>34</sup> Kopinak, 1995, 36–40.

<sup>35</sup> A Hobson's choice is the presentation of a single option as a choice, obscuring the domination of agency by structure.

<sup>36</sup> Dillman, 1983, 45; Fernández-Kelly, 1986, 3; Kopinak, 1995, 31; Villarreal and Yu, 2007, 368.

<sup>37</sup> Kopinak, 1995, 41.

<sup>38</sup> Fernández-Kelly, 1986, 3; M. Patricia Fernández-Kelly, "Broadening the Scope: Gender and International Economic Development," *Sociological Forum* 4, no. 4 (1989): 624–625.

<sup>39</sup> Villarreal and Yu, 2007, 376.

<sup>40</sup> Carolina Bank Muñoz, *Transnational Tortillas: Race, Gender and Shop-Floor Politics in Mexico and the United States* (ILR Press/Cornell University Press, 2008), 101–102.

<sup>41</sup> Jessica Livingston, "Murder in Juárez: Gender, Sexual Violence, and the Global Assembly Line," *Feminist Frontiers: A Journal of Women Studies* 25, no. 1 (2004): 61.



that had shaped its composition.”<sup>42</sup> Thus, managers are able to justify their preferences for female assembly-line workers both in terms of perceived biological differences as well as in terms of and appropriate social roles. The conclusion drawn by socialist feminists is that these perceived differences provide the rationale for labeling assembly jobs as “unskilled”, as women are assumed to possess the innate ability to do these jobs—and paying lower wages, as women are not assumed to be primary wage earners and require little training.<sup>43</sup> There is a reasonable amount of empirical evidence to support this conclusion: only recently have men and women begun performing the same work in *maquiladoras*, and men continue to dominate positions with higher pay.<sup>44</sup>

While patriarchal hiring practices and compensation have broad implications for Mexico’s political economy, special attention should be reserved for what happens inside the factories. Scholars working within the socialist feminist framework have identified control over sexuality and the use of sexuality as a disciplinary tool by some managers.<sup>45</sup> Bank Muñoz labels this phenomenon as the “gender regime”—the coercive control exercised by managers through the use of sexual harassment in a sexualized atmosphere.<sup>46</sup> In her case study of a Mexican tortillafactory, Bank Muñoz reports “[witnessing] managers and supervisors routinely walking around the shop floor, where they would often stand behind the women, hug them, tickle them, and kiss them on the cheek.” According to the interviews she conducted with line workers, such behaviour is accepted unquestioningly as

a cost of employment.<sup>47</sup> Livingston supports these findings, stating that “supervisors often stalk the assembly lines, playing favourites and asking for dates.”<sup>48</sup> Both Livingston and Bank Muñoz report that the incentives for wearing sexualized outfits and make-up to work are high for many *maquiladora* workers—promotions, if available at all, are frequently based on an employee’s “attractiveness.”<sup>49</sup> Despite writing from a pro-*maquiladora* position, Villarreal and Yu state that “women [working in *maquiladoras*] are routinely subjected to hostile work environments, abuse from bosses, and demands of sexual favours as conditions for employment.”<sup>50</sup> These coercive strategies do not necessarily end on the shop floor: Bank Muñoz states that managers at the factory in her case study were known to harass women at home.<sup>51</sup> Additionally, company-administered pregnancy tests and even the inspection of sanitary napkins have been documented as common practice in *maquiladoras*, with harassment, work denial, and termination as possible consequences for pregnancy.<sup>52</sup> Such behaviour is rendered acceptable by both the institutional weakness of the Mexican state, and attitudes held by both Mexicans and non-Mexicans picturing *maquiladora* labour as the best available opportunity for many Mexicans, male and female alike.<sup>53</sup>

Problems arise with the socialist feminist view of *maquiladora* labour when the key premises of the perspective are deconstructed. First, socialist feminism is a synthesis between Marxist feminism and radical feminism, both of which are rooted in applying the feminist insight of patriarchy to Marx’s conception of

<sup>42</sup> Tiano, 2006, 80.

<sup>43</sup> Dillman, 1983, 46; Fernández-Kelly, 1986, 626; Livingston, 2004, 61–62; David L. Richards and Ronald Gelleny, “Women’s Status and Economic Globalization,” *International Studies Quarterly* 51, no. 4 (2007): 863; Villarreal and Yu, 2007, 385.

<sup>44</sup> Tiano, 2006; Villarreal and Yu, 2007.

<sup>45</sup> Bank Muñoz, 2008; Livingston, 2004, 62; Villarreal and Yu, 2007, 386.

<sup>46</sup> Bank Muñoz, 2008, 97.

<sup>47</sup> Bank Muñoz, 2008, 109–110.

<sup>48</sup> Livingston, 2004, 62.

<sup>49</sup> Bank Muñoz, 2008, 109–111; Livingston, 2004, 62.

<sup>50</sup> Villarreal and Yu, 2007, 386.

<sup>51</sup> Bank Muñoz, 2008, 112.

<sup>52</sup> Cooney, 2001, 72; Livingston, 2004, 62; Villarreal and Yu, 2007, 386.

<sup>53</sup> Kopinak, 1995, 35–37; Sargent and Matthews, 1999; Villarreal and Yu, 2007, 385–386.



capitalist social relations.<sup>54</sup> Since a Marxian interpretation of capitalist social relations (the relationships between the labourers and the owners of capital) must be exploitative, it should come as no surprise that the writers working within the socialist feminist framework find *maquiladora* labour economically exploitative.<sup>55</sup> Second, the conceptualization of “patriarchy” for socialist feminists is broadly inclusive and flexible. Connelly et al. define the socialist feminist concept of patriarchy as “a set of hierarchical relations with a material base in men’s control over women’s sexuality, procreation, and labour power,” that varies in its expression across space and time.<sup>56</sup> Instances of sexual harassment on *maquiladora* shop floors are undoubtedly expressions of patriarchy, but what about instances of female workers with male managers, or female workers operating production machinery owned by men? By defining patriarchy so broadly and vaguely, the concept loses power as a theoretical tool.

Socialist feminism lends key insight into the gendered practices that allow *maquiladoras* to operate. A feminized and flexible workforce keeps costs low; patriarchal practices are evident throughout the trajectory of a woman’s employment in a *maquiladora*, from advertisements specifying a preference for female labour, to sexual harassment as a form of discipline on the shop floor, to pregnancy tests, which may result in a the termination of a woman’s employment at a firm.<sup>57</sup> Only from a socialist feminist perspective can one adequately explore and explain the collusion between capitalist and patriarchal social relations in *maquiladoras*. However, the predisposition of socialist feminism to interpret both relationships between workers and capital and women and men as exclusively exploitative renders the

framework and its findings problematic.

#### MAQUILADORA LABOUR AS OPPORTUNITY FOR EMPOWERMENT?

In the 1990s, scholarly work critical of the socialist feminist treatment of *maquiladoras* began to emerge. While this body of work draws on a range of theoretical bases, including other feminisms, it is primarily united by its skepticism for the purely exploitative image drawn by socialist feminism of *maquiladoras*. It casts women *maquiladora* workers as agents in their own right, interacting with an ambivalent economic and social structure. In addition to stressing the positive aspect of remunerated work in *maquiladoras*, this body of scholarship identifies the ways in which *maquiladora* labour can empower women at home, in their communities, and in the workplace.

Much of the work contesting the socialist feminist work on *maquiladoras* has been based in on two conflicting theoretical orientations. The first is the liberal approach. These works are united by their positive interpretations of globalizing processes as providing opportunities for women to improve their social locations. This approach stems from liberal capitalism, and assumes that investment, export-oriented production, and market liberalization will result in higher wages for impoverished workers.<sup>58</sup> Fernández-Kelly identifies this as the “orthodox discourse” and states that “its proponents emphasized the need for transferring economic, political, and cultural guidelines from industrialized to poor countries, expecting that transposition to lead the latter to levels of economic growth commensurate to those found in the former.”<sup>59</sup> The proponents of globalization continue to debate about the specifics of this process, but the key assumption—that globalization will

<sup>54</sup> Connelly et al., 2000, 126–127.

<sup>55</sup> Sargent and Matthews, 1999, 214.

<sup>56</sup> Connelly et al., 2000, 127.

<sup>57</sup> Bank Muñoz, 2008; Cooney, 2001, 72; Kopinak, 1995, 41; Livingston, 2004, 62; Villarreal and Yu, 2007, 386.

<sup>58</sup> Connelly et al., 2000, 56–58; Fernández-Kelly, 1989, 613–614; Rai, 2002, 50–51.

<sup>59</sup> Fernández-Kelly, 1989, 613–614.



bring emancipation—is constant.

The second approach is gender and development (GAD), which emerged from socialist feminism as a critique of the shortcomings of the women in development (WID) approach. Connelly et al. define WID as “a merging of modernization and liberal-feminist theories ... [WID’s] innovation was to begin to ask how to include women in the development process.”<sup>60</sup> Women’s economic participation is seen as inherently emancipating, and a precondition for empowerment.<sup>61</sup> WID is not without its flaws: Connelly et al. argue that it privileges Western knowledge over local knowledge and prefers top-down development models, while Rai has identified the failure of the WID approach to locate women in their historical, geographical and cultural contexts in its prescriptions.<sup>62</sup> The GAD approach is best understood as an attempt to rectify the shortcomings of WID. Like socialist feminism, GAD assumes capitalism and patriarchy to be mutually reinforcing structures. However, in their definition of GAD, Connelly et al. state that GAD goes further, arguing, “gender relations ... can be changed if this is desired.”<sup>63</sup> This is possible because GAD stresses the role of women as active agents within the structure.<sup>64</sup>

GAD and pro-globalization approaches are dissimilar; however, these perspectives both tend to emphasize the positive, empowering aspects of *maquiladora* employment for women (and often for the assembly-line men of *maquiladoras* as well). Pro-globalization approaches tend to focus on the comparatively advantageous material benefits of *maquiladora* labour, whereas scholars working within the GAD framework emphasize the possibilities for networking, community organizing, and renegotiation of patriarchal social relations

within the home.

Pro-globalization scholars have contested some of the findings of socialist feminist *maquiladora* researchers. This has been accomplished by comparing *maquiladora* labour to other available employment in Mexico, as well as through attitudinal studies of workers. Their findings suggest that *maquiladoras* provide relatively stable and comparatively well-compensated employment. As Young argues, if *maquiladoras* offer “the best opportunities for ordinary women workers ... it seems reasonable to hypothesize that the general effect on women’s women’s empowerment is positive.”<sup>65</sup> In this body of research, workers are assumed to possess agency and the ability to evaluate their work conditions for themselves. Sargent and Matthews performed a small-N survey of *maquiladora* workers and managers, and their findings suggest that, for workers with low educational achievement, *maquiladora* labour is attractive.<sup>66</sup> Its material benefits compare favourably with other opportunities for unskilled workers, such as construction or working as domestics, and *maquiladora* jobs are consistently available.<sup>67</sup> Tamborini finds that export-oriented industries in Mexico are, for whatever reason, more willing or able than domestic-oriented firms to provide women with jobs.<sup>68</sup> Given the pressures for women to find paid employment, *maquiladoras* offer a positive opportunity more opportunities for women, at least compared to domestic firms. Villarreal and Yu provide a national-level analysis of gender- inequality in Mexican manufacturing firms, and their findings clearly indicate that foreign-owned and export-oriented firms—in other words, *maquiladoras*—discriminate less against women in terms of employment opportunities and compensation than did do

<sup>60</sup> Connelly et al., 2000, 57.

<sup>61</sup> *Ibid.*; Rai, 2002, 61.

<sup>62</sup> Connelly et al., 2000, 58; Rai, 2002, 61.

<sup>63</sup> Connelly et al., 2000, 63.

<sup>64</sup> *Ibid.*

<sup>65</sup> Young, 2005, 12.

<sup>66</sup> Sargent and Matthews, 1999.

<sup>67</sup> *Ibid.*

<sup>68</sup> Tamborini, 2007.



other types of manufacturing firms.<sup>69</sup> Finally, concerned broadly with globalization processes and women's empowerment, Gelleny and Richards find that a country's trade-openness is a reliable indicator of women's social status.<sup>70</sup> While they recognize a range of other factors that impact women's status, both those associated with the globalization process and those found domestically, the correlation between openness to trade and improved women's status was uniform.<sup>71</sup> Since the growth of the *maquiladora* industry has facilitated, and is facilitated by, openness to trade, these findings support the notion that *maquiladoras* can be empowering for women.

Writers operating from the GAD perspective are concerned with the impact of *maquiladora* employment on social relations. While these findings tend to be ambivalent toward the factories themselves, research in this area stresses the unequivocally empowering aspects of women's attitudinal shifts following *maquiladora* employment, and women's improved capacity to exercise agency in terms of community and political involvement, as well as the contesting of social relations at home.

Numerous studies have correlated linked *maquiladora* work to gender-based empowerment. To use Bergareche's words, "the jobs that provide women with the possibility of developing support networks are the most effective as a means toward autonomy."<sup>72</sup> Since these jobs are available in *maquiladoras*, and since *maquiladoras* are the most available type of employment, it follows that *maquiladoras* are instrumental for empowering women.<sup>73</sup>

<sup>69</sup> Villarreal and Yu, 2007.

<sup>70</sup> Richards and Gelleny, "Women's Status and Economic Globalization," 871–872.

<sup>71</sup> *Ibid.*

<sup>72</sup> Ana Bergareche, "The Roots of Autonomy Through Work Participation in the Northern Mexico Border Region," in *Women and Change at the U.S.—Mexico Border: Mobility, Labour, and Activism*, ed. Doreen J. Mattingly and Ellen R. Hansen (Tucson: The University of Arizona Press, 2006), 96.

<sup>73</sup> *Ibid.*; Sargent and Matthews, 1999, 218.

Since many female factory workers in *maquiladoras* are migrants from poorer interior areas, *maquiladoras* are crucial in providing initial support networks for migrant women. Bergareche states that 90% of the migrant women cited in her study cited work with the possibility of support network formation as key in confronting gender-based violence.<sup>74</sup>

Kabeer argues that factory employment can be very empowering for women, changing their perceptions of themselves and helping them renegotiate their social relations at home.<sup>75</sup> Fiala and Tiano support these findings with an empirical study in Mexicali, Mexico. Their study found that women who worked in Mexicali in service industries and in *maquiladoras* felt that they controlled their own lives, favoured gender equality, and were moderately involved in politics.<sup>76</sup> While there was a positive correlation between the "modernity" of the products manufactured in a *maquiladora*—Fiala and Tiano compared electronics and textiles factories in their study—and the proliferation of "empowered" attitudes, there remains a correlation between the amply available factory employment in *maquiladoras* and women's empowerment.<sup>77</sup>

Political participation, whether formally, as in voting or campaigning, and/or informally, as in participating in community organizations on local issues, is an important measure of empowerment; participation can usually be assumed to indicate suggests a belief in one's own political efficacy. Melkonian-Hoover's survey of male and female *maquiladora* workers shows that while both groups have similar levels of formal political participation, women have a slightly greater tendency than men to become involved in informal political activity.<sup>78</sup> She

<sup>74</sup> Bergareche, 2006, 96.

<sup>75</sup> Kabeer, 2005, 19–20.

<sup>76</sup> Fiala and Tiano, 1991.

<sup>77</sup> Fiala and Tiano, 1991, 19.

<sup>78</sup> Melkonian-Hoover, 2008, 362.



concludes that “employment in *maquilas* has the potential to contribute to the development of civic and political skills and to increase participation in political life.”<sup>79</sup> Her findings indicate that certain types of work experience, such as teamwork, are correlated with increased political participation. However, for women *maquiladora* workers, there was an inverse correlation between a sense of political efficacy and political involvement. Melkonian-Hoover states that “frustration, in these women’s hands, may be a resource for participation rather than an impediment.”<sup>80</sup> Socialist feminists have provided a number of reasons explaining why women might be frustrated with their employment in *maquiladoras*. But even if the reasons for increased participation are negative, if we consider political engagement itself as an end, then *maquiladoras* are fostering women’s political participation and, by extension, their empowerment.

Young’s review of *maquiladora* employment in Ciudad Juárez is negative compared to the findings of other scholars working within the GAD framework. She argues that, despite formal labour force participation, the women *maquiladora* workers in her study were most successful in renegotiating household economic control, whereas gender empowerment appeared to be inaccessible.<sup>81</sup> Worse, in comparison to women in other forms of formal employment, *maquiladora* women were less successful at renegotiating household social relations. She links the feminization of *maquiladora* labour in the workplace to the seemingly low valuation of economic contributions from these factories.<sup>82</sup> However, success in renegotiation appeared to depend somewhat on the type of relationship between the woman worker and her family:

adult daughters were less successful negotiators than wives. Furthermore, Young states that the more women challenge subjugating social relations, “the stronger are their assertions of power to change gender relations that subjugate them.”<sup>83</sup>

The pro-globalization and GAD perspectives on *maquiladoras* are nevertheless flawed. While it celebrates the incorporation of women into the formal sector, the pro-globalization perspective tends to gloss over the importance of the patriarchal social relations at all levels, which is integral to the socialist feminist and GAD approaches. For pro-globalization scholars, one problem is that, despite rapid increases in the number of women participating in the formal sector, upward mobility in the workplace is not occurring. Furthermore, recent studies suggest that women are being replaced by men are replacing women as *maquiladora* labourers.<sup>84</sup> Worse, some research suggests that the value added by workers in EPZs tends

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to be accumulated as profits and is rarely reinvested in the workers’ communities.<sup>85</sup> Scholars working within the GAD framework are influenced by both an ambivalent view of development and the socialist feminist concerns towards the capitalism-

patriarchy interplay. However, the GAD framework tends to ignore the factory as a site of patriarchal social relations, as Bergareche does, or does not fully explain how patriarchal social relations at the factory level would support patriarchal social relations in the home, as Young

<sup>79</sup>Melkonian-Hoover, 2008, 369.

<sup>80</sup>*Ibid.*, 365.

<sup>81</sup>Young, 2005, 16–18. Like Young, I distinguish between economic empowerment (power to control economic resources) and gender empowerment (power over the body). See Young, 2005, 9.

<sup>82</sup>*Ibid.*

<sup>83</sup>Young, 2005, 18.

<sup>84</sup>Tiano, 2006.; Villarreal and Yu, 2007, 368.

<sup>85</sup>Cooney, 2001.



does.<sup>86</sup> Both the pro-globalization and the GAD perspective ignore the factory floor as a site of social relations. If socialist feminism fetishizes the collusion of capitalism and patriarchy, then both the pro-globalization and GAD frameworks are guilty of ignoring it.

The liberal, pro-globalization and GAD approaches to *maquiladoras* are valuable. Both stress the ways in which women's lives can be improved through *maquiladora* employment. Pro-globalization approaches point to the comparatively good compensation offered by *maquiladoras*, while GAD scholars explore on the ways in which *maquiladora* employment can lead to the formation of social support networks and challenges to, and encourage women to challenge patriarchy at home. While neither perspective is free from the trap of Sargent and Matthews' "ideological bias,"<sup>87</sup> both offer meaningful insights into the life conditions of women *maquiladora* workers, insights that is are absent from socialist feminism.

#### SQUARING THE CIRCLE: ENTER IDEOLOGY

In an attempt to explain differences between theoretical approaches to political economy, Cox argues that:

The debate becomes one about the form of knowledge appropriate to understanding these issues [...] for its critics, economics is an ideology derived from a particular historically determined set of power relations, not a science with absolute and universal scope [...] any general organization of power not only generates institutions and policy mechanisms but also sustains ideas which legitimate it.<sup>88</sup>

Theory determines what is studied and how it is studied. Certain theories emphasize

certain parts of the social world; in. In order to emphasize these parts, these theories discard other aspects of that same world.<sup>89</sup> While philosophy may dictate the content of a theory, ideology dictates adherence to philosophy. As Cox argues, ideological positions are determined by one's "place" in the complex of power relations.<sup>90</sup> He argues that "specific social groups tend to evolve a collective mentality, that is, a typical way of perceiving and interpreting the world that provides orientations to action for members of the group."<sup>91</sup> These ideologies are rational for their collective holders, as they serve as a framework to pursue a group's social interests. It follows that social groups with disparate interests will be inclined to see the other's frameworks as irrational.<sup>92</sup> Since ways of knowing are grounded in social location, knowledge cannot be neutral.

Socialist feminists, such as Fernández-Kelly, who argue argues against the *maquiladoras* in the context of liberating women from the dual oppressions of patriarchy and capitalism, can be located within the system of power relations in a place that presupposes their resistance to the hegemonic ideology. For example, many of the socialist feminist scholars whom I cite writing from the socialist feminist perspective are united by gender and backgrounds in the "Global south." These social locations are subaltern; it should not be surprising that this scholarship would contest the hegemonic ideology which excludes them from power.

This same process can be applied to scholars operating within the liberal economic paradigm, as well as to the paradigm itself. For example, Sargent and Matthews promote *maquiladora* labour as a positive opportunity in the pages of the *Journal of Business Ethics*, and are both

<sup>86</sup> Bergareche, 2006.; Young, 2005.

<sup>87</sup> Sargent and Matthews, 1999.

<sup>88</sup> Cox, 1979, 259.

<sup>89</sup> Barbara Bailey, Elsa Leo-Rhynie, and Jeanette Morris, "Why Theory?," in *Theoretical Perspectives on Gender and Development*, ed. Jane L. Parpart, M. Patricia Connolly, and V. Eudine Barribeau (Ottawa: International Development Research Centre, 2000).

<sup>90</sup> Cox, 1979.

<sup>91</sup> Cox, 1987, 25.

<sup>92</sup> *Ibid.*, 25–26.



employed in business schools. Cox expects that “such a dominant ideology [e.g., liberal economics] justifies the existing order of power relations by indicating the benefits accruing (or accruable) to all the principal parties, including in particular the subordinate or less favoured.”<sup>93</sup> Thus, it is natural that liberal research programmes do not identify *maquiladora* labour as oppressive.

The ontological disagreement in *maquiladora* research is directly related to the ideological divides separating the branches in the field. Cox argues that “where there is a general challenge to the prevailing structure of power, then the articulation of counter-ideologies becomes a part of the action.”<sup>94</sup> Since the hegemony of economic liberalism was called into question following the ascent of WID (and its successors), feminist scholars and practitioners have been able to challenge liberalism more visibly. However, consensus between paradigms is prevented because the fundamental logics and goals of the paradigms are irreconcilable. The discourse of liberal capitalism is concerned with productive efficiency (and is without an “emancipatory project”) because such traits serve the interests of those who promote it. After all, there is no incentive to cede power to the powerless.<sup>95</sup>

## CONCLUSIONS

The radically divergent findings of *maquiladora* researchers are rooted in ideological disagreements, not paradigmatic shortcomings per se. No paradigm is capable of explaining the parts of *maquiladora* labour that do not fit with its underpinning ideology. These problems are further complicated by the absence of any meaningful exchanges between proponents and detractors of *maquiladoras*; scholarship remains locked in to the “dialogue of the deaf.”<sup>96</sup> Engagement between theoretical perspectives is

limited, in many cases, to a paragraph or even a single sentence or footnote—and that is when it occurs at all. For example, writing in from the socialist feminist perspective, Fernández-Kelly identifies *maquiladora* sector growth as predicated on conditions which that allow *maquiladoras* to pay their workers very little. Her argument omits the fact that *maquiladora* wages have consistently been comparable to the wages paid by domestically-owned firms, and *maquiladoras* often provide a range of benefits to their employees, which domestic firms do not.<sup>97</sup> From the pro-globalization perspective, Villarreal and Yu provide ample evidence that economic globalization is benefiting Mexican women, assigning just three paragraphs at the end of their paper to qualifying their argument with socialist feminist critiques.<sup>98</sup>

The *Maquiladoras* can be as exploitative as much as they can be empowering; however, few scholars seem willing to attend to the complicated reality of women *maquiladora* workers’ lived lives. The socialist feminist focus on the interplay of capitalism and patriarchy leads authors to discard any notions of how *maquiladoras* might be a step up from informal or domestically-owned employment. Pro-globalization scholars sweep patriarchy under the rug in their celebration of women’s formal economic participation. Gender and development scholars ignore factory social relations altogether in favour of examining what wages mean for empowerment vis-à-vis husbands and fathers. The existing body of scholarship is a product of ideological battles, not objective social science. These theories have led to research findings that are compatible with the social locations of the researchers that produce them; as a result, a holistic picture of women *maquiladora* workers’ complex lived lives remains beyond the reach of these theories, and perhaps scholarship as a whole.

<sup>93</sup> Cox, 1979, 259. Emphasis added.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*, 268.

<sup>96</sup> Kopinak, 1995, 31.

<sup>97</sup> Fernández-Kelly, 1986.

<sup>98</sup> Villarreal and Yu, 2007.



# Symbolism and Ritual in Mao's Cultural Revolution:

## An Exploration of the Relationship between Religion and Politics

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The Great Proletarian Cultural Revolution of China, as launched by Chairman Mao Zedong, broadly sought to eradicate both capitalism and cultural traditionalism as a means of firmly establishing Mao's vision of socialism. Largely through the radical implementation of various forms of propaganda, Mao was able to heighten his goals for China to considerable levels of popular approval, particularly amongst the youth of the nation. Most interestingly, however, is not how Mao's socialist visions garnered collective acceptance, but rather the way in which Mao himself became a figure of absolute adulation.<sup>1</sup> As he devised and put forth a new form of visual culture for China, traditional forms of art came to be regarded as seditious and counter to national development. This incited new interest in younger artists who were employed to further the cause of the Cultural Revolution.<sup>2</sup> Under these conditions, the sole purpose of art came to be to serve the goals of Mao's movement. Despite the fact that Mao considered religion to be an impediment to the development of an ideal socialist society, it can be argued that the people's regard for Mao's political ideology as transformed by the

art of the Cultural Revolution mirrors a kind of religiosity. This is made particularly evident through the propagation of massive portraits of Mao Zedong through which he attained near god-like recognition and became emblematic of the Cultural Revolution itself. Much like a religious tradition gains its power and solidarity through its ritualized practices and the "condensation" as well as "multivocality" of its symbols,<sup>3</sup> the Cultural Revolution too was characterized by these features. It can be posited that as Mao actively endeavoured to remove religious traditions from Chinese society, his movement adopted religious qualities to fill that void.<sup>4</sup> Furthermore, Mao's political reign can be used to illustrate how religion and politics are not easily distinguishable factions but are rather inextricably linked through the power struggles that ultimately shape society. Before developing these issues further, however, it is imperative to explore the climate in which the Cultural Revolution arose and the goals it projected upon the nation.

### INTRODUCTION TO THE CULTURAL REVOLUTION

Put forth by Mao Zedong in 1966, the Cultural Revolution was an iconoclastic movement that sought to liberate the People's Republic of China from bourgeoisie domination and to instate socialism through the rallying of the proletariat. Although the Cultural Revolution is frequently referenced as a marked and discrete period of time, it did not emerge out of vacuity; the preceding years leading up to the movement, beginning with Mao's rule of the Communist Party of China in 1943, had already gone about actively asserting the political principles of Maoism, and further, the persecutions for which the Cultural Revolution has now become

<sup>1</sup> David E. Apter, "Bearing Witness: Maoism as Religion," *The Copenhagen Journal of Asian Studies* 22 (2005): 7, 8, accessed 14 November, 2011, <http://www.journalofbusinessanthropology.com/index.php/cjas/article/view/519/549>; Jennifer Hubbert, "(Re)collecting Mao: Memory and fetish in contemporary China," *American Ethnologist* 33.2 (2006): 148, accessed 12 November, 2011, doi: 10.1525/ae.2006.33.2.145; Qiu Jin, *The Culture of Power: The Lin Biao Incident in the Cultural Revolution* (Stanford: Stanford University Press, 1999), 16.

<sup>2</sup> "Art and China's Revolution," last modified 2008, <http://sites.asiasociety.org/chinarevo/?p=10> par. 4.

<sup>3</sup> David I. Kertzer, *Ritual, Politics, and Power* (New Haven: Yale University Press, 1988), 11.

<sup>4</sup> Apter, 2005, 8, 18, 32.



known were not new to China.<sup>5</sup> Instead, it was the vehemence with which Mao's socialist ideals were implemented during the Cultural Revolution that it came to be so historically significant. This is evidenced by how emotionally evocative the movement was and still is by way of being initially revered and then ultimately rebuked, earning its euphemism of the 'ten lost years.'<sup>6</sup>

A number of scholars contend that in addition to promulgating a socialist doctrine, the Cultural Revolution was also a response to Mao's concern of growing capitalist interests within the Communist Party of China.<sup>7</sup> Because he himself was unable to purge the Communist Party of central leaders such as Liu Shaoqi who he regarded as right-wing revisionists, he brought about the Cultural Revolution to mobilize people by the millions "to destroy the party apparatus."<sup>8</sup> Notably, Mao appealed to the youth of the nation by emphasizing the importance of experiencing the vigour of a revolution during the formative years of a person's life and stressing their role in the realization of a utopian society for which they would later be celebrated for creating. Such fanciful notions served as effective ploys for enlisting the younger generation in Mao's cause by encouraging them to organize themselves into units known as the Red Guards. This was such a success that in the autumn of 1966, only months after Mao had set the Cultural Revolution into motion, "eight massive Red Guard rallies were held in Beijing, attracting, it is said, more than eight million youths."<sup>9</sup> Cities were ravaged as the Red Guards attacked the 'four olds'—old ideas, old culture, old customs, and old habits—which were regarded as hindrances to

the forward thinking of Maoism. Religion, in particular, was deemed an outdated mechanism of the past, only serving to provide solace to its practitioners by masking the real problems of society. As such, religious sites were ransacked and destroyed, seeking to eliminate all emblems of religious heritage from Chinese society.<sup>10</sup>

Mao endeavoured to justify launching the Cultural Revolution and to contribute to Marxism by putting forth the notion of 'continuous revolution.' This theory recognized the tenuousness of socialist societies due to the inherent greed of humanity, which could result in the potential restoration of capitalism.<sup>11</sup> Thus, the importance of being in a continuous state of revolution was to constantly reignite populist ideals and incite an active passion across the nation. Perhaps genuinely envisioning a better future for his country, Mao held on with zeal to these chimerical plans throughout the Cultural Revolution.<sup>12</sup> It is widely recognized, however, that his cause became grossly removed from its original moral claim to produce a more egalitarian society. The quest to eradicate social stratification moved beyond the implementation of reforms and instead manifested itself in the often violent persecution of those holding privileged positions in society. Millions of the bourgeoisie or the suspected subversive "were tortured, imprisoned, starved, denied medical treatment, or forced to leave their children unsupervised when they were sent out to labour camps."<sup>13</sup> For tens of thousands of people the outcome of this mass persecution was death.<sup>14</sup>

Most sympathetically, scholar Julia F. Andrews attributes these atrocities to "[Mao's] failure to control the activity he set in motion."<sup>15</sup> Others are not as forgiving. Anne-Marie Brady, for

<sup>5</sup> Julia F. Andrews, "The Art of the Cultural Revolution," in *Art in Turmoil: The Chinese Cultural Revolution, 1966-76*, ed. Richard King (Vancouver: UBC Press, 2010), 31.

<sup>6</sup> Andrews, 2010, 31.

<sup>7</sup> Anne-Marie Brady, *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China* (Lanham: Rowman & Littlefield Publishers, Inc., 2008), 37; Andrews, 2010, 28.

<sup>8</sup> Andrews, 2010, 28.

<sup>9</sup> Patricia Buckley Ebrey, ed., "Red Guards," *Chinese Civilization: a sourcebook* (New York: Free Press, 1993), 449.

<sup>10</sup> Jones, Stephen, "Chinese Ritual Music under Mao and Deng," *British Journal of Ethnomusicology* 8 (1999): 50, accessed 11 October, 2011, <http://www.jstor.org/stable/3060851>.

<sup>11</sup> Jin, 1999, 17.

<sup>12</sup> *Ibid.*

<sup>13</sup> Patricia Buckley Ebrey, ed., "Victims," *Chinese Civilization: a sourcebook* (New York: Free Press, 1993), 458.

<sup>14</sup> *Ibid.*

<sup>15</sup> Andrews, 2010, 28.



instance, regards the Cultural Revolution as a movement governed by Mao's employment of propaganda. It is evident that she views Mao as manipulative in his flagrant fabrications concerning the creation of a just society, noting that "[he] and his associates seized control of the propaganda system as a weapon."<sup>16</sup> Many have come to construe the Cultural Revolution as Mao's final act of desperation; Harry Harding encapsulates this notion in his claim that "it was the attempt of an aging Mao to shake up the Chinese Communist Party, reshape its policies, and ensure that his vision of continuing revolution for China would survive his own death."<sup>17</sup> Although such negative sentiments came to be popularly held nearing the end of the Cultural Revolution and Mao's death in 1976, much of the Cultural Revolution was characterized by the fervent response of the public in favour of Mao's movement.

#### MAO'S NEW VISUAL CULTURE

One of the most fascinating developments during the Cultural Revolution was the emergence of a new, distinctive art form. The influence of socialist realism previously seen in the Soviet Union was clear, as traditional ink painting was abandoned and replaced by a colourful, bright, clean, and, markedly realistic style of art.<sup>18</sup> At this time, already established artists were persecuted, forgotten, or at best, forced to adopt the artistic vision set forth by Mao. This again provided room for the youth to be elevated to the forefront of the Cultural Revolution as younger artists relished in the possibility of serving their country through their art. This also introduced an entirely new means of producing and disseminating art; rather than placing original pieces of art in galleries to be admired, the sign of a respected piece of art was in the extent to which it was reproduced in posters,

magazines, and newspapers.<sup>19</sup> There was no longer reverence placed in creative pursuits; art, like all other facets of society under the ideals of Maoism, had no benefit in being esoteric or unique.

As is evidenced by Mao's writings and speeches, he had a very particular vision for the role that artistic practices should have in China. At a talk he gave to music workers in August of 1956, Mao asserted, "art must have independent creative qualities; it must be distinctly imbued with the character of the times and also with the national character. China's art must not look more and more to the past, nor must it become more and more Westernized. It must increasingly reflect the characteristics of the times and of the nation."<sup>20</sup> Notably in his pamphlet published in 1942, *Talks at the Yenan Forum on Literature and Art*, Mao regarded all artistic endeavours of the past to be "either feudalistic, imperialistic, bourgeois, or revisionist."<sup>21</sup> In an effort to change this, Mao wrote:

Our literary and art workers must [...] shift their stand; they must gradually move their feet over to the side of the workers, peasants and soldiers, to the side of the proletariat, through the process of going into their very midst and into the thick of practical struggles and through the process of studying Marxism and society. Only in this way can we have literature and art that are truly for the workers, peasants and soldiers, a truly proletarian literature and art.<sup>22</sup>

<sup>16</sup> Brady, 2008, 37.

<sup>17</sup> Harry Harding. "Reappraising the Cultural Revolution." *The Wilson Quarterly* 4.4 (1980): 132.

<sup>18</sup> "Art and China's Revolution," last modified 2008, <http://sites.asiasociety.org/chinarevo/?p=15> par. 1.

<sup>19</sup> *Ibid.*, par. 1.

<sup>20</sup> Tse-Tung Mao, "Chairman Mao's Talk to Music Workers: 24 August 1956," in *Mao Tse-Tung Unrehearsed: Talk and Letters 1956-71*, ed. Stuart Schram, trans. John Chinnery and Tieyun (Middlesex: Penguin Books Ltd, 1974), 88-9.

<sup>21</sup> Yu Run Mao, "Music under Mao, Its Background and Aftermath," *Asian Music* 22.2 (1991): 117, accessed 12 November, 2011, <http://www.jstor.org/stable/834309>.

<sup>22</sup> Tse-Tung Mao, "Culture and Art," in *Quotations from Chairman Mao Tse-Tung*, trans. A. Doak Barnett (London: Bantman Books, Inc., 1967), 173.



This promotion of art for the working class could be regarded as a largely positive move away from any elitism previously associated with art. As such, it seems more beneficial than potentially harmful. In the same pamphlet, however, Mao refers to literature and art as “powerful weapons for uniting and educating the people and for attacking and destroying the enemy.”<sup>23</sup> It is evident that as early as 1942 when this pamphlet was published, Mao recognized the formidable potential for art as propaganda.

At the onset of the Cultural Revolution, Mao not only sought to ameliorate and remodel the entire purpose of art but also outlawed all forms of art created in the past as he felt they would only

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serve to undermine the artistic aims of his movement.<sup>24</sup> Arnold Perris regards Mao’s objectives for art as threefold and outlines them as such: “One purpose was to promote nationalism. The second was a kind of artistic populism, the creation and presentation of music and the other arts for the masses. Surpassing these two was a third value necessary in a proletarian society: a culture that would support socialism and the dictatorship of the Communist Party in the name of the proletariat.”<sup>25</sup> Art was reduced to and employed as another form of propaganda, as Andrews insists its primary intent was to “codify the cult of Mao.”<sup>26</sup> Maoism became branded through the proliferation of these conspicuously placed images that often depicted an idealized

socialist nation. This was a wise tactic as undoubtedly the pervasiveness and uniformity of the imagery became persuasive.

#### THE SYMBOLIC AND RITUALIZED POWER OF MAO

David I. Kertzer has produced extensive literature pertaining to the role of symbols in politics. He notes that “through the manipulation of symbols the powerful reinforce their authority” while also establishing what he identifies as “political reality.”<sup>27</sup> Further, he asserts that the construction and cementation of this reality is the strongest indication of the maintenance of power.<sup>28</sup> Thus, symbols equal power. Ritual is what connects these dyadic constituents as individuals become identified with these symbolic entities of power through the performance of ritualized acts. Perhaps most importantly, “rituals provide a context in which the myths that sustain [a political] party can be validated and kept alive.”<sup>29</sup>

If we regard ideology as effectively equivalent to political ideals, then the French Marxist theorist Louis Althusser presents similar ideas about the role of ritualized acts in politics. In relation to this argument, he claims the following:

The power of ideology works in a circular way: an ideology which is propagated by a state apparatus produces material practices such as rituals, which require people to actually do them, by taking part, and through so doing a personal and internalised ideology is created. The ideology is embodied through the practice and is lived out by the people who are interpellated by the ideology.<sup>30</sup>

<sup>23</sup> Tse-Tung Mao, 1967, 173.

<sup>24</sup> Mao, 1991, 117.

<sup>25</sup> Arnold Perris, “Music as Propaganda: Art at the Command of Doctrine in the People’s Republic of China,” *Ethnomusicology* 27.1 (1983): 16, accessed 11 October, 2011, <http://www.jstor.org/stable/850880>.

<sup>26</sup> Andrews, 2010, 30.

<sup>27</sup> Kertzer, 1988, 5.

<sup>28</sup> *Ibid.*

<sup>29</sup> Kertzer, David I., *Politics & Symbols: The Italian Communist Party and the Fall of Communism* (New Haven: Yale University Press, 1996), 125.

<sup>30</sup> Malory Nye, “Power,” in *Religion: the basics*, Second edition (London: Routledge, 2004), 68.



Within this discussion, Mao's politics, particularly during the Cultural Revolution, seem undeniably relevant. The Cultural Revolution itself was performative in nature,<sup>31</sup> utilizing rituals to "elicit powerful emotions to mobilize the people for revolt."<sup>32</sup> This is not only seen in the collective destruction of the 'four olds' by the Red Guards but also in more formally recognized acts of ritual such as the official sanction encouraging citizens to ask Mao for instruction each morning.<sup>33</sup> Ritual scholar Catherine Bell asserts that "not only do rituals express authority, the process of performing rituals—or doing things with that sense of ritualisation—is a means by which people construct relationships of authority and submission,"<sup>34</sup> and subsequently from these ritualized developments, Mao himself became a recognized symbol.

One of the most significant reasons why Mao became an illustrious symbol of his own Cultural Revolution was through the visual culture that he established. As early as the founding of the People's Republic of China, the Central Propaganda Department standardized the production of Mao portraits.<sup>35</sup> From the relatively early stages of Mao's rule, his portraits could often be found in the homes of the Chinese people.

The image to the right (Fig. 1) from 1954 entitled "Chairman Mao gives us a happy life" depicts the very comfortable life of a working-class family. This is evidenced by the spacious living area, full table of food, radio set, fresh vase of flowers, and of course, the beaming family members. Looming above this scene is a portrait of Mao Zedong. This serves not only as a means of indicating the success of his socialist regime but also places Mao himself at the forefront of this

success; his image comes to represent this ideal.



Fig. 1. Xin Liang, *Chairman Mao gives us a happy life*, 1954.<sup>36</sup>

It was not until the Cultural Revolution began in 1966, however, that these portraits became so idealized, often depicting Mao as being "surrounded by a luminescence that seems to radiate from his body."<sup>37</sup> The following pieces of art (Fig. 2; Fig. 3; Fig. 4) exemplify this style of portrayal of Mao.

The titles of these pieces alone speak volumes about what the art is intended to convey. The last poster in particular not only functions as a model work of art itself, but it also makes explicit through its images the forms that art should take to move forward the cause of the Cultural Revolution. This can be seen with "the dancing

<sup>31</sup> Daniel Leese, *Mao Cult: Rhetoric and Ritual in China's Cultural Revolution* (Cambridge: Cambridge University Press, 2011), 150.

<sup>32</sup> Kertzer, 1996, 14.

<sup>33</sup> Hubbert, 2006, 148; Leese, 2011, 201, 202.

<sup>34</sup> Malory Nye, "Ritual," in *Religion: the basics*, Second edition (London: Routledge, 2004), 150.

<sup>35</sup> "Art and China's Revolution," <http://sites.asiasociety.org/chinarevo/?p=15> par. 1.

<sup>36</sup> Xin Liliang, *Chairman Mao gives us a happy life*. 1954. Accessed from <http://chineseposters.net/gallery/e16-269.php>

<sup>37</sup> "Art and China's Revolution," <http://sites.asiasociety.org/chinarevo/?p=15> par. 1.



figures [...] from the revolutionary model operas developed by Mao's wife Jiang Qing."<sup>38</sup> Most strikingly in this piece of art, however, is how Mao Zedong is literally placed in, or possibly even as, the radiant sun giving light and life to his people. Perhaps largely because of the prevalence of these images nearing the end of the 1960s, Mao became a ubiquitous figure, possessing immense symbolic power.



Fig. 2. Shanghai People's Fine Arts Publishing House Propaganda Group, *The sunlight of Mao Zedong Thought illuminates the road of the Great Proletarian Cultural Revolution*, 1966.<sup>39</sup>



Fig. 3. Artist unknown, *Respectfully wish Chairman Mao eternal life*, 1968.<sup>40</sup>

<sup>38</sup> "Advance victoriously while following Chairman Mao's revolutionary line in literature and the arts," International Institute of Social History, last modified 20 June 2011, [http://chinese posters.net/posters/e13-632\\_633\\_634.php](http://chinese posters.net/posters/e13-632_633_634.php).

<sup>39</sup> Shanghai People's Fine Arts Publishing House Propaganda Group. *The sunlight of Mao Zedong Thought illuminates the road of the Great Proletarian Cultural Revolution*. 1966. Accessed from <http://chinese posters.net/posters/e13-644.php>

<sup>40</sup> Artist unknown. *Respectfully wish Chairman Mao eternal life*. 1968. Accessed from <http://chinese posters.net/posters/e13-549.php>.



Fig. 4. Central Academy of Industrial Arts collective work, *Advance victoriously while following Chairman Mao's revolutionary line in literature and the arts*, 1968.<sup>41</sup>

## MAOISM AND RELIGION

Although political leaders are typically visually present and recognizable in the area in which they rule, the images of Mao produced during the Cultural Revolution became evocative of the entire socialist endeavour in China. This, however, moved beyond the image of Mao serving as a physical representation of his movement; rather, Mao transcended his entire political cause to become a figure of worship. Hubbert explicates this phenomenon, noting that "things that Mao touched physically (e.g., people's hands he had shaken) or that contained his image (e.g., badges, posters, and statues) or his thoughts and ideas (Little Red Books or newspaper editorials) were understood to possess special powers."<sup>42</sup> His word became "ultimate truth."<sup>43</sup> David I. Kertzer discusses political and religious truth claims in his work on the salient role of symbols in affirming political power. Employing the work of Michel Foucault in his own scholarship, Kertzer notes how "truth"<sup>44</sup> is itself to be understood as a function

<sup>41</sup> Central Academy of Industrial Arts collective work. *Advance victoriously while following Chairman Mao's revolutionary line in literature and the arts*. 1968. Accessed from [http://chinese posters.net/posters/e13-632\\_633\\_634.php](http://chinese posters.net/posters/e13-632_633_634.php).

<sup>42</sup> Hubbert, 2006, 148.

<sup>43</sup> Jin, 1999, 16.

<sup>44</sup> N.B.: Here, 'truth' is taken to simply mean what is politically or popularly believed. Although this may entail ascribing to an ultimate truth, theoretically, Foucault felt that all truth was of human creation but subsequently regarded it as both existing within and containing power. As such, truth is powerfully manufactured in the world in which we live by a circular process wherein truth both creates and is sustained by power.



of power.”<sup>45</sup> Moreover, rituals that are enacted in response to symbols serve to legitimize power and establish what is regarded as ‘truth.’<sup>46</sup> Thus, the ritual adulation of Mao as a symbol enabled Mao to affirm his word as truth, substantiating his power. Apter notes that Mao’s “monopolistic truth claims” came to be regarded by the general populace as so indisputable that “political violence bec[ame] ritualized as a structural factor in the organization of power.”<sup>47</sup> This became a cyclical problem as Mao recognized that it was because he had been exalted to something of a superhuman that he was able to justify these violent actions, but it was also through these ritualized performances of revolt that he was elevated to such a status; one could not exist without the other. Thus, it may never have been Mao’s intentions to be regarded as a figure akin to a god, but rather that such regard for a leader may have been a necessary development for the Cultural Revolution to receive heightened support.

Most interestingly in this analysis is how contradictory the worship of Mao was to his proposed ideology. Not only did Karl Marx abhor such personality cults, placing Mao in direct opposition with the social theorist that he so revered, but it also elevated Mao to demigod status, making his politics adopt elements of the religiosity that he actively sought to destroy in society.<sup>48</sup> Whether the apotheosis of Mao should be regarded in the realm of political religion is a debate concerning mere questions of semantics. It is more meaningful instead to consider why, in the near absence of religion in Chinese society, its characteristics materialized so irrefutably in Mao’s politics.

## RELIGION AND POLITICS

It may be too bold to claim that a relationship between religion and politics appears to have existed since the beginning of documented history, partly because it presupposes that the concept of religion existed in a time when it did not. With respect to China, however, there is conclusive evidence for the relationship between Confucius’ teachings during his lifetime (551-479 B.C.E.) and politics.<sup>49</sup> Not only was

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Confucius known to advise politicians but *The Analects of Confucius* is replete with teachings on governance. That Confucianism did not come to be regarded as a religion until centuries after Confucius’ death is perhaps indicative

of the fact that no distinction between religion and politics was even conceivable. Even when religion and politics are regarded as discrete entities, their influence on each other can be palpably observed throughout history. Continuing with the example of Confucianism, the Qin dynasty (256-206 B.C.E.) sought to eliminate Confucian ideology from society while Emperor Wu (r. 141-87 B.C.E.) of the Han era endeavoured to reinvigorate it.<sup>50</sup> Thus, the relationship between religion and politics appears to be one of cyclicity, as religious doctrines are used, removed, and reformed as dictated by a given political entity’s struggle for power. A more contemporary instance of this is Mao’s eradication of religion during the Cultural Revolution as contrasted by current General Secretary Hu Jintao’s appeal to Confucian ideals by putting forth notions such as filial piety

<sup>45</sup> Kertzer, 1996, 154.

<sup>46</sup> Kertzer, 1988, 40.

<sup>47</sup> Apter, 2005, 8-9.

<sup>48</sup> Jin, 1999, 16.

<sup>49</sup> Robert T. Ames and Henry Rosemont Jr., trans., *The Analects of Confucius: A Philosophical Translation* (New York: The Random House Publishing Group, 1998), 1-5.

<sup>50</sup> Patricia Buckley Ebrey, ed., “Heaven, Earth, and Man,” *Chinese Civilization: a sourcebook* (New York: Free Press, 1993), 57.



(*xiao*), right relationships, and harmony (*he*) in order to “save [the] Communist Party.”<sup>51</sup>

This inconsistent role that religion has within politics, as often dictated by the politics themselves, does not exist exclusively in the context of China but can be observed cross-culturally. This is substantiated by the plethora of literature pertaining to this litigious relationship between religion and politics.<sup>52</sup> Particularly in ‘Western’ thought, religion and politics are often regarded as separate spheres, as evidenced by the emergence of theories of secularization and modernization.<sup>53</sup> More appositely in the discussion of why Mao’s politics became imbued with elements of religiosity is to consider what such a development might reveal about the grander desires of humanity.

## CONCLUSION

As elucidated above, adopting Mao as a god-like leader heightened the support for the Cultural Revolution. By imputing these powers to Mao, he and his cause became regarded as infallible. While this has often been examined as a gross exploitation of power, there has been little deliberation on why such an exploitation of power was allowed and at times even encouraged by the people. This latter issue concerning the way in which power comes to be given and accepted by the people is perhaps far more revelatory with respect to what it exposes about human nature. Kertzer attends to this precise matter, asserting that “we attribute cosmological meaning to our political order, believing that our society has somehow been divinely ordained, that it reflects

some higher purpose.”<sup>54</sup> Thus, it is through the adoption of characteristics that might typically be associated with religion that a political party, movement, or person is able to affirm power. This is most conclusively observed in the case of Mao Zedong during the Cultural Revolution as he was elevated to a place of near omnipotence, thus validating his political ideology and actions. Mao’s rule has been studied extensively, largely because it was perceived as an anomalous occurrence. Particularly during the Cultural Revolution, Mao’s governance was a case of extreme dictatorial rule. Nevertheless, these same elements of religiosity can be observed to a lesser extent in arguably all instances of politics. A person in a position of power has often attained that power because people have bestowed it upon them. As developed in the work of Michel Foucault, politics must be endowed with truth in order to attain any validity or power,<sup>55</sup> and it is the nature of all beings to believe that we invest our confidence in what is best and true.<sup>56</sup> Religion and politics mirror each other in this respect, attesting to the influence one continuously bears on the other in the interminable struggle for power. Finally, regardless of where power is given by the people, its legitimacy exists in the sense that people everywhere “imagine that their own society represents both the best and most natural social order.”<sup>57</sup> Therefore, humans are inherently inclined to believe in the truth of their own culture and in the power that they have vested in the institutions—both religious and political—that govern it. As exemplified through the status that Mao gained during his political reign as a figure analogous to a religious icon, it is further evidenced how this dynamic interaction between that which is religious and that which is political plays an intrinsic role in the ultimate struggle for power.

<sup>51</sup> Allen T. Cheng, “Hu Invokes Confucius to Appease Masses, Save Communist Party,” *Bloomberg*, 11 October, 2007, Cheng, Allen T., “Hu Invokes Confucius to Appease Masses, Save Communist Party,” *Bloomberg*, 11 October, 2007, [http://www.bloomberg.com/apps/news?pid=newsarchive&sid=avMr4F3vE\\_GM](http://www.bloomberg.com/apps/news?pid=newsarchive&sid=avMr4F3vE_GM).

<sup>52</sup> Nye, 2004, 57-78.

<sup>53</sup> Scott M. Thomas, “Blind Spots and Blowback: Why Culture and Religion were Marginalized in the Theory of International Relations,” in *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-First Century* (New York: Palgrave Macmillan, 2005), 51-52.

<sup>54</sup> Kertzer, 1988, 37.

<sup>55</sup> Michel Foucault, “Truth and Power,” in *The Foucault Reader*, ed. Paul Rabinow, 51-75. New York: Pantheon Books, 1984; Kertzer, *Politics & Symbols*, 154.

<sup>56</sup> Kertzer, 1988, 37.

<sup>57</sup> *Ibid.*



## Stories of Survival and Narratives of Resistance:

### The Role of Memoirs in Narrating Genocide and Promoting Social Justice

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**S**tories and memory are key factors in place-making and identity formation by making a meaningful connection to a space and enabling one's 'being-in-the-world'.<sup>1</sup> Memoirs represent the narratives of personal lives made into meaningful historical records, which may work to form narratives of resistance. I argue that memoirs are a useful means of narrating forms of genocide and promoting social justice through reconciliation. These narratives are involved in place-making, as each person's identity is formed through memories of people, places and events during one's lifetime.

'Story' and 'narrative' are often used interchangeably, where story has been defined as "an account of incidents or events,"<sup>2</sup> while narrative has been defined as "a message that tells the particulars of an act or occurrence or course of events."<sup>3</sup> However, this paper will distinguish between the two, where story is defined as a representation of an incident or event, which can be achieved both through language or other means, and narrative is defined as a method of storytelling, which is transmitted primarily through language.

This paper will begin by describing the connections between stories, memory and

place-making, which will explain the function of stories. It will also explain the importance of recognizing emotion in places and memory, as well as analyze the question of how stories originate. The next section will describe the importance of language, narrative and identity formation in place-making, where language is described as key in both place-making and identity formation. It will then describe the memoir as a potential narrative of resistance, using case studies from Soviet Russia, Nazi Germany and the Guatemalan genocide. The paper will also analyze some of the criticisms of memory, as well as some of the personal and societal benefits of memoirs in expressing communal struggles and promoting social change.

### STORIES, MEMORY AND PLACE-MAKING

The Western conception of stories comes from the Greek word, *mythos*, which in Greek means story, as myths were stories that allowed one to "humanize time."<sup>4</sup> However, it is important to note that not all stories are told through narrative, as some stories may be interpreted through other means, such as music, images or dance. This idea of non-narrative stories may relate to the idea of the landscape as a text and vice versa, as well as that of the landscape as a stage, on which human life is performed.<sup>5</sup> These ideas suggest that there is always an implied reader or observer, which relates to the function of stories, as every story involves "someone telling something to someone about something."<sup>6</sup>

When writing about a landscape, one moves

<sup>1</sup> Internet Encyclopaedia of Philosophy, "Martin Heidegger (1889–1976)," accessed March 15, 2011, <http://www.iep.utm.edu/heidegge/#SH8a>.

<sup>2</sup> "Narrative," Wordnet, last accessed March 20, 2011, <http://wordnetweb.princeton.edu/perl/webwn?s=narrative>.

<sup>3</sup> "Story," Miriam Webster, last accessed March 20, 2011, <http://www.britannica.com/bps/dictionary?query=story>.

<sup>4</sup> Richard Kearney, *On Stories*, (New York: Routledge, 2002): 3–4.

<sup>5</sup> Denis Cosgrove and Steven Daniels, "Spectacle and Text: Landscape Metaphors in Cultural Geography" in *Place/Culture/Representation*, ed. J. Duncan and D. Ley, (London: Routledge, 1993): 57; Pierce Lewis, "Axioms for Reading the Landscape" in *Material Culture Studies in America*, ed. Thomas J. Schlereth, (Nashville: American Association for State and Local History, 1979): 12.

<sup>6</sup> Kearney, 2002, 5.



"beyond nature into the intensely human realm of value,"<sup>7</sup> which is often done through naming and names.<sup>8</sup> Harkin, for one, argues that the landscape "bears traces, both physical and linguistic, of past events,"<sup>9</sup> as it symbolically links people to the past through "naming and narratives that inscribe meaning on the landscape."<sup>10</sup> Stories may enhance meanings by changing people's perceptions of places, as the names of places are often derived from stories themselves.<sup>11</sup> For example, many place names in the Coast Salish areas of the southern coast of British Columbia are connected to European interpretation of the land, which reflects the manipulation of colonial powers through re-naming the landscape.<sup>12</sup> Certain places may also trigger memories of unrelated experiences or stories of other places, other people, and other times.<sup>13</sup> These places and memories may also incite emotions that have been forgotten, just as storytelling and place-making do, as they must be "*felt* to make sense."<sup>14</sup>

Kearney suggests in his book, *On Stories*, that all stories come from the sorrows experienced in one's life, and thus help to make them more bearable and reflect people's ability to endure suffering and loss.<sup>15</sup> However, there are many reasons why it remains to be difficult for some people to articulate stories of violence, such as a sense of shame or guilt for surviving, when

others did not, or a fear of reliving the past.<sup>16</sup> Victims of the Holocaust, for instance, may be unable to speak about their experiences because of their knowledge of "the truth about people, human nature, about death, [...] in a way that other people don't know it."<sup>17</sup> Additionally, there may be societal restrictions or cultural norms about speaking out about crimes committed against humanity by the government, as in the case of Maya women who were victims of the Guatemalan genocide in the 1980s.<sup>18</sup> Yet, the act of narrating a story may also lead the author to uncover truths that they had not seen before, as storytelling invites one to become the reader of one's own life.<sup>19</sup>

#### LANGUAGE, NARRATIVE AND IDENTITY

It is believed that "language – in its structure, utterances, and inscriptions – constitutes the cornerstone of place-making,"<sup>20</sup> as opposed to material transformations. A warm conversation can make a place feel warm, for example, while an unfriendly argument may make one feel uncomfortable.<sup>21</sup> However, language is also essential for the physical construction of place, as it is not possible to engage in the planning process of construction without the exchange of words.<sup>22</sup> Still more important to place construction, is language's use of metaphors, as well as how "sentences and larger units impart emotion and personality, and hence high visibility, to objects and places."<sup>23</sup> A good

<sup>7</sup> William Cronon, "A Place for Stories: Nature, History, and Narrative," *The Journal of American History* 78 (1992):1349.

<sup>8</sup> Yi-Fu Tuan, "Language and the Making of Place: A Narrative-Descriptive Approach," *Annals of the Association of American Geographers*, 81, (1991): 688.

<sup>9</sup> Michael E. Harkin. "Sacred Places, Scarred Spaces." *Wicazo Sa Review*, 15 (2000): 64.

<sup>10</sup> Tuan, 1991, 81.

<sup>11</sup> Keith H. Basso, "Wisdom Sits in Places." In *Wisdom Sits in Places: Landscape and Language Among the Western Apache* (Albuquerque: University of New Mexico Press, 1996), 105-150.

<sup>12</sup> Thom, Brian David, "Coast Salish Senses of Place: Dwelling, Meaning, Power, Property and Territory in the Coast Salish World" (PhD diss., McGill University, 2005): 249-50.

<sup>13</sup> Basso, 1996, 107.

<sup>14</sup> Joyce Davidson, and Milligan Christine, "Embodying Emotion Sensing Space: Introducing Emotional Geographies," *Social & Cultural Geography*, 5 (2004): 524.

<sup>15</sup> Paul Ricoeur, "Sorrows and the Making of Life Stories," *Philosophy Today* 47, (2003): 322.

<sup>16</sup> Claire Hackett and Bill Rolston, "The burden of memory: Victims, storytelling and resistance in Northern Ireland." *Memory Studies*, 2 (2009): 3585-59.

<sup>17</sup> Langer, Lawrence, *Holocaust Testimonies: The Ruins of Memory*, (New Haven: Yale University Press, 1991): 59.

<sup>18</sup> Catherine Nolin Hanlon and Finola Shankar, "Gendered spaces of terror and assault: The testimonio of REMHI and the Commission for Historical Clarification in Guatemala," *Gender, Place and Culture*, 7, (2000): 265.

<sup>19</sup> Kearney, 2002, 156.

<sup>20</sup> Patricia L. Price, "Cultural geography and the stories we tell ourselves," *Cultural Geography* 17, (2010): 205.

<sup>21</sup> Tuan, 1991, 81

<sup>22</sup> *Ibid*, 684-85

<sup>23</sup> Ricoeur, Paul, "The metaphorical process as cognition, imagination, and feeling" in *On metaphor*, ed. S. Sacks, (Chicago: University of Chicago Press, 1979): 22.



example of this is illustrated by the unique languages and storytelling styles of First Nations people, which developed over millennia of oral storytelling traditions. For instance, Squamish storyteller, Dominic Charlie, utilizes an original style and syntax to provide his interpretation of a sea lion story, of which various versions from different areas on the West Coast exist.

It's a reef out there on the point there where this nice beach, reef there, and that's where the sea lion comes on when he goes to sleep on a rock, and he goes there and they spear 'em. And this man never give his brother a chance to get any sea lion. And this man get sick and tired of him, and he thinks what to do, because he's a powerful man. And he carved that thing just like a sea lion, see. And he carve a fir, a fir log, he carved it just, oh, about as big as a sea lion.<sup>24</sup>

This story represents the importance of sea lions as a source of spiritual power for certain Coast Salish tribes, and reinforces the important value of sharing.<sup>25</sup> There is a close connection between language and place, as "it is the tradition of living on the land that ensures the continuity of language."<sup>26</sup> Therefore, it is no coincidence that the removal of territory from many First Nations groups, as well as the relocation of children into residential schools, contributed to the endangerment and disappearance of their traditional languages<sup>27</sup>. Parallels have also been made between residential schools and Nazi "death camps," which make reference to "the

Canadian Holocaust."<sup>28</sup> The loss of language may be termed as a type of cultural genocide, or ethnocide, as it is also connected to loss of place and identity.<sup>29</sup>

Language and narrative are important for identity formation. Language allows one to encode memory and provide order to our environment.<sup>30</sup> Similarly, narrative provides a structure that "organizes events and human actions into a whole, attributing significance to individual actions and events according to their effects on the whole."<sup>31</sup> It also enables one to be present in the moment, which relates to Heidegger's concept of "being-in-the-world," as the possibility of experience is dependent on the notion of place.<sup>32</sup> The ability to tell a story of our lives based on memory seems synonymous with the concept of identity, as "identity, or sense of self, is constructed by and through narrative: the stories we tell ourselves and each other about our lives."<sup>33</sup> Stories are an important factor in to one's personal, as well as cultural identities. However, it is impossible to truly engage with a place or person without engaging with all of the stories of that place or person. Otherwise, the whole picture of one's identity would not be complete.<sup>34</sup> Both written and spoken language may also be perceived as a weapon, as learning a new language allows one to transmit stories to a greater audience, while written language allows for a permanence through print. However, the preservations of the language of one's origin is

<sup>24</sup> Oliver Wells et al. (includes an interview with Dominic Charlie), in *The Chilliwacks and their Neighbours*. (Vancouver: Talonbooks, 1987): 169-70.

<sup>25</sup> Thom, 2005, 98-99.

<sup>26</sup> Tim Ingold, "Ancestry, Generation, Subsistence, Memory, Land" in *The Perception of the Environment: Essays in Livelihood, Development and Skill*, (London: Routledge, 2000), 147.

<sup>27</sup> Thom, 2005, 98-99.

<sup>28</sup> David Macdonald, "First Nations, Residential Schools, and the Americanization of the Holocaust: Rewriting Indigenous History in the United States and Canada," *Canadian Journal of Political Science* 40, (2007): 1007. doi: 10.1017/S0008423907071107

<sup>29</sup> MacDonald, 2007.

<sup>30</sup> Kearney, 2002, 4.

<sup>31</sup> Irena Paperno, *Stories of the Soviet experience: memoirs, diaries, dreams*, (Ithaca: Cornell University Press, 2009), 10.

<sup>32</sup> Internet Encyclopaedia of Philosophy, 2011.

<sup>33</sup> King, *Memory, Narrative, Identity: Remembering the Self*, (Edinburgh: Edinburgh University Press, 2000), 23.

<sup>34</sup> "The danger of a single story," Adichie, Chimamanda, last modified July, 2009, March 15, 2011, [http://www.ted.com/talks/chimamanda\\_adichie\\_the\\_danger\\_of\\_a\\_single\\_story.html](http://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story.html).



important for maintaining and passing on the cultural identity of a group, as the loss of culture is synonymous with a loss or change of identity. In order to facilitate this preservation, inventory projects of First Nations language and place names have been created within Coast Salish tribes as a means of reclaiming the landscape and preserving local histories.<sup>35</sup>

Only the past, and not the present or the future, can be narrated, which is determined by the storyteller's own narrative time.<sup>36</sup> However, "the past does not exist until it has been narrated, created through story both as time and as space."<sup>37</sup> It is important to note that the past is a place as well as a time, whether a place is positive or negative, is determined by its association with good or bad experiences.<sup>38</sup> Some may argue that stories are necessary for understanding where we are going in life, in that the individual searches for a narrative that can help explain the chaos and confusion of life.<sup>39</sup> This need for stories relates to a human desire to recount and narrate our lives; this desire is particularly important when it comes to major historical events, such as the Holocaust and other forms of genocide, in that there is a greater sense of urgency to tell these stories. However, it is important to note that there is no ethically neutral narrative, as all narratives are subject to bias.

### MEMOIRS AS NARRATIVES OF RESISTANCE

Memory is important for all first-person narratives, as they are all made possible through memory, while images within memory are reconstructed through language.<sup>40</sup> The word "memoir" comes from the Latin word

"memoria," which means "to remember."<sup>41</sup> Memoirs allow for the voices of all social classes to be heard, by preserving them in archives or compiling them in books. This is necessary to understand the experiences of state violence and war through the perspective of the oppressed, rather than publishing only those of the highly educated classes.<sup>42</sup> However, these memoirs are always an interpretation of memory.

Memoirs represent intimate lives made into meaningful historical record, as they connect lives to the historical and social situations of time and place.<sup>43</sup> Memoirs of oppression may represent a form of resistance narrative, as the author exposes past injustices that may not be told otherwise.<sup>44</sup> Resistance narrative is both an individual and a collective process, in that it may transform both the individual and society.<sup>45</sup> These narratives are about the truth, which is about the exposure of injustice and requires societal transformation.<sup>46</sup> Memoir writing is both a "liberating and a healing method of accessing hidden knowledge," and is often used to express communal struggles, as well as personal experiences.<sup>47</sup> It may also allow one to reclaim spaces of terror through freedom of personal expression.<sup>48</sup> Unofficial storytelling mechanisms such as memoirs or informal interviews may offer greater ease of communication. However, storytelling within official bodies, such as truth commissions or court proceedings may have further reaching impacts and be given greater legitimacy.<sup>49</sup>

Narratives are also contingent on one's

<sup>35</sup> Thom, 2005, 227-28.

<sup>36</sup> W.F.H. Nicolaisen, "The Past as Place: Names, Stories, and the Remembered Self," *Folklore* 102, (1991): 3.

<sup>37</sup> *Ibid*, 13

<sup>38</sup> *Idib*, 4

<sup>39</sup> Ricoeur, 2003, 322-324.

<sup>40</sup> King, 2000, 2, 14.

<sup>41</sup> "Memory," Merriam Webster Dictionary, accessed March 15, 2011, <http://www.merriam-webster.com/dictionary/memory>.

<sup>42</sup> Nolin Hanlon and Shankar, 2000, 270.

<sup>43</sup> Paperno, 2009, 2, 9.

<sup>44</sup> Patrick Ewick and Silbey Susan, "Narrating Social Structure: Stories of Resistance to Legal Authority," *The American Journal of Sociology*, 108 (2003):1329.

<sup>45</sup> Hackett and Rolston, 2009, 356.

<sup>46</sup> *Ibid*, 362.

<sup>47</sup> Nolin Hanlon and Shankar, 2000, 266-68.

<sup>48</sup> *Ibid*, 270.

<sup>49</sup> Hackett and Rolston, 2009, 370.



culture, gender, race and class, as these are all constructed through narrative.<sup>50</sup> Differences in one's identity in a narrative are apparent in testimonial literature of Maya women in Guatemala, who experienced feminicide by the state military because of their indigenous cultural identity and their role as care-givers in the community.<sup>51</sup> Yet, women have not written most historical literature, partly because of a lack of access to education, as well as institutionalized discrimination in many countries with a history of patriarchal regimes. In contrast, the majority of official and unofficial memoirs of resistance and testimonial literature in the last few decades *were* written by women.<sup>52</sup> One compelling example of these women is Rigoberta Menchú, whose influential biographical book has helped to tell the story of many Maya Quiche people in Guatemala during the civil war.

Memoirs are always interpretive, as they are reflections of the past, confined within the boundaries of the author's language.<sup>53</sup> For example, in one German Mennonite's unpublished memoirs titled, "Memories of Events during my Life," the author described his experiences as they were remembered or told to him during his lifetime. However, it does not necessarily describe what actually happened, as memories often transform over time. For instance, at the beginning, he describes the relative peacefulness of his life when he was a child living in a German Mennonite village in Southern Russia during the First World War,<sup>54</sup> yet it is unlikely that he had any idea of what was actually going on at that age. However, King argues that memory as narrative is dependent on Freud's concept of "Nachtraglichkeit," which translates as "afterwardness," the reconstruction of "what wasn't known then."<sup>55</sup>

<sup>50</sup> Price, 2010, 203.

<sup>51</sup> Nolin Hanlon and Shankar, 2000, 266-68.

<sup>52</sup> Hackett and Rolston, 2009, 356.

<sup>53</sup> King, 2000, 14.

<sup>54</sup> Peter Koop, "Memories of Events During my Life," 1983. Unpublished memoir in private collection.

<sup>55</sup> King, 2000, 11, 22.

Cronon, in his article, "A Place for Stories," describes how two interpretations of history can have vastly different conclusions, which is applicable to the process of writing a memoir, as the outcome is completely dependent on the writer's experience.<sup>56</sup> Thus the question is posed: which story is the right one? There is no easy answer to this question, as it depends on who is telling the story and their credibility as a historical witness.<sup>57</sup>

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**"WHEN TAKEN TOGETHER, INDIVIDUAL FRAGMENTS SHOW AN ALTERNATIVE TO THE 'OFFICIAL HISTORY' OF THE COUNTRY."**

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There is also a significant difference in the outcome between narratives told by the victors and those told by the defeated or the oppressed, which may relate to the layering of multiple meanings of any

one story.<sup>58</sup> In this sense, the production of narratives of resistance may represent a means of encouraging social movements, in that it may promote change or social justice. Narratives about social movements in history may also serve this purpose by inspiring changes to the status quo. For example, in *Memoirs of Peasant Tolstoyans in Soviet Russia*, the promotion of communalism of land and labour was described as a reclamation of the lost years of war and violence.<sup>59</sup> When taken together, individual fragments show an alternative to the "official history" of the country.<sup>60</sup> The variety of voices represented illustrates the complexity of relationships between the experiences of the narrators and those of society as a whole.

A memoir may also create a greater sense of connection between historical events through

<sup>56</sup> Cronon, 1992, 1351.

<sup>57</sup> Kearney, 2002, 47.

<sup>58</sup> *Ibid*, 61.

<sup>59</sup> Boris Mazurin, *Memoirs of peasant tolstoyans in Soviet Russia*, William B. Edgerton, (Washington: American University Press, 1993): 108.

<sup>60</sup> Nolin Hanlon and Shankar, 2000, 266-68.



the use of narrative and plot.<sup>61</sup> For example, stories may “singularise suffering against the anonymity of evil” through the use of affect, or emotion.<sup>62</sup> This sense of understanding is often achieved through the use of narrative imagery to “bring the horror home to us.”<sup>63</sup> Images from the Holocaust provide an example of this, as they are often reproduced many times over and seeing them becomes a metaphor for perspective.<sup>64</sup> However, events are remembered in different ways, depending on one’s age or the nature of the event: some in language, some visually and others through the body.<sup>65</sup>

Eduard Casey describes how memory is contained in and performed through the body,<sup>66</sup> in that it is “constitutive of our experience living in time.”<sup>67</sup> For example, any type of emotional reaction to a memory or story is expressed through the body. The process of inscribing experiences acts as a proof of events that existed in historical time.<sup>68</sup> The mind can be conditioned to stories in the same way that the rest of the body can react physically to a memory of sadness. Wells has suggested however, that “things we have felt with great intensity have an existence independent of our [body or] mind.”<sup>69</sup> This idea relates to the belief that sacred places or spaces of important historical significance hold the memory of events enacted there, while places of fear or terror may perpetuate the traumatic events that occurred there.<sup>70</sup>

### CONCLUSION

“[Stories are] an urgent matter of survival. We

have to know where we once were in order to know where we are and where we are going.”<sup>71</sup> Storytelling is what gives us a shareable world, as events are translated into stories and made memorable over time.<sup>72</sup> While the past cannot be narrated with absolute certainty, it is important to understand that past events be told as both history and story.<sup>73</sup> Stories are said to come from the sorrows experienced during one’s life, whether they be physical suffering or mental trauma. However, the stories of the past, depending on the narrator’s interpretation, could lead to a story being perceived as both positive and negative. Memoirs are useful as narratives of resistance in allowing a greater number of voices to be heard and exposing the stories of the less powerful. They transform both the individual and the collective society by ensuring cultural preservation, promoting justice and reconciliation or creating a meaningful historical record. Memoirs as stories may help to humanize the experience of violence and war, in that they represent a personalized account of historical events.

This paper does not attempt to justify the credibility of storytelling or memory in attaining justice or reconciliation. Nor does it examine the complicated concept of truth in describing historical events. It also does not try to generalize the concept of narratives of resistance to be applied to any form of oppression, in that one man’s experience during the First World War in Russia is very different than that of a Maya woman during the Guatemalan genocide. Additionally, it does not compare or contrast varying forms of genocide in different areas. It is hoped, however, that researchers and historians will take more seriously the importance of storytelling and memoir as a legitimate form of historical interpretation.

<sup>61</sup> Cronon, 1992, 1352.

<sup>62</sup> Kearney, 2002, 62-63.

<sup>63</sup> *Ibid*, 62.

<sup>64</sup> Barbie Zelizer, ed., *Visual Culture and the Holocaust* (Piscataway, NJ: Rutgers University Press, 2001), 2.

<sup>65</sup> Kearney, 2002, 28.

<sup>66</sup> Edward Casey, *Remembering: A Phenomenological Study*. (Bloomington: Indiana University Press, 1987): 173.

<sup>67</sup> King, 2000, 27.

<sup>68</sup> *Ibid*, 27.

<sup>69</sup> Oliver Wells, *The Chilliwacks and their Neighbours*, (Vancouver: Talonbooks, 1987): 1-266.

<sup>70</sup> King, 2000, 27.

<sup>71</sup> King, 2000, 38.

<sup>72</sup> Kearney, 2002, 3.

<sup>73</sup> *Ibid.*, 148.



## Public-Private Partnerships (PPPs):

### Fundamentally Limited in their Ability to Deliver Equitable Access to Pharmaceuticals within the TRIPS framework

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#### INTRODUCTION

The nature of the contemporary global trading system has been largely shaped by international agreements negotiated during the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) throughout 1986-1994. The challenges faced by developing countries to implement many of these agreements have far-reaching implications for their sustainable socioeconomic development.<sup>1</sup> One such agreement, the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, continues to present a number of obstacles for countries in the developing world, particularly in relation to the procurement of pharmaceuticals to promote and ensure access to high-quality healthcare.

World Trade Organization's (WTO) TRIPS Agreement is the global governance mechanism designed to protect the intellectual property of people or corporations in the international trading system. Under the Agreement, members of the WTO must adopt and enforce domestic legislation that protects the intellectual property rights (IPRs) of multi-national corporations such as pharmaceutical companies. IPRs are

defined by the WTO as "rights given to persons over the creations of the minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time."<sup>2</sup> The overriding challenge for developing countries is to "interpret and implement the obligations, rights, and flexibilities under the TRIPS Agreement in ways that are internationally acceptable, yet still protect public health by ensuring access to high-quality, affordable medicines."<sup>3</sup>

Public-private partnerships (PPPs) have emerged as the most innovative attempt to create a system within the framework of TRIPS that will effectively deliver pharmaceuticals to people in societies where the public sector lacks the resources, and where the private sector lacks the market incentive, to adequately respond to the crisis independently. These partnerships involve the collaboration of financial resources from public institutions and corporate expertise and commodities. Despite the fact that PPPs have made significant contributions to combating some 'neglected' diseases, several challenges and limitations exist that have prevented these partnerships from making anything but minor changes, and from contributing effectively to enhancing the equity of global health. Based on these limitations, the idea of attempting to address the problem of global health inequity through PPPs is fundamentally flawed. PPPs cannot displace the ultimate responsibility of national governments and intergovernmental institutions to ensure people's right to high-quality and equitable healthcare. An imaginative re-thinking of the delivery of a public good and basic human right is required in order to adequately address the pressing issue of global health inequity.

In sum, this paper will attempt to outline and provide a context for the role of inadequate and

<sup>1</sup> Patrick L. Osewe et al., *Improving Access to HIV/AIDS Medicines in Africa: Trade-Related Aspects of Intellectual Property Rights Flexibilities* (Washington: The International Bank for Reconstruction and Development/The World Bank, 2008), 1-27.

<sup>2</sup> World Trade Organization, "TRIPS: What are intellectual property rights?" [http://www.wto.org/english/tratop\\_e/trips\\_e/intel1\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/intel1_e.htm).

<sup>3</sup> Osewe, 2008, 2.



inequitable access to pharmaceuticals in the global health crisis, introduce PPPs as the most innovative model to date for addressing the issue, and discuss its fundamental limitations. To begin, a contextual overview will be provided of how the global pharmaceutical industry is regulated by the TRIPS Agreement, and how this has changed and evolved since the Uruguay Round. The characteristics of pharmaceuticals that make them susceptible to distortions associated with private intellectual property will be described. This paper will then attempt to analyze the question of whether it is the public, private or a collaboration between the two that

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**"PPPs CANNOT DISPLACE THE ULTIMATE RESPONSIBILITY OF NATIONAL GOVERNMENTS AND INTERGOVERNMENTAL INSTITUTIONS TO ENSURE PEOPLE'S RIGHT TO HIGH-QUALITY AND EQUITABLE HEALTHCARE. AN IMAGINATIVE RE-THINKING OF THE DELIVERY OF A PUBLIC GOOD AND BASIC HUMAN RIGHT IS REQUIRED IN ORDER TO ADEQUATELY ADDRESS THE PRESSING ISSUE OF GLOBAL HEALTH INEQUITY."**

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should be held responsible for enabling and ensuring equitable access to high-quality, affordable medicines. A critical analysis of PPPs will be provided by discussing their successes and limitations within the global framework of intellectual property rights established by the TRIPS Agreement. Finally, the

conclusion will emphasize the potential for an imaginative rethinking of the way life-saving medicines are delivered, away from a profit-oriented mentality.

## REGULATION OF THE GLOBAL PHARMACEUTICAL INDUSTRY BY THE TRIPS AGREEMENT

The very few firms that operate within the pharmaceutical industry, under near monopolistic conditions, view the patent system as essential to their business model. Under the basic concept of the patent system, an inventor is granted a limited monopoly for a period of time, generally twenty years, during which such exclusivity generates high prices for the product. The consequent profit provides the incentive for investment in the very costly research and development (R&D) process that is necessary to bring a new drug to market. However, most drugs are produced from cheap basic chemicals, rendering the marginal cost of production extremely low.<sup>4</sup> The industry thus seeks intellectual property protection to prevent countries with limited innovative capacities, but with sufficient technical and manufacturing abilities, from imitating production and hindering the profit margin of the original developer by selling valuable drugs at low cost. When a patent expires, the price falls as generic competitors enter the market.<sup>5</sup>

Individual pharmaceutical corporations and the industry's lobby group, Pharmaceuticals Research and Manufacturers of America (PhRMA) – a group of 100 of the biggest drug companies in the world, with seven lobbyists for every congressman in Washington and hundreds more in Europe – led the effort to have IPRs considered by the Uruguay Round of multilateral trade negotiations in the 1980s and 1990s.<sup>6</sup> PhRMA spent millions of dollars lobbying Western governments to strengthen patent protection and to extend it internationally

<sup>4</sup> Amir Attaran and Brigitte Granville, *Delivering Essential Medicines: The Way Forward* (London: Royal Institute of International Affairs, 2004), 10-12.

<sup>5</sup> *Ibid.*

<sup>6</sup> James Orbinski, *An Imperfect Offering: Humanitarian Action in the 21<sup>st</sup> Century* (Toronto: Doubleday Canada, 2009), 353.



through the TRIPS Agreement, “an agreement that was all but written by PhRMA for implementation through the WTO.”<sup>7</sup>

The TRIPS Agreement explicitly protects IPRs in the pharmaceutical sector. Article 27 stipulates that “patents shall be available for any inventions, whether products or processes, in all fields of technology.”<sup>8</sup> Up until the negotiations of TRIPS, individual countries possessed the authority to determine which commodities they would provide with IPR protection. Many poorer countries provided no IPR protection to pharmaceuticals since they lacked domestic productive capacity in this sector, and many in fact encouraged imitation of foreign innovation in order to lower the cost of providing public health benefits to their populations.

Since its inauguration with the completion of the Uruguay Round in 1994, the TRIPS Agreement has come under frequent challenge in regards to pharmaceutical trade. The specific context for this challenge involved the HIV/AIDS pandemic in developing countries, particularly when US-based transnational producers threatened sanctions against those they charged in violation of their IPRs, according to their interpretation of the TRIPS. In 1997, both Brazil and South Africa passed domestic legislation in response to the desperate need to combat a public health crisis. The US filed complaints to the WTO that the practice of allowing production in Brazil, and importation in South Africa, of generic medicines effectively discriminated against exports of these drugs from the foreign-based companies that held the patents. Resistance came from governments of developing countries that challenged the interpretation of the Agreement, as well as in the form of widespread protests from non-governmental organizations,

activists and civil society.<sup>9</sup>

The 2001 WTO Ministerial Conference in Doha, Qatar acknowledged the widespread resistance and produced the Declaration on TRIPS and Public Health known as the Doha Declaration. The Doha Declaration affirmed the right of governments to take whatever measures necessary to ensure public health, even when those measures conflict with the IPRs of patent holders as outlined in TRIPS.<sup>10</sup> Although many barriers to delivering essential medicines continue to exist, the Doha Declaration is universally acknowledged as a significant achievement as it officially recognized the primacy of public health over private intellectual property.<sup>11</sup> It also clarified the flexibilities regulated mainly under Articles 30 and 31 of the Agreement, particularly that of compulsory licensing, which allows production of a patented product or process for a domestic market without the consent of the patent owner.<sup>12</sup>

Following the optimism that stemmed from the Doha Declaration, the WTO failed to resolve the outstanding issue of the availability of compulsory licensing exceptions to patent protection for those countries experiencing a public health crisis with insufficient manufacturing capabilities. The only option for these countries to address their domestic health crisis was to import generic drugs produced elsewhere. Two years following the Doha Declaration, the 2003 Decision, also referred to as the ‘Paragraph 6 Decision’, allowed generic copies of patented drugs made under compulsory licenses to be exported to countries

<sup>7</sup> *Ibid.*

<sup>8</sup> World Trade Organization, “TRIPS: PART II – Standards concerning the availability, scope and use of Intellectual Property Rights,” [http://www.wto.org/english/tratop\\_e/trips\\_e/t\\_agm3\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/t_agm3_e.htm).

<sup>9</sup> Donald G. Richards, *Intellectual Property Rights and Global Capitalism: The Political Economy of the TRIPS agreement* (New York: M.E. Sharpe Inc., 2004), 143.

<sup>10</sup> Ellen Hoen, “TRIPS, pharmaceutical patents, and access to essential medicines: A long way from Seattle to Doha,” *Chicago Journal of International Law* 11.08 (2003): 50.

<sup>11</sup> *Ibid.*

<sup>12</sup> Bryan C. Mercurio, “TRIPS, Patents, and Access to Life-Saving Drugs in the Developing World,” *Marquette Intellectual Property Law Review* 8.2 (2004): 230.



that lack production capacity of their own.<sup>13</sup>

However, obtaining compulsory licensing for the production of generic drugs for either domestic markets or for export requires certain conditions and procedures, as cited in Article 31. Among these are the conditions that the patent holder shall receive appropriate financial compensation and that such compensation shall take into account the economic value of the license and be subject to judicial review. Under "circumstances of extreme urgency" or for "national emergencies", the first condition to apply for a license – having already tried and failed to negotiate a voluntary license with the patent holder on reasonable commercial terms – can be bypassed.<sup>14</sup>

Article 30, which grants these flexibilities, is written very generally, and as a consequence has triggered many controversies regarding its interpretation. One section of Article 30 states, "exceptions do not *unreasonably* conflict with a normal exploitation of the patent and do not *unreasonably* prejudice the legitimate interests of the patent owner, taking into account the legitimate interests of third parties"<sup>15</sup> (emphasis added). Just as it was a leading actor in the creation of the agreement, the US pharmaceutical industry has always played a strong role in its interpretation and application. Although present in the text, in practice the flexibilities to ensure that the agreement does not prevent member states from taking any measures to protect public health do not exist.

## ROLES AND LIMITATIONS OF PUBLIC-PRIVATE PARTNERSHIPS IN ADDRESSING INEQUITABLE ACCESS TO PHARMACEUTICALS

Left to its own profit-seeking motives, the private sector cannot be trusted with the responsibility of ensuring that healthcare reaches the people in our world that are disproportionately affected by the burden of disease. These firms will not serve a market that fails to meet minimum rates of return on research, development and marketing, and as a result, there exists a grave imbalance between pharmaceutical innovation and global burdens of disease. In fact, 90 per cent of all annual global spending on health research and development aims at addressing only ten per cent of the world's disease burden.<sup>16</sup>

Access to quality healthcare is a human right, and lifesaving drugs are a form of public good. There is, therefore, a requirement for some level of public provision of pharmaceuticals and healthcare in general. At the national level, the public sector does perform this role to a limited yet important extent in developed countries. In the US the Centers for Disease Control and the National Institute of Health dedicate substantial financial and human resources to R&D to combat a variety of diseases. In many developing countries, however, inadequate financial and human resources, as well as inefficiencies and issues of accountability and transparency in the public sector have impeded efforts by national governments to deliver healthcare. "With inequities in access to healthcare and essential medicines widening both within and between nations, the need for additional resources and efficient delivery strategies has never been more pressing."<sup>17</sup>

On the international stage, the United Nations Human Rights Commission, having for several

<sup>13</sup> World Trade Organization, "Compulsory Licensing of Pharmaceuticals and TRIPS," [http://www.wto.org/english/tratop\\_e/trips\\_e/public\\_health\\_faq\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/public_health_faq_e.htm).

<sup>14</sup> World Trade Organization, "Compulsory Licensing of Pharmaceuticals and TRIPS."

<sup>15</sup> World Trade Organization, "TRIPS: PART II – Standards concerning the availability, scope and use of Intellectual Property Rights."

<sup>16</sup> Global Health Watch. *Global Health Watch 2005-2006: An Alternative World Health Report* (London: Zed Books Ltd, 2005), 100-119.

<sup>17</sup> Augustine D. Asante and Anthony B. Zwi. "Public-private partnerships and global health equity: prospects and challenges," *Indian Journal of Medical Ethics* IV.4 (2007): 176.



years recognized the HIV/AIDS scourge as a human rights issue, passed a resolution in 2001 that called on states "to facilitate, wherever possible, access in other countries to essential preventative, curative, or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS [...] as well as to extend the necessary cooperation, wherever possible, especially in times of emergency."<sup>18</sup> However, there still exists a real disconnect between the formal recognition of this international public responsibility and the actual execution or action taken to ensure it is upheld.

PPPs have been explored as the newest mechanism to mobilize support and resources to combat neglected diseases that disproportionately affect the world's poor. These are cooperative working arrangements involving the expertise of a private body, such as a corporation or an NGO, and the financial resources of a government agency either at the sub-national, national or international level. The Medicines for Malaria Venture and the International AIDS Vaccine Initiative are well-known international public-private partnerships among the 80-90 that currently exist.

Enthusiasm surrounding the promise of PPPs to improving equity in access to essential drugs, while enhancing research into the most neglected diseases, is shared by intergovernmental organizations, pharmaceutical companies and governments in the global north and South.

The UN and its agencies have been at the forefront of engaging with the private sector in an attempt to foster collaboration that would deliver more resources for health in poorer countries. The WHO has identified partnerships with civil society organizations, philanthropic foundations and the for-profit private sector as key to the future

of global health.<sup>19</sup>

The term "partnership" can have a variety of different meanings and has been used to describe various types of collaborations between different actors. The WHO defines PPPs as the "means to bring together a set of actors for the common goal of improving the health of a population through mutually agreed roles and principles."<sup>20</sup> Three main foci for PPPs in the health sector have been identified: products, outcome and activities.<sup>21</sup> Product-oriented partnerships involve efforts to increase investments in R&D for new drugs, vaccines and diagnostic tests for neglected diseases that face a dire lack of funding. These partnerships involve pharmaceutical companies that possess the technological and manufacturing expertise, paired with funding from public institutions and philanthropic foundations. Outcome-oriented partnerships involve government institutions, industry and private donors coordinating to raise awareness and resources to fight poverty-related diseases. Finally, activity-oriented partnerships are collaborations of different organizations that work on the development of a certain drug for a particular disease. When analyzing the effectiveness of PPPs in achieving their fundamental goal of improving delivery of and access to pharmaceuticals, it is important to distinguish between PPPs with varying, yet complementary, specifically targeted objectives.

The purpose of PPPs has been to tackle the public policy failure in the area of drugs for neglected diseases, and in some cases, they have been successful. Physician, humanitarian activist and former president of Médecins Sans Frontières, James Orbinski makes the clear argument that, "while the creation of a new medicine or vaccine for a neglected disease cannot be seen as a bad outcome, it can only be seen as a good

<sup>18</sup> Richards, 2004, 161.

<sup>19</sup> Asante and Zwi, 2001, 176.

<sup>20</sup> Asante and Zwi, 2007, 177.

<sup>21</sup> Robert G. Ridley, "A role for public-private partnerships in controlling neglected diseases," *Bulletin of the World Health Organization* 79.8 (2001): 771.



one if equitable access for all those who need it is achieved.”<sup>22</sup> It is the issue of global inequity in relation to access that must be placed at the forefront of the PPP agenda in order to effectively address the global health crisis. The inequity gap in healthcare between rich and poor countries must be bridged by extending access to medicines and vaccines to a broader range of global citizens – including those who cannot pay.

Largely as a result of efficient and targeted public-private partnerships, there have been some significant improvements in access to treatment and care in lower-income countries, particularly in regards to HIV/AIDS and other neglected diseases such as leprosy, malaria, and tuberculosis. However, it is these diseases for which there is both an unmet need in the global south and a potentially lucrative market in the North – for example, the Northern market for new tuberculosis drugs, travelers’ antimalarials, and HIV/AIDS vaccines – that get attention from PPPs. They do not target the ‘most’ neglected diseases, like leishmaniasis, trypanosomiasis, and Buruli ulcer, for which there exists no consumer purchasing power.<sup>23</sup>

The profit motives of the private sector compromise the viability of PPPs to improve global health equity. In order to secure cooperation from a private corporation, PPPs often face the difficulty of having to generate adequate monetary returns that are comparable to the levels of profit the corporation would expect to realize if it were operating independently.<sup>24</sup> In addition, many powerful pharmaceutical companies involved in PPPs have also independently promoted policies limiting the ability of governments in developing countries to use TRIPS flexibility to improve drug access.

Another major challenge in achieving global

health equity is the limited transparency and accountability surrounding PPPs. Often the details of partnership arrangements with the private sector, such as the process of selecting private partners, the setting of targets to be achieved and the formulation of management guidelines are not open to public scrutiny.<sup>25</sup> This lack of transparency makes it difficult to determine who should be held accountable for achieving targets set by the PPP. The public sector theoretically is accountable to the people, whereas the private sector is accountable to shareholders, who are typically more concerned about returns on investment than improving health equity. Compounding the problem is the fact that for a variety of factors including the lack of tax revenue, governments of poor developing countries are less accountable to their domestic population than they are to powerful foreign actors, in this case transnational pharmaceutical companies, with whom they need to maintain good relations.

The PPP model embodies the ‘top-down’ approach to development, which has proven in recent history to be highly ineffective. “As [PPPs] are usually established at the global level, the extent to which recipient-country governments are involved in their decision-making and priority-setting can be extremely limited.”<sup>26</sup> Developing countries that enter into direct arrangements with private companies, often backed by powerful governments, are likely to have a weak negotiating position. In addition, the direct benefits to the lives of the beneficiaries of these PPPs are “likely to be short term, since few have been effectively integrated into national health systems.”<sup>27</sup>

In addition to the challenges and limitations mentioned above, global health equity cannot be effectively promoted through partnerships that focus exclusively or narrowly on improving drug access. Equity requires social structures and arrangements that allow people to access health services. If PPPs concentrate “simply

<sup>22</sup> Orbinski qtd in Ridley, 2007, 78.

<sup>23</sup> Orbinski qtd. in Ridley, 2007, 79.

<sup>24</sup> Richards, 2004, 164.

<sup>25</sup> Asante and Zwi, 2007, 178.

<sup>26</sup> Attaran and Granville, 2004, 15.

<sup>27</sup> *Ibid.*, 109.



on the number of tablets distributed rather than on the underlying capacity of health staff to reach villages, then the improvements will be superficial.”<sup>28</sup> New medicines and vaccines, together with technology transfer and capacity-building initiatives in developing countries must be complementary goals for PPPs. Pfizer, for example, has said that it “is focusing its efforts on product donations which, in [its] view, provide the most direct, least costly, and fastest means to address access problems in developing countries without extensive public infrastructure.”<sup>29</sup> If low cost and speed is the motivation for the private sector in these partnerships, then “like the many vertical programs that have gone before, [PPPs] will not only fail to build the blocks of the health system needed in the long term but may also undermine in the short term what already exists.”<sup>30</sup>

### CONCLUSION

Pharmaceutical products are indispensable to any health system; they are a major means by which to deliver therapy to fight disease and improve the quality of life of people around the world. Access to vital and high-quality medicines can be seen as a basic human right, and indeed, as a matter of life or death in many situations. It is however, very important to recognize that access to pharmaceuticals is one facet of many in relation to global health. There are many interrelated social, economic, environmental, and other factors – some of the most basic being the lack of infrastructure such as roads and hospitals<sup>31</sup> – that need to be in place in order to achieve quality of health as a person and as a community, and in order to achieve equity of health as a nation and a globe.

PPPs show promise in contributing to the

improvement of global health by combining the different skills and resources of the public and private sectors in innovative ways, but cannot be regarded as panaceas in-and-of themselves.<sup>32</sup> PPPs should not be expected to substitute for action on responsibilities ultimately of the public sector. In a round table discussion compiled by Ridley, James Orbinski articulated this claim eloquently:

Even with a clear vision and mission, public-private partnerships cannot displace the responsibility of government to ensure and promote people’s right to equitable access to health care, and to set the health agenda both nationally and globally [...] Governments still have a duty to ensure that appropriate resources and capacity exist in independent national and intergovernmental institutions to set, drive, monitor and critically evaluate the national and global health agenda. This is a minimum requirement, and goes far beyond the disease-specific initiatives which typify most new public-private partnerships.<sup>33</sup>

It might be easier to make the claim that given the unlikelihood of a radical rethinking, PPPs are at least an attempt to harness the private sector to act outside the scope of its profit-seeking motives. Indeed, they are a step in the right direction, but that is not good enough. National governments and collective bodies of intergovernmental organizations must recognize their responsibility to advocate for the people and to place the public good ahead of profit and power-seeking motives. When it comes to essential and lifesaving drugs, there is absolutely no reason – including money – why some people should have the right to access while others are denied.

<sup>28</sup> Attaran and Granville, 2004, 112.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Andrew Witty, “New strategies for innovation in global health: a pharmaceutical industry perspective,” *Health Affairs* 30.1 (2011): 123.

<sup>32</sup> Roy Widdus, “Public-private partnerships for health: their main targets, their diversity, and their future direction,” *Bulletin of the World Health Organization* 79.8 (2001): 718.

<sup>33</sup> Orbinski qtd in Ridley, 2001, 777.



## Human Wrongs:

### How Sovereignty, Security, and International Human Rights Have Failed the Internally Displaced

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With the creation of the United Nations and the introduction of the Universal Declaration of Human Rights (UDHR), the world breathed a collective sigh of relief. The human rights atrocities witnessed during the Second World War and the Holocaust would never be witnessed again – or so they thought. Despite the international community's best efforts, the 'fears' and 'wants' the Declaration aims to diminish still exist and disproportionately affect the world's internally displaced. This continued lack respect for the human rights of internally displaced persons (IDPs) can be attributed to two predominant factors: an inefficient international human rights legal system, and persistent, archaic notions of state sovereignty and state-centric security. This paper serves to address the basics behind these legal and ideological pitfalls: Analyzing the current international human rights legal network and traditional ideas of sovereignty and security, whilst at the same time proposing resolutions to these inadequacies.

#### WHO OR WHAT IS AN IDP? *Identifying and Defining the Internally Displaced*

Article 3 of the UDHR states that "[e]veryone has the right to life, liberty and security of person." However, the internally displaced are often stripped of these rights. Currently, there are between 25-30 million IDPs worldwide, with over half concentrated in Africa, one million

in northern Iraq, and 90,000 in Afghanistan.<sup>1</sup> These IDPs often live in deplorable conditions – including a lack of basic health care and sanitation facilities – and are at a high risk of disease, rape, and exploitative labour.<sup>2</sup> Due to the complicated nature of domestic politics, no easily identifiable and transferable root causes exist. However, the predominant situations that produce IDPs include internal conflicts, communal violence, forced relocation,<sup>3</sup> and other gross human rights violations.<sup>4</sup>

The 1998 Guiding Principles on Internal Displacement, considered by the UN to be the primary document regarding IDPs, defines an IDP as follows:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.<sup>5</sup>

There are two crucial elements to consider with this definition: first, coerced movement

<sup>1</sup> Francis M. Deng, "Dealing with the Displaced: A Challenge to the International Community," *Global Governance* 1, no.1 (1995): 45, <http://www.jstor.org/stable/27800100>; Luke T. Lee, "Legal Status of Internally Displaced Persons," *American Society of International Law* 86 (1992): 630, <http://www.jstor.org/stable/25658693>; Trueman W. Sharp, Frederick M. Burkle, Andrew F. Vaughn, Rashid Chotani, and Richard J. Brennan, "Challenges and Opportunities for Humanitarian Relief in Afghanistan," *Clinical Infectious Diseases* 34, no. 5 (2002): 219, <http://www.jstor.org/stable/4461996>.

<sup>2</sup> Jeff Crisp, Esther Kiragu, and Vicky Tennant, "UNHCR, IDPs and Humanitarian Reform," *Forced Migration Review* 29 (2007): 13, <http://www.fmreview.org/humanitarianreform.htm>

<sup>3</sup> By forced, I refer to both physical violence as well as a lack of food, water, or economic opportunity.

<sup>4</sup> Deng, 1995, 45.

<sup>5</sup> Kathleen J. Hancock "Review: Giving Shelter: Who Protects the Internally Displaced?" *International Studies Review* 7, no. 4 (2005): 662, <http://www.jstor.org/stable/3699690>



away from one's home; and second, that this movement does not cross international state borders. It is these two elements that effectively exclude IDPs from the rights and protections granted to refugees under the 1951 Geneva Convention on the Status of Refugees, putting them further into harms way.<sup>6</sup> Lee remarks that it is exactly this attribution of "a certain magical quality to the crossing of national boundaries [that has become] the [troubling] determinant of how we treat our fellow human beings in trouble."<sup>7</sup>

So why then create separate legal categorizations and definitions between refugees and IDPs? If the situations between refugees and IDPs vary only in their geographical location, why is it that human rights – which are attached "to all human beings equally, whatever their status"<sup>8</sup> – are seemingly only restricted to refugees? In contest to their separation, Lee argue that IDPs should classify under the same definition as refugees and therefore receive the same rights and benefits. According to them, any legal definition that does not include both groups runs the risk of excluding deserving people from protection mechanisms and further perpetuates unequal treatment between refugees and IDPs.

However, others such as Phuong believe that homogenizing the two groups would effectively remove the home states' obligation for their care.<sup>9</sup> Not only would this set a precedent for states to abandon their responsibility towards their displaced citizens without ramifications, but placing IDPs' welfare in the hands of a disorganized and underfunded international community would do little to raise their standards of living. Furthermore, the crossing of international borders results in the person (now classified as a refugee) falling under a

different sovereign entity, who then bears international responsibility for them. When a person becomes an IDP, however, responsibility for them by their home governments is implied by their terms of citizenship but not demanded by international law.<sup>10</sup> Therefore, in order to demand responsibility and protection specifically for IDPs, they must first be identifiable to the international community. Finally, Mr. Walter Kälin – the former UN Representative on the Human Rights of IDPs – reminds us that:

[T]o call them refugees would send out the message that they are no longer fully fledged citizens, but more or less foreigners. [...] The use of the term refugees in such as case carries the message that IDPs don't have the same rights as citizens, even under the best of circumstances. But IDPs who remain within their own countries do not lose their rights just because they have been displaced.<sup>11</sup>

Yet Lee's problem remains: If one categorizes IDPs as separate from refugees, they no longer fall under the jurisdiction of international refugee law and remain excluded from its protection. But, if the UDHR is to be taken seriously, we must remember that "violations of a universal, minimum standard of human rights in a grossly violent and persistent manner [...] cease to be a matter solely concerned to a state, even if directed only against its own citizens."<sup>12</sup> Therefore, a comprehensive international legal system that addresses both the general problems of displacement, as well as the specific problems of internal displacement, is sorely needed.

<sup>6</sup> Deng, 1995, 47.

<sup>7</sup> Lee, 1992, 631.

<sup>8</sup> *Ibid.*

<sup>9</sup> Hancock, 2005, 662.

<sup>10</sup> Deng, 1995, 48.

<sup>11</sup> UNHCR, "Q&A: Swiss Trumpet Blower for the Rights of the Internally Displaced," last modified November 14, 2011, <http://www.unhcr.org/4ec0ed816.html> (accessed November 16, 2011)

<sup>12</sup> Luke T. Lee, "The London Declaration of International Law Principles on Internally Displaced Persons," *The American Journal of International Law* 95, no. 6 (2006): 457, <http://www.jstor.org/stable/2661426>.



## BREACH IN SECURITY

### *Why IDPs' Rights Are Still At Risk*

Currently, the international framework related to or responsible for IDP protection is comprised of several different yet interdependent declarations, commissions, conventions, and international bodies, a full list of which may be found in Appendix 1.<sup>13</sup> Fortunately, this list continues to grow both in breadth and specificity: Whereas internal displacement was once addressed generally through conversations regarding basic human rights,<sup>14</sup> there now exist specialized positions, agencies, and declarations that address the issue.<sup>15</sup> Furthermore, internal displacement has become an international issue, demonstrated by both an increased pressure for states to approve 'humanitarian intervention',<sup>16</sup> and the establishment of external bodies of authority.<sup>17</sup>

Unfortunately, international human rights law is oftentimes severely ineffective in protecting the rights of all those under its mandate, IDPs included. Most of these international documents are not legally binding; for those that are, there are no enforcement mechanisms capable of upholding them. There also exists very little motivation for states to comply with international human rights norms,<sup>18</sup> and little

cost for parties that stray.<sup>19</sup> In most cases, full compliance by signatories is not necessary – what matters is overall compliance. Chayes and Chayes remark that this oftentimes leads to an “extreme case of time lag between undertaking and performance,” as states set lofty but unrealistic goals not as part of a commitment to change policy, but merely to appease the international community – an act that undermines the entire purpose and intent of the human rights and the laws themselves.<sup>20</sup>

Traditional, neo-realist views of ‘state sovereignty’ additionally undermine the advancement of IDP protection. Neo-realism describes states as “unitary actors with given preferences that maximize their own utility without regard to the welfare of other actors.”<sup>21</sup> While theoretically this should bode well for human rights – many first world countries openly support the promotion and application of universal human rights – in reality, these states’ commitment to human rights are rarely consistent unless they have specially vested interests.<sup>22</sup> Such ‘interest-oriented action’ contradicts the basis of the international legal system, which was designed to uphold justice, not further personal or political agendas. ‘Intervention’ against states who violate international human rights law has also become a taboo subject and is often avoided. This is due in part to the initial belief that “independence

<sup>13</sup> Please note that while the United Nations High Commission for Refugees (UNHCR) also addresses the humanitarian needs of the internally displaced, IDPs are commonly ‘lumped in’ with refugees in terms of both policy and implementation. Therefore, I will not be analyzing this institution as it may cause confusion.

<sup>14</sup> United Nations Charter; Universal Declaration of Human Rights; Human Rights Commission.

<sup>15</sup> The Representative to the Secretary-General; The Declaration of International Law of Principles on Internally Displaced Persons; The Guiding Principles on Internal Displacement; Right to Protect

<sup>16</sup> The Declaration of International Law of Principles on Internally Displaced Persons; The Guiding Principles of Internal Displacement; Right to Protect.

<sup>17</sup> The European Convention on Human Rights; International Convention on Civil and Political Rights.

<sup>18</sup> Unless they are attempting to fulfill criteria for membership to a transnational/international organization, like in the case of Turkey’s bid for European Union membership..

<sup>19</sup> Eric Neumayer, “Do International Human Rights Treaties Improve Respect for Human Rights?” *The Journal of Conflict Resolution* 49, no. 6 (2005): 926, <http://www.jstor.org/stable/30045143>.

<sup>20</sup> Neumayer, 2005, 928.

<sup>21</sup> *Ibid*, 926.

<sup>22</sup> For example, the United States’ Foreign Assistance Act states that no financial aid will be given to countries that “engage in a consistent pattern of gross violations of internationally-recognized human rights...” (Neumayer, 2005, 926), yet they still supported regimes in Guatemala (for the benefit of United Fruit) and Vietnam, where they “ignored the national unity of independence which Ho Chu Minh’s government first constituted in 1945” by establishing their own leader in an attempt to quell the spread of Communism. (William H. Thornton, “Back to Basics: Human Rights and Power Politics in the New Moral Realism,” *International Journal of Politics, Culture, and Society* 14, no. 2 (2000): 321-322, <http://www.jstor.org/stable/20020079>)



and freedom as a state would be enough to guarantee the freedoms of the individuals inside it,"<sup>23</sup> and, more recently, the fear that sovereignty will be compromised if intervention is permitted, thus begging the question: 'Under what conditions is intervention suitable?'

The security question raises another issue all together. Due to the Global north's<sup>24</sup> institutional, ideological, and physical strength, its interests (including security) currently take precedence over those of the Global south. Because social security nets have sheltered most of the Global north "from indirect violence,"<sup>25</sup> [the Global north] prioritize[s] security according to [its] remaining insecurities,"<sup>26</sup> effectively leaving IDPs who are still exposed to indirect violence 'out to dry', as policies no longer consider their immediate needs. Furthermore, because states (instead of people) are the fundamental actors in neo-realist international relations, state policies are often reified and become more important than the individuals who suffer because of them. State security is therefore protected at the expense of human security.

#### HOPE IS IN SIGHT *Possible Resolutions to IDPs' Security Problems*

In the face of these seemingly insurmountable limitations, hope remains. Francis M. Deng, the Representative of the United Nations Secretary-General on Internally Displaced Persons from

1992 to 2004, offers three suggestions that may well lead to the establishment of an international protection framework for the internally displaced. The first recommendation calls for the strengthening and evolution of existing structures and institutions. Deng believes that collaboration and coordination among existing agencies is the best option for IDP protection, as it is unlikely that one organization would be able to assume full responsibility for all IDPs or that sovereign states would promote the establishment of such an agency.<sup>27</sup> Thus far, this has been solidified through the designation of residence, humanitarian, and emergency relief coordinators; a continually evolving and interdependent framework of international humanitarian NGOS and civil society; and the creation of the Office for the Coordination of Human Affairs in 1991.<sup>28</sup>

Deng also advocates for these institutions to strike a new balancing act between the reestablishment of national protection and responsibility towards protection. This includes compiling country profiles so that situations of internal displacement can be easily identified and more comprehensively understood; assessing existing international law to determine whether it provides adequate protection and assistance to the internally displaced; reviewing and evaluating existing international institutions to identify existing gaps in IDP protection;<sup>29</sup> creating a plan of action that evaluates not only the specific challenges posed by internal displacement, but also addresses the inability or unwillingness of

<sup>23</sup> Thornton, 2000, 317.

<sup>24</sup> "The Global north refers to the 57 countries with high human development that have a Human Development Index above .8 as reported in the United Nations Development Programme Report 2005. Most, but not all, of these countries are located in the Northern Hemisphere." (Dr. Harold Damerow, "Global north and Global south Definitions," [http://faculty.ucc.edu/egh-damerow/global\\_south.htm](http://faculty.ucc.edu/egh-damerow/global_south.htm) (accessed November 12, 2011).

<sup>25</sup> For example, displacement, torture, and other gross human rights violations

<sup>26</sup> These include the spread of democracy and neo-liberalism (so as to ensure Western stabilization against unstable nations), and reactions to hard power (David Roberts, *Global Governance and Biopolitics: Regulating Human Security* (London: New York: Zed Books, 2010), 13, 18).

<sup>27</sup> As it would effectively challenge their domestic authority with regards to IDPs. (Deng, 1995, 56).

<sup>28</sup> Francis M. Deng, "Divided Nations: The Paradox of National Protection," *Annals of the American Academy of Political and Social Sciences* 603, Law, Society & Democracy: Comparative Perspectives (2006): 221, <http://www.jstor.org/stable/25097767>.

<sup>29</sup> These gaps could then be filled by community-based strategies that promote co-existence and trust. (Sadako Ogata and Johan Cels, "Human Security – Protecting and Empowering the People," *Global Governance* 9, no. 3 (2003): 276, <http://www.jstor.org/stable/27800482>).



states to comply to providing protection and assistance; and, finally, practically addressing the issues of sovereignty under exceptional circumstances (i.e. humanitarian crises).

Thesecond suggestion recommends amendments to existing international law. This may include, among other things, changing terminology to address internal displacement specifically<sup>30</sup> and defining additional rights for the internally displaced based on their specific needs.<sup>31</sup> Furthermore, the addition of enforcement mechanisms – including mandating, training, and equipping peacekeepers and civilians to safeguard the security of the civilians in conflict situations<sup>32</sup>; and/or economic and diplomatic sanctions – would be welcomed, as would executive support and backing by the Security Council and other institutions.<sup>33</sup> Articles 5 and 6 of the UN Charter already empower the Security Council to recommend the suspension or expulsion of states that have persistently violated Charter principles.<sup>34</sup> Therefore, following the argument that the Security Council has a “primary responsibility for the maintenance of international peace and security”<sup>35</sup> and that internal displacement challenges this peace and security, these penalties could be used on those that persistently violate international human rights. Finally, declarations such as the ‘Guiding Principles on Internal Displacement’ and ‘Responsibility to Protect’ “should be condensed into a forceful statement of a fundamental norm [and] endorsed by the General Assembly and

the Security Council.”<sup>36</sup> This would legally ratify such documents and give them lawful as well as ideological legitimacy. However, great care will need to be taken when endorsing such declarations in order to avoid their well-intentioned clauses being used for unjust means.<sup>37</sup>

Finally, the concepts of national sovereignty and security must be critically analyzed within the context of the modern world’s framework. Many scholars and human rights advocates are in favour of a shift away from traditional ‘state sovereignty’ and a shift toward ‘sovereignty of responsibility.’ Under sovereignty of responsibility, states are responsible for protecting the safety and lives of their citizens, state policies are responsible to both domestic citizens and the international community, and states are accountable for their actions (or inaction).<sup>38</sup> If states do not uphold these requirements, they effectively cede their legitimacy to authority and can be called to justice. However, if they maintain these requirements, they remain in power. Therefore, sovereignty of responsibility is not a deprivation of states’ right to authority, but rather a social contract that holds them accountable to their people and the international community.<sup>39</sup>

On the security front, Ogata and Cels (among many others) argue that the security of the people (human security) must come first.<sup>40</sup> This includes security both against direct violence (e.g. warfare) as well as indirect violence (e.g. abject poverty or displacement). In the modern world, where domestic violence is more prevalent

<sup>30</sup> For example, Article 17 of Protocol II of the Geneva Conventions (1947) establishes restrictions on movements based on armed conflict. Deng believes this should be amended to cover all intra and inter-communal violence instead of being solely restricted to armed conflict. (Deng, 1995, 52).

<sup>31</sup> Such as food, water, and entitlement to international assistance. (*Ibid*).

<sup>32</sup> Deng, 2006, 220.

<sup>33</sup> *Ibid*, 223.

<sup>34</sup> Lee, 2001, 458.

<sup>35</sup> James W. Nickel, “Is Today’s International Human Rights System A Global Governance Regime?” *The Journal of Ethics* 6, no. 4 (2002): 366, <http://www.jstor.org/stable/25115738>.

<sup>36</sup> Deng, 2006, 223

<sup>37</sup> For example, promoting regime change based on political interests alone.

<sup>38</sup> Responsibility to Protect, Article 2.15.

<sup>39</sup> The UN Charter is a perfect example of this inherent ‘conditional sovereignty’, as it requires all member-states to respect the authority United Nations. Thus, sovereignty of responsibility is not a new idea, but instead is one that should be utilized more effectively in the modern world, especially in situations of internal displacement and human rights..

<sup>40</sup> Ogata, 2003, 274.



than inter-state violence, it is irresponsible to limit security to protecting borders, institutions, values, and people from external aggressors only. Human security also complements and builds upon state security, human rights, and human development, inevitably leading to stronger and more legitimate states than those created by traditional state-centric security systems alone.<sup>41</sup>

## CONCLUSION

The international human rights system has a long way to go before it can boast the elimination of the 'fears' and 'wants' of the world's internally displaced. Challenges such as a weak international human rights legal system and outdated concepts of 'sovereignty' and 'security' have left the international community unprepared to effectively deal with cases of internal displacement. However, hope is still on the horizon. As conversations regarding new definitions of traditional concepts occur, and international human rights law is modified and strengthened, IDPs can feel secure that the international community is heading in the right direction. Nevertheless, only time will tell whether these advances are enough.

## APPENDIX 1

### *Laws and Treaties Related To, or Responsible For, the Protection of IDPs*

#### **The United Nations Charter (1945)**

Articles 1, 55, and 56 of the United Nations Charter obligate international organizations with the task of providing political and legal protection to vulnerable groups. Furthermore, obligations are also placed on member states to promote and ensure respect for human rights.<sup>42</sup> Although not exclusive to IDPs, these Articles establish a basis of protection that can be used to strengthen the case for IDP assistance.

<sup>41</sup> Ogata, 2003274-275.

<sup>42</sup> Deng, 1995, 53.

#### **United Nations Commission on Human Rights (est. 1946)**

In conjunction with the Subcommittee on the Promotion and Protection of Human Rights,<sup>43</sup> the Commission on Human Rights studied, monitored, and addressed the problems of internal displacement. Its mandate was accomplished in a number of ways, including raising awareness of and advocacy for crises, developing frameworks for protection and assistance, and fostering effective institutional arrangements both regionally and internationally. The Commission focused on specific internal displacement situations by compiling information on specific countries, performing action-oriented research, proposing changes in policy, and reinforcing and building up the ability for effective response at all levels.<sup>44</sup> Furthermore, its scope and intensity went beyond traditional human rights approaches as it aimed to address the root causes of internal displacement.<sup>45</sup> Although the Commission itself could not enforce human rights, its main power laid in its ability to expose large-scale human rights violations to the Security Council.<sup>46</sup> Unfortunately, the Commission's warnings were rarely heeded with regards to IDPs, primarily due to the politicized nature of domestic versus international issues. The Commission on Human Rights was replaced by the UN Human Rights Council in 2006.

#### **The Universal Declaration of Human Rights (1948)**

The Universal Declaration of Human Rights "is generally agreed to be the foundation of international human rights law. ...[It] has inspired a rich body of legally binding international human rights treaties and human rights development worldwide."<sup>47</sup> It has furthermore succeeded in establishing internationally recognized definitions of what constitute as 'human rights' and 'fundamental

<sup>43</sup> The Subcommittee is composed of experts and jurists, whereas the Committee itself is more politicized. (Nickel, 2002, 365) This organization has since been transferred to the jurisdiction of the UN Human Rights Council as of 2006.

<sup>44</sup> All levels referring to emergency response, long-term care, policy changes, and so on. (Deng, 2006, 221)

<sup>45</sup> Deng, 1995, 46.

<sup>46</sup> Nickel 2002, 366.

<sup>47</sup> United Nations, Accessed 2011



freedoms.' By challenging member states to "[pledge] themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedom,"<sup>48</sup> the UDHR promotes the improvement in human rights for all human beings, IDPs included.

The UDHR, although effective in inspiring the creation of international human rights law and establishing what 'human rights are,' is severely limited by the fact that it is not legally binding. States have no obligations to adhere to its policies, meaning that the UDHR alone is not enough to ensure protection and security for the rights of IDPs.<sup>49</sup> However, it does establish a firm base from which other treaties and declarations can build off of.

### **The European Convention on Human Rights (1950)**

Nickel argues that, as of 2002, the European Convention on Human Rights is the most effective framework for the promotion and protection of human rights.<sup>50</sup> Signatory states comply with the Convention because they value membership in the Council of Europe. Effectively, when domestic remedies fail and all efforts to resolve the issue are exhausted, individual states and civilians can complain of violations to the Human Rights Court, which will then launch an investigation and pass judgment on the subject. IDPs, so long as they hold European citizenship, could therefore launch complaints against their domestic government if their direct needs are not being adequately addressed or if viable solutions are not being implemented. However, the European Convention is limited: its legal systems are centered on domestic governments' legal systems, thereby excluding IDPs who are not recognized as such by the central government; and the domestic and regional infrastructure of certain areas may not be adequate to handle the investigation

nor implement a solution.<sup>51</sup> Furthermore, it has very limited enforcement capabilities, with the threat of expulsion being the only mechanism it can fully employ.<sup>52</sup>

### **International Covenant on Civil and Political Rights (1966)**

The International Covenant on Civil and Political Rights encourages states to identify major ongoing human rights problems within their own borders and design solutions to these problems over time. The CCPR is very non-confrontational, opting instead to inspire change in domestic policy as opposed to enforcing it. While the CCPR promotes idealistic ends, it contains the same hardships that other similar organizations do: some states do not report their transgressions, the CCPR's judgments receive little attention, state's steps of implementation are oftentimes superficial, and the CCPR must use coercion and persuasion instead of physical enforcement or 'hard power'.<sup>53</sup> Nevertheless, if individuals of ratified states feel that these solutions are not being implemented, they can apply to an external party for investigation, as seen in the European Convention of Human Rights.<sup>54</sup>

### **The Representative to the Secretary General on the Human Rights of Internally Displaced Persons (1992)**

The role of the Representative to the Secretary General on the Human Rights of IDPs was created at the request of the Commission on Human Rights in Resolution 1992/73. Their primary focus is to continue the work of the Commission in understanding the specific problems faced by IDPs and looking into possible long-term solutions. Furthermore, the Representative submits an annual record to both the Commission and the General Assembly on the current status of IDPs.<sup>55</sup> This role is increasingly important as it provides specific attention to the specialized situations faced by the

<sup>51</sup> *Ibid.*, 358.

<sup>52</sup> Nickel, 2002, 359.

<sup>53</sup> *Ibid.*, 363-364.

<sup>54</sup> *Ibid.*, 364.

<sup>55</sup> Deng, 1995, 45.

<sup>48</sup> Universal Declaration of Human Rights, Foreword

<sup>49</sup> Nickel, 2002, 357.

<sup>50</sup> *Ibid.*



internally displaced, and applies this knowledge when proposing solutions to IDP's specific problems and needs.

### **The United Nations Millennium Declaration (UNMD) (2000)**

The Millennium Declaration charges states to "recognize that they have a collective responsibility to uphold the principles of human dignity, equality, and equity at the global level."<sup>56</sup> In correlation with the protection of IDPs, the Declaration also declares that states "will spare no effort to ensure that children and all civilian populations that suffer disproportionately the consequences of national disasters, genocide, armed conflicts, and other humanitarian emergencies are given every assistance and protection..."<sup>57</sup> While this looks promising for the case of IDPs, who are now the largest population suffering under such conditions,<sup>58</sup> the UNMD also unfortunately supports the equal sovereignty of all states, including respecting their territorial integrity and political independence. This creates tension between the pursuit and establishment of international protection systems for IDPs and respect for traditional state sovereignty.<sup>59</sup> As such, although the UNMD contributes to the framework of supporting protection for IDPs, its clauses regarding respect for sovereignty currently restrict it from supporting the continuing struggle towards the establishment of international protection systems for IDPs.<sup>60</sup>

### **The Declaration of International Law of Principles on Internally Displaced Persons (2000)**

Alongside the Declaration of Principles on International Law on Mass Expulsion (1986), and the Declaration on Principles of International Law on Compensation to Refugees (1992), the

Declaration of Internally Displaced Persons legally addresses forced movement from the perspective of origin countries.<sup>61</sup> In four sections, the Declaration calls for protection and assistance "in accordance with all generally accepted and, where appropriate, regionally agreed upon human rights, refugees and international humanitarian law." For the purposes of this paper, its most important clauses outline the rights of IDPs to request and receive humanitarian aid, assistance, and protection from both national and international authorities.<sup>62</sup> This directly challenges the idea that internal displacement is inarguably a domestic issue, as it calls for international involvement when domestic policies are not implemented or not enough.

In addition to outlining the rights deserved to IDPs, the Declaration also outlines the rights and obligations of sovereign nations as the primary responsible actors in the protection and assistance of their internally displaced. Furthermore, it obligates states as well as regional and international organizations to consider any requests for humanitarian assistance in good faith while encouraging them to offer and provide assistance. The Declaration also stresses that intervention is not to be considered unfriendly and that humanitarian assistance may not affect the status or the diplomatic recognition of states.<sup>63</sup> This clause is important, for it has the ability to persuade states to consent to increased humanitarian access, thereby promoting the adoption and evolution of institutions that could potentially provide protection for IDPs.

### **Guiding Principles on Internal Displacement (2001)**

The Guiding Principles on Internal Displacement is considered to be the "basic international form" for protection of the internally displaced.<sup>64</sup> Similar to other declarations that protect the rights of other marginalized groups (for example, Indigenous

<sup>56</sup> Deng, 2006, 217.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*, 45.

<sup>59</sup> *Ibid.*

<sup>60</sup> As will be discussed, it must be noted that if concepts such as Biopolitics and new notions of national security are brought to the forefront of the conversation, this Declaration could add to the literature on human rights for IDPs as they may no longer contradict one another.

<sup>61</sup> Lee, 2001, 454.

<sup>62</sup> *Ibid.*, 455.

<sup>63</sup> *Ibid.*, 456.

<sup>64</sup> Deng, 2006, 221.



Populations), the GPID primarily addresses the struggles and needs of IDPs. Among other things, it dictates that national authorities are ultimately responsible for their IDPs (Principle 3), demands the prevention of arbitrary displacement (Principle 6.1), and outlines the requirement of protection and assistance during displacement (Principle 7). Furthermore, Section V directly addresses the issues of return, resettlement, and reintegration. Yet perhaps the most important aspect of the GPID is that it once again authorizes in Principle 3.2 the right for IDPs to ask for and receive international aid.<sup>65</sup> This is a reassertion of the same rights outlined in the 'The Declaration of International Law of Principles on Internally Displaced Persons (2000)' – signifying a continuing conversation between the intermingling of international human rights frameworks and domestic sovereignty.

### **The Responsibility to Protect (R2P) (2001)**

The Responsibility to Protect is a comprehensive report released by the International Commission on Intervention and State Sovereignty. It responds to the question "[If] humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to [it?]"<sup>66</sup> The R2P addresses the issues and concepts behind policy challenges; the meanings of sovereignty and the emerging responsibilities of states to protect, prevent, react, and rebuild; the question of authority and military intervention; and viable ways forward. Most importantly, it addresses the need for a reconfiguration of our preconceptions regarding 'human security',<sup>67</sup> and sovereignty as a dual responsibility: both respecting the sovereignty of other states while simultaneously remaining accountable to and responsible for its citizens.<sup>68</sup> Unfortunately, R2P is not a codified international law, but instead serves a function similar to the UDHR: the establishment of firm guidelines and definitions, and advocacy for sustainable change.

<sup>65</sup>Deng, 2006, 222.

<sup>66</sup> Responsibility to Protect, Article 1.6

<sup>67</sup> *Ibid.*, Articles 1.28 and 2.23

<sup>68</sup> *Ibid.*, Articles 2.2 and 2.14

## **No Place for a Lady:**

### **Political Institutions and Women's Rights in Iran and Saudi Arabia**

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#### **INTRODUCTION**

Images and representations of the Middle East as a homogeneously oppressive and inhospitable place for women are prevalent in contemporary Western media. While it is true that gender equality in the Middle East is nowhere near the level it has reached in the West, it does not necessarily follow that all Middle Eastern women experience the same degree of inequality within their respective states. While women in Iran are repressed compared to Western standards, they enjoy more rights and freedoms than their Saudi counterparts. The disparities in women's rights between these countries are a result of a myriad of cultural, religious, ethnic, and economic factors. This essay will focus on the comparative effect political institutions have on gender equality in Iran and Saudi Arabia. It will conclude that women in post-revolutionary Iran enjoy comparably more rights than women in Saudi Arabia, because a higher access to their government allows a push for reform from within the country, while pressures on the Saudi government to reform come overwhelmingly from the United States.

This essay will begin with a discussion of the accomplishments women as political actors have achieved in Iran and Saudi Arabia. These will be presented as "effects" or evidence of advancement in equality within these two states. It will follow with a discussion of the political structures of Iran and Saudi Arabia, examining



these institutions as the "cause" of differences in women's rights. This second section will also explore the aspects of each political structure that have (or have not) allowed Iranian and Saudi women to pressure their governments to reform, and will discuss the role played by other actors in demanding reform in the interest of women's rights. In exploring the connection between political institutions and gender equality, this essay does not employ the use of theory. While a theory would provide a certain framework to this comparison, constraints on space do not allow for a comprehensive adaption of theory without losing key points included in this paper. Furthermore, comparisons between these two states and the West are intended to demonstrate that, while the paper concludes gender equality is greater in Iran than in Saudi Arabia, the situation of gender equality in both states is extremely inhospitable compared to what women in the West enjoy.

#### WOMEN AS POLITICAL ACTORS IN IRAN AND SAUDI ARABIA

Iranian women suffer under an oppressive government that discriminates against them based on their gender.<sup>1</sup> They are required by law to wear a headscarf in public and lose custody of their children after the age of seven, at which point the father becomes the sole legal guardian.<sup>2</sup> However, Iranian women enjoy unregulated access to the labour force, uninhibited mobility, high education, and low birth rates.<sup>3</sup> While a high degree of gender discrimination exists in Iran, conditions for women are worse in Saudi Arabia. Saudi women are prohibited from leaving their homes without a male family member, have high

birth rates relative to the region, and despite an impressive level of education, are deeply restricted in their employment opportunities.<sup>4</sup> The conditions of gender equality in these two states will be compared through a discussion of political participation, economic participation, and autonomy in the private sphere.

Political participation is paramount in the struggle for gender equality. Iranian and Saudi women's ability to form interest groups, committees, Islamic associations, and participate in neighbourhood mosques are viable indicators of their rights. In Iran, women have a history of political participation, having played a role in the Iranian Revolution of 1979 and more recently in the reformist movement of the early 2000s.<sup>5</sup> They have also established various successful, independent NGOs and human rights networks based on the values of Islam.<sup>6</sup> Furthermore, Iranian women have asserted their presence in the public media, publishing a number of feminist journals and newspapers as well as creating their own news stations.<sup>7</sup> This presence in various spheres of public life is a crucial tool in Iranian women's struggle for gender reform, and as such indicates the level of women's equality in Iran.

The parliamentary elections of 2000 marked a notable success in terms of female representation in Iranian politics. The Sixth Majlis saw 13 women elected into parliament under a wide-sweeping reform movement headed by former President Mohammad Khatami.<sup>8</sup> As a result of this political

<sup>1</sup> Hisaw Nakanish, "Power, Ideology, and Women's Consciousness in Postrevolutionary Iran," in *Women in Muslim Societies*, ed. Herbert L. Bodman and Nayereh Tohidi (London: Lynne Rienner Publishers, Inc., 1998), 88.

<sup>2</sup> *Ibid.*, 86.

<sup>3</sup> Janet Afary, "The Human Rights of Middle Eastern & Muslim Women: A Project for the 21st Century," *Human Rights Quarterly* 26, no. 1 (2004): 118, <http://muse.jhu.edu/journals/hrq/summary/v026/26.1afary.html>.

<sup>4</sup> Afary, 2004, 111.

<sup>5</sup> Elaheh Koolae, "The Prospects for Democracy: Women Reformists in the Iranian Parliament," in *On Shifting Ground: Muslim Women in the Global Era*, ed. Fereshteh Nourae-Simone (New York: The Feminist Press, 2005), 203.

<sup>6</sup> *Ibid.*, 204.

<sup>7</sup> Rebecca Barlow and Shahram Akbarzadeh, "Prospects for Feminism in the Islamic Republic of Iran," *Human Rights Quarterly* 30, no. 1 (2008), 33. <http://www.jstor.org/stable/20486695>.

<sup>8</sup> Mehrangiz Kar, "Women and Civil Society in Iran," in *On Shifting Ground: Muslim Women in the Global Era*, ed. Fereshteh Nourae-Simone (New York: The Feminist Press, 2005), 224.



presence, these 13 women were able to form a bloc within parliament and achieved a number of reforms: women's dowers were exempt from taxation, a system of financial support for widows was implemented, the minimum age for marriage was raised to 13 for girls, and women's custody rights over their children were extended until the age of seven.<sup>9</sup> While the reformist movement has subsided since the Sixth Majlis, female presence in parliament will be reflected permanently in parliamentary records as public evidence of their struggle against repression.<sup>10</sup> Although women remain repressed under the Iranian government, it is evident that they have access to the public sphere, an access which is invaluable to their struggle for rights.

In contrast, the Saudi Arabian public sphere is a realm acutely inaccessible to women. Women are legally unequal to men, are not allowed out in public without a male chaperone, and are unable to drive.<sup>11</sup> This diminished mobility for women is a barrier to their participation in the politics (both formal and informal). Nevertheless, Saudi women are not entirely secluded to the private sphere. A number of Saudi women are doctors, business women, teachers, professors, and intellectuals in spite of significant barriers to their mobility.<sup>12</sup> Saudi women are also responsible for the creation of a number of NGOs and charitable organizations such as the Khadija bint Khuwailid centre, started by women, which gives educational presentations and confidence-building classes to their peers.<sup>13</sup> In 2011, women were awarded the right to vote and run for office in provincial parliaments, and a number of women have been appointed

to the Consultative Council.<sup>14</sup> However, unlike the female parliamentarians in Iran, the Saudi women who sit on the Consultative Council are there on appointment by the King, and are members of a small elite class of women who do not represent the female population of Saudi Arabia.<sup>15</sup> In fact, the apparent "advancements" in women's rights in Saudi Arabia are overwhelmingly attributed to external pressures on the government to reform.<sup>16</sup> This point will be discussed in detail later.

Another indication of women's rights in Saudi Arabia and Iran is the degree to which women participate in the economy and have economic independence from male family members. While conditions in both countries fall short of Western standards of gender equality, the situation in Iran is marginally better than in Saudi Arabia. This is because restrictions on employment for Saudi women are numerous, due to national policies of gender segregation.<sup>17</sup> This issue is compounded by the influx of foreign workers who compete with women for jobs and who are willing to work under more dangerous conditions for less pay than Saudi females.<sup>18</sup> Their access to employment is diminished by prohibitions against women working in positions involving "supervision of foreigners, interaction with male clients, or regular interaction with Saudi government officials."<sup>19</sup> Because Saudi women face barriers from participation in the economy, their ability to support themselves to exert any form of autonomy over their own

<sup>9</sup> Koolae, 2005, 205.

<sup>10</sup> Kar, 2005, 225.

<sup>11</sup> Mai Yamani, "Challenge of Globalization in Saudi Arabia," in *On Shifting Ground: Muslim Women in the Global Era*, ed. Fereshteh Nourae-Simone (New York: The Feminist Press, 2005), 81.

<sup>12</sup> Amelie Le Renard, "'Only for Women': Women, the State, and Reform in Saudi Arabia," *The Middle East Journal* 62 no. 4 (Autumn 2008): 611. [www.jstor.org/stable/25482571](http://www.jstor.org/stable/25482571).

<sup>13</sup> Caroline Montagu, "Civil Society and the Voluntary Sector in Saudi Arabia," *The Middle East Journal* 64, no. 1 (Winter 2010), 72.

<sup>14</sup> Le Renard, 2008, 620.

<sup>15</sup> Le Renard, 2008, 620.

<sup>16</sup> Montagu, 2010, 71.

<sup>17</sup> John Willoughby, "Segmented Feminization and the Decline of Neopatriarchy in GCC Countries of the Persian Gulf," *Comparative Studies of South Asia, Africa and the Middle East* 28, no. 1, (2008), 184. <http://muse.jhu.edu/journals/cst/summary/v028/28.1.willoughby.html>.

<sup>18</sup> Willoughby, 2008, 184.

<sup>19</sup> Eleanor Abdulla Doumato, "Education in Saudi Arabia: Gender, Jobs, and the Price of Religion," in *Women and Globalization in the Arab Middle East: Gender, Economy, and Society*, ed. Eleanor Abdella Doumato and Marsha Pripstein Posusney, (Boulder, CO: Lynne Rienner, 2003), 245.



lives is diminished; consequently Saudi women are largely at the economic mercy of their male family members.

Employment in Iran declined significantly for women following the Iranian revolution, which espoused traditional, private sphere societal roles for females.<sup>20</sup> Still, the ability for Iranian women to participate in the economy is higher than that of their Saudi counterparts. This is not only due to fewer barriers to Iranian women's mobility, but also to the quality of education available to them. In Saudi Arabia, the education system is run by the religious establishment and as such mainly teaches students about Islam.<sup>21</sup> This education does not equip graduates with the skills necessary to compete in the contemporary job market.<sup>22</sup> Women in Iran have been able to participate meaningfully in the economy thanks to their more marketable education, and to their ability to study abroad.<sup>23</sup> Because Iranian women have access to higher quality job preparation, their ability to earn their own living and free themselves from dependence upon male family members is greater than that of Saudi women.

Finally, the conditions of women's lives within their homes and families indicate the level of women's rights in Iran and Saudi Arabia. Iranian women have the legal right to control their personal lives through prenuptial agreements, access to divorce laws, family planning, and contraception.<sup>24</sup> In Iran, women are responsible for themselves and have the right to self-determination in aspects of marriage, education, and employment.<sup>25</sup> Conversely, Saudi women

must have permission from their legal guardians (husbands, brothers or fathers) in order to pursue an education, employment or even to carry personal identification cards.<sup>26</sup> Furthermore, Saudi women are subject to harassment from the religious police even in their own homes, as these forces retain the right to enter private residences in the interest of enforcing piety and the proliferation of Islamic values throughout the Kingdom.<sup>27</sup> The legal prohibitions on Saudi women's ability to exercise autonomy over their own lives even in their own homes illustrates the comparative strength of women's rights in Iran over Saudi Arabia.

#### POLITICAL STRUCTURES OF IRAN AND SAUDI ARABIA

This section will address the effect of political institutions on the differing conditions of women's rights in Iran and Saudi Arabia discussed above. It will begin with an examination of the effect women's access to their governments has on their rights and freedoms. It will follow with a discussion of the degree to which pluralism in the Iranian and Saudi political systems affects women's rights. Finally, it will conclude with a discussion on the effect of both internal and external pressures for reform on Iranian and Saudi conditions of women's rights.

The Iranian political institution, while powerful, does not enjoy the same degree of monopoly over political power as the Saudi equivalent. It is made up of a number of different branches; there are two official armies, two judicial systems, and six central legislative institutions all influenced by various groups.<sup>28</sup> Women in Iran have been able to take advantage of this fragmentation by politically supporting the reformist faction of

<sup>20</sup> Valentine M. Moghadam, "Women's Economic Participation in the Middle East: What Difference Has the Neoliberal Policy Turn Made?," *Journal of Middle East Women's Studies*, 1 no. 1 (Winter 2005), 117.

<sup>21</sup> Doumato, 2003, 245.

<sup>22</sup> *Ibid.*

<sup>23</sup> Afary, 2004, 118.

<sup>24</sup> Ziba Mir-Hosseini, "The Conservative Reformist Conflict Over Women's Rights in Iran," *International Journal of Politics, Culture, and Society*, 16 no. 1 (Fall 2002), 39.

<sup>25</sup> Mir-Hosseini, 2002, 118.

<sup>26</sup> Le Renard, 2008, 617.

<sup>27</sup> *Ibid.*, 214.

<sup>28</sup> Kazem Alamdari, "The Power Structure of the Islamic Republic of Iran: Transition from Populism to Clientelism, and Militarization of the Government," *Third World Quarterly* 26, no. 8, (2005), 1292.



Iranian politics in order to demand personal rights and freedoms of their government. A more unitary political institution would not present the same opportunity for women to fight for equality, since a reformist faction would not exist. Roksana Bahramitash noted that "as a result of their support for the reform movement, women gained space to study, organize, develop a gender-based analysis, and create a vocabulary of resistance."<sup>29</sup> This is especially evident in the aforementioned Women's Bloc of the Sixth Majlis, whose specific accomplishments in parliament were evidenced in the previous section. The success of this movement on account of this political pluralism continued into the Seventh Majlis, albeit considerably diminished after several reformists were barred from running in subsequent elections. Women's economic well-being was protected in government-implemented microcredit plans geared toward the eradication of women's poverty.<sup>30</sup> Bahramitash also noted that it would be "difficult to imagine that a major rollback could occur without massive political upheaval and resistance against the new president."<sup>31</sup>

The Saudi Arabian political system, on the other hand, is much more homogeneous than the Iranian political system. This homogeneity contributes to its inaccessibility compared to the Iranian system. Power remains in the hands of a single ruling family and is shared, to a certain extent, with the Wahhabi religious institution (or, the Ulema).<sup>32</sup> This co-dependent relationship between the Saudi Monarchy and the Ulema is essential for both; the Ulema publicly endorse the legitimacy of the Saudi Monarchy as ruling in accordance with the principles of Islam, and in exchange they are allowed to control various public services such

as schools and hospitals.<sup>33</sup> The political situation in Saudi Arabia has existed this way for the past 50 years, making the Saudi government unwilling to implement reforms contrary to the beliefs of the Ulema for fear of causing political instability.<sup>34</sup> This unity among the Saudi political elite creates a significant barrier to women's ability to successfully petition their government. Unlike in Iran, there is no reformist faction of the Saudi political environment that represents the interests of Saudi women.

Another explanation for the differences in women's rights in Iran and Saudi Arabia is the degree to which women in each country can influence their governments. The Iranian political system is accessible to women, although not to the extent it is to men.<sup>35</sup> While the Revolution of 1979 deeply restricted women's individual rights, their political rights remained intact and their votes equal to those of men.<sup>36</sup> Indeed, Article 20 of the Iranian constitution enshrines both sexes' right to protection under Iranian law and states that women's rights must be respected "in conformity with Islamic Criteria."<sup>37</sup> This stipulation has opened the door for Iranian women to argue for their rights both within a religious and political context; indeed Islamic feminism was an integral aspect in the success of the Women's Bloc of the Sixth Majlis.<sup>38</sup> Iranian women have demonstrated their ability to influence the national politics of Iran through their role in the reformist movement of 1997 and 2000; their votes were essential in President Khatami's victory.<sup>39</sup> Moreover, Iranian women

<sup>29</sup> Roksana Bahramitash, "Iranian Women During the Reform Era (1994-2004): A Focus on Employment," *Journal of Middle East Women's Studies* 3, no. 2 (Spring 2007), 96.

<sup>30</sup> *Ibid.*, 100.

<sup>31</sup> *Ibid.*, 102.

<sup>32</sup> Yamani, 2005, 82.

<sup>33</sup> Rashed Aba-Namay, "The New Saudi Representative Assembly," *Islamic Law and Society* 5, no. 2 (1998), 236.

<sup>34</sup> John Willoughby, 2008, 189.

<sup>35</sup> Koolae speaks about the offices afforded to the women's bloc of the Sixth Majlis, noting that all thirteen of them shared the same office and were not provided with chairs, desks, or even a door. While it is incredible these women were able to have their voices heard in Parliament, there obviously remain a number of barriers to equal participation in the Iranian political system.

<sup>36</sup> Koolae, 2005, 204.

<sup>37</sup> Barlow and Akbarzadeh, 2008, 37.

<sup>38</sup> *Ibid.*, 18.

<sup>39</sup> Kar, 2005, 217.



benefit from the existence of a relatively free press and their ability to form interests groups for the purpose of pressuring their governments.<sup>40</sup> These various opportunities for Iranian women to influence their government have contributed to the previously discussed differences in women's rights between Iran and Saudi Arabia.

Saudi women, on the other hand, do not have the same opportunities to pressure their government. The Saudi constitution specifies that the sources of government authority lie not in the support of the population but in the Qur'an and the Prophet's Tradition, and that laws are both created and amended by royal decree.<sup>41</sup> The Consultative Council, the only national governmental institution in which Saudi citizens may participate, is composed of appointed and elected members of Saudi elites and has only the power to make recommendations to the king, who ultimately retains supreme authority and can dissolve the council at any time.<sup>42</sup> The most direct access to the Saudi government is through consultations with a local prince, in which the Saudi people have the opportunity to ask favours of their government but certainly not to demand rights.<sup>43</sup> This limited form of access is much more restricted for women than it is for men.<sup>44</sup> Furthermore, women's ability to pressure their government is prohibited by restrictions on the press and by strict government control over all organizations.<sup>45</sup> It is true that there is a thriving culture of NGOs in Saudi Arabia, however, these groups must be endorsed by a member of the royal family, who ensures they remain divided and ineffective by discouraging regional or national integration.<sup>46</sup> These factors have restricted the ability of Saudi women

to develop networks or interest groups for the purpose of pressuring their government.

It does not necessarily follow that the Saudi government is exempt from pressures to reform. Indeed in the years following 9/11 the Saudi ruling class faced pressures from the international community, mainly the United States, to reform their domestic political situation and increase the individual rights and freedom of all its citizens.<sup>47</sup> The nature of these external pressures varies significantly from the aforementioned domestic pressures exerted on the Iranian government. The United States knows that, due to the nature of the relationship between the al-Saud family and the Ulema, aggressive attempts to change the domestic situation in Saudi Arabia would be more likely to create resentment and political instability than it would be to succeed.<sup>48</sup> Because the United States is dependent on Saudi Arabia for its oil imports they are unwilling to create a situation of instability that could cause disastrous fluctuations in the global prices of oil.<sup>49</sup> The result is superficial changes on the part of the Saudi elite instead of wide-sweeping or meaningful reform. Caroline Montagu notes, "The (Saudi) officials have no choice but to make changes, as they want to appear to be changing. However, the changes are not far reaching but touch the surface only. It is foreign influence that matters, not the Saudi grass roots."<sup>50</sup> Herein lies a key difference: pressure to reform in Iran comes from forces within the country itself, forces who are fighting for their own rights and freedoms, and whom (we can surmise from the rhetoric of a number of these reformist groups) are not willing to compromise or give up their fight for equality. Pressure to reform in Saudi Arabia comes from the United States, which is interested perhaps more in the stability of the country and of the global price of oil than

<sup>40</sup> Mir-Hosseini, 2002, 41.

<sup>41</sup> Aba-Namay, 1998, 244.

<sup>42</sup> *Ibid.*

<sup>43</sup> José Antonio Sabadell, "Arabia Saudí: Religión, Seguridad y Petróleo," *Política Exterior* 16, no. 85 (January February 2002), 139.

<sup>44</sup> Sabadell, 2002, 139.

<sup>45</sup> Aba-Namay, 1998, 237.

<sup>46</sup> Montagu, 2010, 77.

<sup>47</sup> Montagu, 2010, 71.

<sup>48</sup> Ian Bremmer, "The Saudi Paradox," *World Policy Journal* 21, no. 3 (Fall 2003) 24-25.

<sup>49</sup> *Ibid.*, 27.

<sup>50</sup> Montagu, 2010, 71.



in domestic humanitarian conditions. As such, conditions for women in Iran are comparably freer than conditions for women in Saudi Arabia.

## CONCLUSION

Conditions of gender equality vary throughout the Middle East and are affected by a number of factors. This essay has demonstrated how the specific political-institutional differences between Iran and Saudi Arabia have contributed to Iran's comparatively more liberal conditions for women's rights. The Iranian political system is fragmented, allowing women to pressure their government for reform through supporting reformist factions. In Saudi Arabia, the Monarchy and the Ulema are closely tied and deeply dependent on each other, and therefore it is more difficult for Saudi women to pressure the government to reform. Iranian women are able to pressure their governments through participation in the political sphere, best illustrated by the role they played in the reformist victory in the 1997 and 2000 elections and the Women's Bloc of the Sixth Majlis. While Saudi women are allowed to vote and participate in politics, they are voting for and participating in an institution which, compared to the Iranian parliament, does not have much power. It is true that the NGO sector of Saudi society has made considerable advancements in the area of women's participation in the public sphere, yet the most effective pressure on the Saudi elite come from the United States. Because the Saudi government is not held accountable to its population, but rather to foreign actors, the changes it makes are superficially reformist and have no meaningful effect on actual conditions for women in Saudi Arabia. In Iran, pressure to reform comes from groups within the country who are unsatisfied with perfunctory government action. For these reasons, women in Iran have comparably more rights than women in Saudi Arabia.

## Addressing Overpopulation:

### International Aid Agencies' Violation of Human Rights in the Voluntary Surgical Contraception Campaign of Peru

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## INTRODUCTION

During the 1990s, the United Nations held the International Conference on Population and Development (ICPD) in Cairo. One of the concerns put forward was the high rate of fertility in certain countries, which might impede their ability to supply citizens with "an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation."<sup>1</sup> Linked to the solution of this impending overpopulation crisis was the notion of gender equality, in which both men and women would jointly take part in the family planning process. Alberto Fujimori, the President of Peru, appropriated this notion when he introduced a new family planning program concentrated on providing contraceptives to all citizens. One of the methods proposed by the government was sterilization by tubal ligation, specifically promoted through the Voluntary Surgical Contraception (AQV – Anticoncepción quirúrgica voluntaria) campaign. The Peruvian government's approach to family planning was innately detrimental to goals of gender equality for the disenfranchised groups it aimed to help. In this paper, I will demonstrate that

<sup>1</sup> United Nations International Conference on Population and Development, Cairo, Egypt, 5-13 September 1994. *Programme of Action*, <http://www.iisd.ca/Cairo/program/p02003.html>



international aid agencies such as the United States Agency for International Development and the United Nations Population Fund gave legitimacy and necessary funding to the proposed sterilization process. I will then reveal the violations of patient's rights faced by the rural, poor and indigenous women who were affected by this policy. The AQV took away their right to fair consultation before an operation, freedom of choice, and access to concrete measures to ensure their safety during and after the procedure.

#### HISTORICAL AND POLITICAL BACKGROUND TO THE ANTICONCEPCIÓN QUIRÚRGICA VOLUNTARIA CAMPAIGN

The preparations to establish the AQV campaign began during Alberto Fujimori's first term as president between 1990 and 1995. By proclaiming the 1990s the "Decade of Family Planning," he sought to put the campaign at the forefront of his political agenda. In 1992, the National Program on the Reproductive Health of the Family (PNASRF—Programa Nacional de Atención a la Salud Reproductiva de la Familia) replaced an older program that had been established in 1988. According to Rousseau, two of the five national development objectives stated in the documents that govern PNASRF were:

[...] the creation of a new competitive and sustainable national economy; and [...] the reduction of poverty levels and progressive improvement of the quality of life for Peruvians. [Furthermore, t] he program explicitly sought to attain 'a population growth rate conducive to reaching desired development levels through a reduction of fertility, achieved in harmony with people's free decision to determine the size of their families and

the intervals between pregnancies.'

<sup>2</sup>

Fujimori also chose the same year to conduct a self-coup, where he dissolved Congress, dismissed the judiciary, and suspended the Constitution, in order to draft a new one, which later was approved by referendum in 1993. The new constitution enshrined the right for a family to decide both the number and timing of its children, mentioned women as explicit participants in the notion of parenthood, and recognized the right to health protection. Abroad, however, "Fujimori's self-coup in 1992 was viewed poorly by international observers."<sup>3</sup> The 1995 election, in which he won a second term as President and in which his party "won a strong majority in Congress, [was accused] of rampant election fraud."<sup>4</sup> As President of Peru and the leading actor in the 1992 coup, Fujimori therefore needed to legitimize his place in politics at the international level.

Fujimori utilised speeches and family planning measures to support his claim to democratic leadership. On July 28<sup>th</sup> 1995, during the inauguration speech for his second term, he expressed his support for the goals of the United Nations International Conference on Population and Development and spoke of his commitment to family planning, especially in relation to the economic crisis that Peru was facing. He "used a pro-poor discourse to justify state intervention in redressing unequal access to contraceptives and family planning information."<sup>5</sup> The first measure taken to confirm his support for family planning was to decriminalize certain modern contraceptives. In August 1995, the Peruvian Congress approved the use of sterilization as a method of contraception.

<sup>2</sup> Stéphanie Rousseau, "The Politics of Reproductive Health in Peru: Gender and Social Policy in the Global south." *International Studies in Gender, State and Society* 14, no. 1 (2007): 105.

<sup>3</sup> Caralyn M. Elliot, *Global Empowerment of Women: Response to Globalization and Politicized Religions*. (New York: Routledge, 2008), 329.

<sup>4</sup> Rousseau, 2007, 106.

<sup>5</sup> *Ibid.*, 107.



In September of the same year, Fujimori spoke to an international audience about Peru's new family planning initiatives. At the United Nations International Conference on Women in Beijing, he brought forward the notion of women as important players in family planning. It was particularly notable that he was the only male head of state to speak at the conference. He emphasized that Peru would "carry out a vast national campaign to actively make public all these family planning methods."<sup>6</sup> He also mentioned that, "family planning methods are now legally available within the reach of women, men, and families of all social classes –so they can use them, I underline this, free[ly] and responsibl[y] or not use them, if they opt for a different solution according to their personal or family beliefs."<sup>7</sup> By presenting women as key actors and emphasizing that this family planning approach would lead to a better future, he achieved international recognition by linking his own government to the prevalent feminist discourse iterated by the United Nations.

Around the same time, the PNASRF established the AQV campaign. The goals of the program were to decrease the fertility rate in order to reduce poverty and improve Peru's economy.<sup>8</sup> The campaign "absolutely required the support of international cooperation agencies in order to be implemented"<sup>9</sup> due to the costs of the program they were implementing. In 1995, the Ministry of Health (MINSA - Ministerio de la Salud), had "decided it would provide [family planning]

services free of charge."<sup>10</sup> In Peru's tiered health system, MINSA takes care of 75 percent of the Peruvian population, yet it only received 26 percent of the total of public and private funding allocated to healthcare.<sup>11</sup> Its clientele includes the poor, rural and indigenous peoples of Peru. By addressing family planning and emphasizing a human-centric approach to supplying modern contraception methods, the government hoped to attract international financial support for the measures it was implementing.

### FUNDING FROM US AID AND THE UN

Due to the success of the discourse iterated by the Peruvian government, the United States Agency for International Development (USAID) and the United Nations Population Fund (UNFPA) were both important contributors to PNASRF and its AQV campaign. Senn states that "[t]he United Nations report[s] that Peru receive[d] US\$157 million for population control activities in 1994-1998."<sup>12</sup> Peru also became the country with the tenth highest funding allocated to it directly from the UNFPA for contraception in 1996 with a contribution of US\$3.5 million. The following year this amount increased to US\$4.9 million.<sup>13</sup> The direct financial support implicated the UNFPA and by proxy, the United Nations, in the consequences of the policy.

USAID adopted a different approach and chose to allocate its funding to non-government organizations (NGOs) involved in the AQV

<sup>6</sup> Alberto Fujimori. Address to the 4<sup>th</sup> World Conference on Women, United Nations Fourth World Conference on Women, Beijing, China, September 15, 1995 <http://www.un.org/esa/gopher-data/conf/fwcw/conf/gov/950915131946.txt>

<sup>7</sup> *Ibid.*

<sup>8</sup> Rousseau, 2007, 105.

<sup>9</sup> *Ibid.*, 106.

<sup>10</sup> Roberto Lopez-Linares (United States Agency of International Development), *Contraceptive Procurement in Peru: Diversifying Suppliers*, (2008), 3 [http://www.healthpolicyinitiative.com/Publications/Documents/620\\_1\\_Contraceptive\\_Procurement\\_Peru\\_Diversifying\\_Suppliers\\_FINAL\\_acc.pdf](http://www.healthpolicyinitiative.com/Publications/Documents/620_1_Contraceptive_Procurement_Peru_Diversifying_Suppliers_FINAL_acc.pdf)

<sup>11</sup> Rousseau, 2007, 99-100.

<sup>12</sup> Guillermo Senn, "Under the 'First-World' Scalpel: The Sterilization of Quechua Women between 1995-1998" (M.A. diss., University of Ottawa, 2004). 114

<sup>13</sup> United Nations Population Fund, *Donor Support for Contraceptives and Condoms for STI/HIV Prevention*. (Geneva: UNFPA, 2002), 9 [http://www.unfpa.org/upload/lib\\_pub\\_file/192\\_filename\\_contraceptives\\_01.pdf](http://www.unfpa.org/upload/lib_pub_file/192_filename_contraceptives_01.pdf)



campaign. They contributed in excess of US\$40 million, including US\$5 million to ReproSalud, an NGO whose role was to promote to ethnic minorities the government-approved methods of family planning, specifically sterilization.<sup>14</sup> A further "[US]\$18 million was provided to [the NGO] CARE for training doctors to perform sterilization and supplying sterilization equipment used in the coercive campaigns".<sup>15</sup> USAID's choice of NGOs confirms their awareness of the nature of the campaign and the method of modern contraception that they support. The formal review of the campaign attests that, through the AQV campaign, 314 605 women received tubal ligations and 24 563 men had vasectomies between 1990 and 1999.<sup>16</sup> The funding and involvement of USAID and the UNFPA were instrumental in the campaign achieving these results.

### VIOLATION OF PATIENTS' RIGHTS

The manner in which the AQV campaign was conducted robbed the targeted patients of their rights. An entire list of Patients' Rights are recognised in both Peru and in the United States, from which the majority of the funding came. In 1985, The World Medical Association, of which both the Colegio de Médicos of Peru and the American Medical Association (AMA) are members, enshrined the rights of a patient.<sup>17</sup> The AMA further acknowledged these rights by

creating their own set of rights in 1990.<sup>18</sup> These rights include the right to information, the right to self-determination and the right to medical care of good quality. These renowned institutes promote public health and protect both patient and physician rights. They are also recognized as important lobby groups by the government. Therefore, the state should also consider the particular health policies that they adopt, as nearly all doctors fall under this association.

### *Right to Information*

The first right violated by the AQV campaign was the patients' access to information. A patient has the right to receive information on the treatment chosen and also to be aware of any alternative treatments that are available.

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**"59.3 PERCENT OF THE CASES WERE IDENTIFIED AS LACKING THE FULL INFORMED CONSENT OF THE WOMEN"**

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Insufficient information was given to patients about the sterilization program. In the report released by the Peruvian Ministry of

Health's Special Commission on AQV, out of 2 096 clinical reported cases of sterilization in Peru, 59.3 percent of the cases were identified as lacking the full informed consent of the women.<sup>19</sup> There were two ways in which women were left misinformed about tubal ligation surgery. First, women were not aware that the process led to permanent sterilization. A worker at one of the MINSA areas in northern Peru was quoted as saying, "[i]n most cases [women] are not told that the ligations are usually definite

<sup>14</sup> Steven. W. Mosher, "USAID Supported Fujimori Sterilization Campaign; Seeks to Cover-Up Involvement" *PRI Review* 13, no. 5 (2003) <http://www.pop.org/content/usaaid-supported-fujimori-sterilization-1658>

<sup>15</sup> *Ibid.*

<sup>16</sup> Subcommittee Investigation of Persons and Institutions Involved in Voluntary Surgical Contraception, "Final Report Concerning Voluntary Surgical Contraception During the Years 1990-2000" *PRI Review* 12, no. 4 (2002) <http://www.pop.org/content/final-report-concerning-voluntary-surgical-1424>

<sup>17</sup> World Medical Association, 34<sup>th</sup> World Medical Assembly, Lisbon, Portugal, September/October 1981. *WMA Declaration of Lisbon on the Rights of a Patient*. <http://www.wma.net/en/30publications/10policies/14/>

<sup>18</sup> Council on Ethical and Judicial Affairs, American Medical Association House of Delegates, June 26 1990, *Fundamental elements of the Patient-Physician Relationship*, <http://jama.ama-assn.org/content/264/24/3133.full.pdf+html?sid=6ab8e587-0556-418c-a60b-98c22638b11c>

<sup>19</sup> Juan Succar Rahme, Maita Garcia Trovato, Esperanza Reyes Solari, Hilaria Supa Huaman, Ministerio de Salud, "Comisión Especial Sobre Actividades de Anticoncepción Quirúrgica Voluntaria (AQV)" (Lima, 2002) <http://www.mamfundacional.org/ef/Informe-Final.pdf> 88



and irreversible.”<sup>20</sup> Women therefore cannot choose their birth control opinion critically.

Furthermore, the written consent forms did not provide a legitimate alternative source of information for patients. There were two logistical problems with the written consent that had to be signed by the patient before the operation took place. The first problem concerned language. According to the 1993 Peruvian census, 14.4 percent of people surveyed in Peru spoke Quechua, a largely oral language, as a mother tongue.<sup>21</sup> The Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) also notes that there is a part of the population that speaks only an indigenous language who were not included in the census.<sup>22</sup> This indicates that some Quechua-speaking people would have been unable to read the consent form. The Peruvian Constitution of 1993 recognized Quechua and other indigenous languages as official languages in the provinces in which the population of speakers is largely concentrated. Despite recognizing indigenous peoples and their rights, during the AQV, the Peruvian government only provided consent forms in Spanish.<sup>23</sup> The information was provided was *unhelpful* to patients if they could not understand the language it was written in and therefore *they* were still unaware of the implications of the surgery. Consequently, the use of the form *disenfranchised* Quechua women and other indigenous people as it was written in a language that *they* did not understand. Secondly, rates of illiteracy were high among the

people in the regions that were targeted. While the 1993 census revealed that 71 percent of the population lived in urban regions,<sup>24</sup> a survey of the sterilization campaign found that only 19 percent were from urban regions, while 53 percent came from rural regions and 28 percent from marginal urban zones.<sup>25</sup> The surgical campaign purposefully concentrated its efforts on the rural areas of the country rather than basing it on population distribution. The people living in rural regions were at a disadvantage when they needed to consent to the surgery because of the likelihood of being illiterate. In 1993, 29.8 percent of people living in rural regions were illiterate.<sup>26</sup> The rate for women was also disproportionately higher: 42.9 percent as opposed to 17.0 percent for men in rural areas.<sup>27</sup> Since tubal ligation was concentrated in rural areas where illiteracy rates are high, it is likely that many women did not fully understand the consent form. By capitalising on the monolingualism and illiteracy of the groups it was targeting, the Peruvian government did not take into account patients' right to information in order to achieve higher rates of sterilization.

Additionally, not all patients were provided with adequate information about other available methods of contraception. The Family Planning Policy created by the Peruvian government was based on the free distribution of five different types of birth control<sup>28</sup>, including condoms, oral birth control pills, injectables, intrauterine devices,<sup>29</sup> in addition to sterilization. However,

<sup>20</sup> Brita Schmidt, "Forced Sterilization in Peru", *Political Environments* 6, Fall 1998.

<sup>21</sup> As quoted by Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM), "Diagnóstico sobre la Situación de los derechos sexuales y los derechos reproductivos: 1995-2002. Perú. Campaña por la Convención de los Derechos Sexuales y los Derechos Reproductivos" (Lima, 2003), 9.

<sup>22</sup> CLADEM, 2003, 9.

<sup>23</sup> Senn, 2004, 30.

<sup>24</sup> Ministerio de Salud. Plan Nacional de Salud (año 1993) in CLADEM, 2003, 8.

<sup>25</sup> Juan Succar Rahme et al., 20002, 88.

<sup>26</sup> INEI – PROMUDEH, Género: Equidad y Disparidades, 1999. in Fondo de Población de las Naciones Unidas, "Perú en Cifras: Educación: Tasa de analfabetismo por sexo" [http://www.unfpa.org.pe/infosd/educacion/educacion\\_05.htm](http://www.unfpa.org.pe/infosd/educacion/educacion_05.htm)

<sup>27</sup> *Ibid.*

<sup>28</sup> Stéphanie Rousseau, "Women's Citizenship and Neopopulism: Peru under the Fujimori Regime" *Latin American Politics and Society* 48, no.1, (2006): 129.

<sup>29</sup> Lopez-Linares (USAID), 2008, 5.



in reality, patients were not always provided with access to these other methods of contraception. In fact, "temporary methods of birth control [...] were intentionally withheld in order to promote sterilization."<sup>30</sup> A woman who wished to choose when and how many children she would have, as enshrined by the 1993 Constitution, had to consent to sterilization as the only option presented to her. This only allowed her to choose how many children she would have and not when she could have them. By providing limited information on the outcome of tubal ligation and withholding other methods of birth control, the government forced patients to choose sterilization.

### *Right to Self-Determination*

A second violation of patients' rights during the AQV campaign was the inability to choose to have the surgery without constraints. The government first took away their right to

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**"IN POOR AREAS, A PACKAGE OF FOOD AND CLOTHING WORTH APPROXIMATELY US\$36 WAS GIVEN TO WOMEN WHO ELECTED TO HAVE THE TUBAL LIGATION OPERATION."**

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choose through a monetary incentive policy. Although MINSA has a policy that bans the exchange of goods or services for contraceptive care,<sup>31</sup> the AQV campaign was linked with the distribution of food, clothes, and medical aid. In poor areas, a package of food and clothing worth approximately US\$36 was given to women who elected to have the tubal ligation operation.<sup>32</sup> In rural areas, 36 percent of the population was considered poor and 30.1 percent was

considered extremely poor.<sup>33</sup> With a total of 66.1 percent of the population in need, the incentive of food and clothing was much more appealing despite the procedure required to obtain it. This procedure is even more alarming after recognising that this incentive has been linked to USAID food aid in rural regions.<sup>34</sup> Food and clothing, which should have been freely offered, were used as an incentive to force women into sterilization in order to provide for their family.

A second incentive given to women in order to motivate them to have tubal ligation was the offer of free medical aid. Without agreeing to the surgery, the necessary help would not be provided. In a healthcare system where they needed to pay for natal care, "poor pregnant women are regularly offered free birth services in exchange for tubal ligation."<sup>35</sup> It became the mother's choice to obtain healthcare for her newborn by taking away her own right to reproduction. By merging two healthcare matters together, women are often unable to electively choose another option, as their current state of being forces them to accept healthcare they are offered.

While some women were incited to choose the surgery, other women had no choice at all. Some women who gave birth in a hospital setting through caesarean had tubal ligation surgery performed unbeknownst to them while they were unconscious. One woman spoke of going to the hospital to give birth to her child by caesarean and when she woke up, her doctors told her of the death of her son and the sterilization they performed without her consent.<sup>36</sup> Others also shared her experience.<sup>37</sup> This surgical intervention relies on the vulnerability of women who are pregnant and also on their trust in the

<sup>30</sup> Anna-Britt Coe, "From Anti-Natalist to Ultra-Conservative: Restricting Choice in Peru" *Reproductive Health Matters* 12 (24), 2004, 62

<sup>31</sup> Hearing Before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, (U.S. House of Representatives), *The Peruvian Population Control Program* 1998, 15.

<sup>32</sup> Senn, 2004, 30.

<sup>33</sup> CLADEM, 2003, 10.

<sup>34</sup> Hearing on International Operations and Human Rights, *The Peruvian Population Control Program*, 7.

<sup>35</sup> Senn, 2004, 118.

<sup>36</sup> Hearing on International Operations and Human Rights, 55.

<sup>37</sup> Rousseau, 2007, 108.



health authorities to keep patients' interests in mind when conducting an operation. In such a case, the women are unable to even speak up against the action taken on their body before it occurs.

Kidnappings also occurred among women who, aware of the implications of the sterilization policy, had elected to forego the operation. There are recorded cases of these women being "captured" by health care authorities and then sterilized despite refusing to have the operation.<sup>38</sup> To forcefully kidnap and operate on a person is perhaps the most direct violation of their right to choose. The health care workers ignored their patients' right to explicitly choose an elective procedure, thereby assuming that the women themselves were unable to make decisions regarding their own reproduction. Family planning matters became the responsibility of the state as opposed to a personal choice. Despite the gender equalization discourse used to promote Peruvian family planning policies, the AQV campaign used methods which were detrimental to gender equality. It led to an entrenchment of the traditional notion of women as caregivers of the family and as unable to make decisions about things that concern them.

### *Right to Medical Care of Good Quality*

The final violation made by Peruvian authorities within the sterilization process was foregoing the patients' right to a safe medical procedure. When a patient undergoes surgery, they have the right to undergo procedures that seek to prevent complications and treat them if they arise. The sterilizations in Peru, however, were conducted without precaution. First, the government set quotas for the amount of sterilizations that were to take place in a year. The goal for 1997 had been 130 000 sterilizations, while for 1998, a quota of

160,000 was set.<sup>39</sup> Instead of concentrating on safe operations, the government's stance sought to reduce the amount of births over the safe conduction of the operations. This approach was supported by USAID. Through a partnership with the NGO Association of Voluntary Sterilization (AVS), the AQV campaign received a contribution from the World Bank amounting to US\$ 200 million in 1998.<sup>40</sup> The agreement between USAID-AVS specified that AVS "must offer technical assistance to governments" to help them "establish and expand sterilization activities."<sup>41</sup> The timing of the extra funding, as well as the discourse used to describe its goals, shows USAID's support for the campaign and its increased quotas. At the time, feminist lawyers, CLADEM, and the Peruvian Ombudsman's Office were all investigating cases of abuse by the campaign.<sup>42</sup> USAID showed continued support for the practice, which has been deemed at the very least questionable, by using its affiliations with other organizations to provide the AQV campaign with the necessary collateral to continue a high amount of sterilizations per year.

The target rates of sterilization were entrenched through different incentives passed down to MINSA workers. First, for every woman sterilized, a health worker received a bonus ranging from four dollars to 12 dollars.<sup>43</sup> Workers who did not comply with the quota faced the possibility of termination.<sup>44</sup> Workers were then much more likely to use any means possible to coax women into agreeing to tubal ligation, including using those previously mentioned, such as monetary

<sup>39</sup> Abraham Lama. "Voluntary and Forced Sterilization in Peru" *Inter Press Service*, 31 May 1998. <http://search.proquest.com.libproxy.mta.ca/pqrl/docview/446071468/13297FFE77B78027D19/1?accountid=12599>

<sup>40</sup> Senn, 2004, 114.

<sup>41</sup> *Ibid.*

<sup>42</sup> Rousseau, 2007, 108.

<sup>43</sup> Schmidt, 1998.

<sup>44</sup> Senn, 2004, 30.

<sup>38</sup> Schmidt, 1998; Senn, 2004, 1.



incentives or not providing patients with the information. Physicians also faced similar measures from MINSA. Those that performed the operations were also required to comply with a minimum quota of tubal ligations per month.<sup>45</sup> These physicians also perform many surgeries every day, sometimes over twenty.<sup>46</sup> When given directions from authorities telling them to prioritize the quantity of surgeries performed over the quality, the health workers and doctors implicitly put the patient at risk. The workers were less likely to provide the necessary information or act without any incentives to coax women to choose the operation and the physicians' ability to conduct surgery was diminished by the demands they faced.

After surgery, the patients did not receive the follow-up care necessary to ensure their safety. Due to the systematic approach that governed

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the sterilization procedure, patients did not receive adequate rest time after surgery. Some women were given very short recovery periods of less than four hours.<sup>47</sup> After a major surgery, which required general anaesthesia, women were at risk to develop major complications. These complications include bleeding, bladder infection, uterine perforation and infection. There were seventeen cases that led to the death of the woman who had her tubes tied.<sup>48</sup> Forcing them to leave health care facilities quickly minimized their ability to receive care from health care professionals in case of

complication. Then, in order to achieve the high quota that MINSA had assigned to them, workers organized "sterilization festivals" in rural sectors, where they consult women, perform the operation and leave on the same day.<sup>49</sup> Access to healthcare in rural communities is limited due to the segmentation of the healthcare system<sup>50</sup>, therefore, women's access to follow-up care was limited in case complications arose. Finally, while the sterilization operation is free according to MINSA guidelines, follow-up care is not.<sup>51</sup> With the large majority of surgeries being conducted on poor women, none of the necessary considerations were taken into account in order to As previously shown, poor women were the targets of these surgeries, yet no consideration was taken to provide affordable adequate care to women who were faced with complications following the surgery.

## CONCLUSION

The funding and continued support from international agencies made the systematic violation of women's rights by the Peruvian government's AQV campaign possible. The feminist discourse used in UN conferences provided the wording necessary to justify the aggressive promotion of a family planning program based on sterilization. Because of the international promotion of his policy, President Fujimori was able to secure the necessary funding through international aid agencies like USAID and UNFPA. With their financial aid, these organizations became responsible for a policy that violated its own promoted goal of achieving gender equality. The Voluntary Surgical Contraception campaign disenfranchised poor, rural, and indigenous women by violating their patients' rights. They received inadequate

<sup>45</sup> Schmidt, 1998.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> Rousseau, 2007, 104.

<sup>49</sup> Senn, 2004, 30.

<sup>50</sup> Rousseau, 2007, 100.

<sup>51</sup> Schmidt, 1998.



information, were not always able to consent to the surgery and furthermore, did not receive adequate healthcare during and after the procedure. Due to the efforts of external organizations to uncover the unlawful practices behind the AQV campaign, the government of Peru has acknowledged responsibility for actions undertaken in the name of family planning and has made significant changes to its to try to improve the availability and the quality of all modern methods of family planning. However, despite reports that implicate them as well,

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the UNFPA and USAID continue to affirm that their actions in no way supported the violation of rights that occurred. While the Peruvian government was ultimately responsible for carrying out the AQV campaign, it would not have been possible without funding from these agencies. Therefore, program funding comes with the responsibility of ensuring that no harm will come to those who take part in the programs. Both organizations need to review their monitoring process of programs that are funding activities that could potentially be linked to a violation of basic human right. In 2011, the Peruvian government reopened the case and is conducting a review of the criminal activities undertaken during this period. In the same manner, USAID and the UNFPA should also conduct a thorough review of the funding of the procedures and the implications of their support for the program.

## Environment and Gender in Africa's Christian Revolution

Rebecca Anne Dixon

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Christianity is growing rapidly in Africa: over the last hundred years the number of Christians has increased from nine percent of the continent's population to 46 percent, or around 360 million people.<sup>1</sup> Contrary to popular assumption in the global north, much of this growth has occurred since the end of the colonial period. Africans have actively sought out older denominations that no longer represent the oppressor and are creating their own churches based on Africanized understandings of Scripture. This is an African Christian revolution, alongside which another revolution is taking place: the growing influence of the churches of the global south. The global character of Christianity is changing. The ways in which it dialogues with contemporary development issues, such as environmental sustainability and gender equality, will likely have a strong southern influence in the future. Africans are continuously building bridges between traditional beliefs and the new faith. I argue that this represents a revolutionary form of alternative development over which Africans may have greater ownership.

Both traditional denominations and new African churches play an important role in the countries of southern Africa with predominantly Christian populations. In the first section of this paper, I trace the history of Christianity on the continent. I focus on the developmental trajectory of the Roman Catholic Church (RCC) and then the rise of the African Independent

<sup>1</sup> Philip Jenkins, *The next Christendom* (Oxford; New York: Oxford University Press, 2007), 2-3.



Churches (AICs) in southern Africa. In the next section, I examine each of these churches' views on key environmental and gender issues. In the final part of the paper, I discuss the bridging of Christian Scripture and traditional beliefs and the potential for a revolution in global Christianity. Ultimately I conclude that an understanding Christianity in Africa is vital for development practitioners.

### THE EVOLUTION OF AFRICAN CHRISTIANITY *Ancient Roots*

Christianity has been present in Africa since the first or second century. After being brought to Alexandria, Egypt, it spread south to present-day Ethiopia and west to the rest of North Africa, where it became the religion of resistance to the Roman Empire.<sup>2</sup> Egypt had a gospel and Psalter in the local language, Coptic, by 300 B.C.E.<sup>3</sup> and the Coptic Church continues to have a sizeable presence. The Ethiopian church has similarly long roots: an Ethiopian noble is mentioned in the New Testament as one of the first converts to Christianity,<sup>4</sup> and in the fourth century Christianity was officially declared the national religion.<sup>5</sup> While these ancient roots are limited to the northern part of the continent, it is important to recognize the religion's non-European history and African precedents.

### *Colonialism and Catholicism*

As colonial powers sought to increase their control and influence over the African continent, they often cited the introduction of Christianity as a justification of their actions.<sup>6</sup> The commercial opportunities for resource extraction, cheap labour, and new markets were probably the

most important motivators. However, Edward Saïd, the renowned Palestinian-American literary theorist, aptly indicates that "neither imperialism nor colonialism is a simple act of accumulation and acquisition [...] out of imperialism, notions about culture were classified, reinforced, criticised or rejected."<sup>7</sup> The Christian colonizers certainly classified Africans and told them that "their societies were backward, their religious traditions sinful, their agricultural practices primitive, their systems of government irrelevant, and their cultural norms barbaric,"<sup>8</sup> insisting on bringing them Christian salvation.

The RCC arrived in Western and Central Africa with the Portuguese in 1458. These first missionaries, for the most part Jesuits, attempted to adapt Christianity to local traditions by using the local language, incorporating native elements into the liturgy, and allowing for married and even polygamous African clergy. This conciliatory attitude fell apart at the end of the seventeenth century as enemies of the Jesuits turned the pope against them and new orders with stricter views took over the missionary activity.<sup>9</sup>

Philip Jenkins, a professor at Pennsylvania State University who has researched Christianity in the global south extensively, argues that Christianity spread through a networking effect at the grassroots. It attracted diverse groups of people who tended to travel: "Commonly the key African converts were the younger members of society [...] the ones most likely to travel to cities, ports, or trading posts during the first great age of globalization from 1870 - 1914."<sup>10</sup> These young converts would also bring the new

<sup>2</sup> "The Coming of Christianity," Narr. Hugh Quarshie, *The Story of Africa*, BBC World Service, n.d., [http://www.bbc.co.uk/worldservice/africa/features/storyofafrica/index\\_section8.shtml](http://www.bbc.co.uk/worldservice/africa/features/storyofafrica/index_section8.shtml)

<sup>3</sup> Jenkins, 2007, 21.

<sup>4</sup> Acts 8:26-40 (Authorised Version).

<sup>5</sup> "The Coming of Christianity."

<sup>6</sup> Jenkins, 2007, 35.

<sup>7</sup> Edward Saïd, *Culture and Imperialism*, 1994, 9, quoted in "Africa and Europe," *The Story of Africa*, BBC World Service, n.d., [http://www.bbc.co.uk/worldservice/africa/features/storyofafrica/index\\_section11.shtml](http://www.bbc.co.uk/worldservice/africa/features/storyofafrica/index_section11.shtml)

<sup>8</sup> Wangari Maathi, *The Challenge for Africa*, (New York, NY: Pantheon Books, 2009), 34.

<sup>9</sup> Jenkins, 2007, 32-33.

<sup>10</sup> *Ibid.*, 43.



religion back to their communities, spreading it through the interior. It could be associated with modernity, power, and prosperity and thus appealed to the elite, but it also addressed the marginalized members of African society, those who were powerless or outcast.<sup>11</sup>

Wangari Maathi, a Kenyan environmental activist and Nobel Peace Prize recipient, presents an alternate view of missionary activity. She states that Christianity led Africans to believe they were inferior because God had not directly revealed himself to them, but had come through the Europeans.<sup>12</sup> She argues that this inferiority complex facilitated colonial domination and delayed political and cultural resistance.

There is overwhelming evidence that, whatever the good intentions of some of the individual missionaries involved, Christianity served as an active partner in the colonial project of domination and assimilation. However, Christianity itself was not to be entirely rejected by Africans along with the colonial regimes. Something in it did resonate with them: "[I]f the faith had been a matter of kings, merchants and missionaries, then it would have lasted precisely as long as the political and commercial order that gave it birth and would have been swept away by any social change."<sup>13</sup> Instead of being swept away, Christianity has been growing and changing in fascinating ways.

### *Post-Colonial Catholicism*

The RCC is the most populous form of Christianity on the continent. Its members outnumber those of the independent churches by three to one.<sup>14</sup> This growth has occurred both because of population growth and because of new conversions. In 1955, there were 16 million African Catholics; as of 2002, there were 120

million,<sup>15</sup> representing around 13 percent of the total global Catholic population.<sup>16</sup> By 1999, three million of the 18 million Catholic baptisms worldwide took place in Africa, and 37 percent of these were of adults, representing "an important gauge of evangelistic efforts."<sup>17</sup> Remarkably, there are now more people baptized annually in Nigeria and the Democratic Republic of the Congo than there are in Italy, France, Spain, and Poland.<sup>18</sup>

The continued appeal of Catholicism can be explained by several factors beyond sincere religious conviction. Firstly, with the withdrawal of colonial powers, Catholicism could lose its association with the repression of the formal political regimes so that an acceptance of Christianity "did not imply submission to a foreign political yoke."<sup>19</sup> Many of the first generation independence leaders were Christians and had been educated in Christian mission schools. In some cases, the RCC was able to redeem itself from its collabouration with the colonial regimes by facilitating peace negotiations in ensuing postcolonial civil wars, in countries such as Mozambique,<sup>20</sup> Kenya, and Uganda. The 1985 Kairos Statement, released by Catholic and Protestant Churches, argued against the Apartheid regime and placed its repression in an apocalyptic context.<sup>21</sup> Churches were also amongst the most active groups in

<sup>11</sup> Jenkins, 2007, 42-43.

<sup>12</sup> Maathi, 2009, 38.

<sup>13</sup> Jenkins, 2007, 43.

<sup>14</sup> *Ibid.*, 57.

<sup>15</sup> Jenkins, 2007, 58.

<sup>16</sup> Sophie Arie, "Global south as growing force in Catholic Church," *The Christian Science Monitor*, 5 April 2005, <http://www.csmonitor.com/2005/0405/p01s03-wogi.html>.

<sup>17</sup> Jenkins, 2007, 194.

<sup>18</sup> *Ibid.*, 195.

<sup>19</sup> Throughout *The next Christendom*, Jenkins refers to how aspects of the Christian expansion in the global south mirror the expansion of Christianity in Europe. For example, in describing how Christianity became more attractive to Africans after the withdrawal of colonial powers, he reminds readers that the same process occurred in Medieval Europe after the collapse of the Roman Empire (59).

<sup>20</sup> G. Jan van Butselaar, "The Role of Churches in the Peace Process in Africa: The Case of Mozambique Compared," In *The Changing Face of Christianity: Africa, the West and the World*, Ed. Lamin Sanneh and Joel A. Carpenter (Oxford; New York: Oxford University Press, 2005), 97.

<sup>21</sup> Jenkins, 2007, 148.



pressuring companies to disinvest in Apartheid South Africa. This kind of action helped revive popular support and suggested a future political role for the Church in Africa.

In addition, under Pope John Paul II, the RCC became active in debates on social and economic justice. In the late 1990s, the Pope called for rich countries of the global north to address global poverty and helped inspire the Jubilee 2000 campaign for debt relief.<sup>22</sup> Africans could thus see the RCC advocating for poverty relief; they could also see churches providing poverty relief. The term "maize Christians" refers to converts who are primarily motivated by the material support the church can supply, including free food and education in seminaries.<sup>23</sup> Indeed, with restricted state social programmes imposed by structural adjustment programmes in the 1980s, "to be a member of an active Christian church today might well bring more tangible benefits than being a citizen of Nigeria or Peru."<sup>24</sup> Or, in other words, religious affiliation may be more integral to everyday survival than any other identity.

While traditional denominations such as Catholicism remain strong forces in African Christianity, a new variety of churches has emerged as significant players, particularly in southern Africa. These AICs base themselves in new prophetic revelations that help to assimilate the Gospel into traditional African culture.

### *African Independent Churches*

AICs grew out of charismatic North American sects from the late 1800s in North America and tend to be associated with the Pentecostal tradition. They share many of the characteristics

of Pentecostal churches, such as reliance on "deep personal faith and communal orthodoxy, mysticism and Puritanism, all founded on clear scriptural authority."<sup>25</sup> A belief in miracles and material success through faith is pervasive,<sup>26</sup> as is the consciousness of a supernatural world that serves as the source of both divine revelations and evil spirits that affect their everyday lives.<sup>27</sup> However uncomfortable ideas about witchcraft, miraculous healings, and visionary dreams can be for Christians of the global north, these elements are strongly rooted in African culture and the present-day African experiences of poverty, illness, and misfortune, as well as of community and social change. There is also a great deal of precedent for prophetic revelation, miracles, and holy men in the Old Testament.<sup>28</sup>

Jenkins describes a common pattern of prophetic revelation and formation of AICs across Africa:

An individual is enthusiastically converted through one of the mission churches, from which he or, commonly, she, is gradually estranged. The division might arise over issues of church practice, usually the integration of native practices. The individual receives what is taken as a special revelation from God, commonly in a trance or vision [...] then begins to preach independently, and the result might well be a new independent church.<sup>29</sup>

<sup>22</sup> Jane Lampman, "A strong pope, a broad impact," *The Christian Science Monitor*, 4 April 2005. <http://www.csmonitor.com/2005/0404/p01s01-woeu.html>

<sup>23</sup> Bruce Buursma, "Roman Catholicism Adapts as it Spreads in Africa," *The Ottawa Citizen*, 11 Jan 1986. <http://search.proquest.com/docview/238943410/134DD662F463F11A083/1?accountid=12599>

<sup>24</sup> Jenkins, 2007, 76.

<sup>25</sup> Jenkins, 2007, 8.

<sup>26</sup> Lamin Sanneh, "Introduction: The Changing Face of Christianity: The Cultural Impetus of a World Religion," In *The Changing Face of Christianity: Africa, the West and the World*, Ed. Lamin Sanneh and Joel A. Carpenter (Oxford; New York: Oxford University Press, 2005), 10.

<sup>27</sup> Todd M. Vanden Berg, "Culture, Christianity, and Witchcraft in a West African Context," In *The Changing Face of Christianity: Africa, the West and the World*, Ed. Lamin Sanneh and Joel A. Carpenter (Oxford; New York: Oxford University Press, 2005), 58.

<sup>28</sup> Jenkins, 2007, 127; Philip Jenkins, *The new faces of Christianity: believing the Bible in the global south* (Oxford; New York: Oxford University Press, 2006), 56.

<sup>29</sup> Jenkins, 2007, 48.



AICs have seen rapid growth and popularity across Africa. A notable example is the South African Zion Christian Church (ZCC), founded by Engenas Barnabas Lekganyane in 1910. It is a major political and religious force in the country, and draws over a million pilgrims to its Easter meeting at Zion City, South Africa. Jenkins points out that this is a larger crowd than that which greets the Pope in the Vatican on Easter morning.<sup>30</sup> The ZCC is one of many AICs to adopt African customs such as polygamy, ritual taboos, exorcism, witchcraft, and possession by evil spirits.<sup>31</sup> In the 1990s, there were at least four thousand AICs in South Africa, with five million members. Soweto alone had around nine hundred congregations.

Naturally, AICs vary widely in their beliefs and practices, and such generalizations about one may not necessarily be applicable to the others. However, they do represent the influence of African traditions and realities on Christianity. While the traditional denominations may allow some Africanization of peripheral issues, they are very opposed to alterations that may affect the core Christian beliefs, such as those related to the spirit world.<sup>32</sup> AICs "define[d] a significant front line in the culture clash with the West" by embracing a "crowded, dynamic universe of persons, souls, spirits and evil."<sup>33</sup> This overturns the idea that Christianity continues to be imposed from the outside on passive African populations. The diversity and intensity of responses suggest a genuine religious fervour and cultural relevance for the religion on the continent.

#### AFRICAN CHRISTIANITY AND CONSERVATISM: PERSPECTIVES ON ENVIRONMENT AND GENDER

African Christianity is known to be more socially

conservative than that of Europe and North America, where there is higher emphasis on religious pluralism. The primary reason for this is that southern Christians tend to view Biblical texts as literal and authoritative. There are several reasons for this approach to the Bible, which I will briefly outline below.

One reason why the Bible is taken more literally in Africa is that it tends to resonate with the world they live in. Famine, poverty, debt, and disease and healing are all dealt with in the Bible and so many African communities can identify with the social, political, and economic realities it presents.<sup>34</sup> Whereas northern churches emphasize the new covenant of the New Testament, southern churches tend to hold the Old and New Testaments in equal regard and to observe similarities between Old Testament societies and their own traditions.

The history of the Bible's arrival in colonial Africa must also be taken into account. Often the Bible was the only book Africans were exposed to, and thus carried "certain revolutionary assumptions about the nature of reading and the means of communicating information."<sup>35</sup> Written texts thus have a different sort of power and authority that comes at the expense of the oral traditions with which Africans preserved their cultural and historic knowledge.<sup>36</sup> Indeed, the African relationship with texts has ambiguous dimensions, in that elites often manipulate documents for oppressive purposes. Texts are thus "held in awe, but not entirely trusted;" spiritual revelation and mystical visions must confirm their authenticity,<sup>37</sup> bringing strong oral dimensions into African Christianity.

The importance of scriptural knowledge and authority is true of both the RCC in Africa and the AICs. For the latter, oral knowledge and

<sup>30</sup> Jenkins, 2007, 68.

<sup>31</sup> *Ibid.*, 52.

<sup>32</sup> Vanden Berg, 2005, 47.

<sup>33</sup> Sanneh, 2005, 8.

<sup>34</sup> Jenkins, 2006, 5.

<sup>35</sup> *Ibid.*, 19.

<sup>36</sup> Maathi, 2009, 40.

<sup>37</sup> Jenkins, 2006, 23.



memorization of psalms and sermons represent a direct insertion of the Bible into the social consciousness of the people, another feature of the AICs' Africanized approach. For the former, scriptural reading and interpretation in liturgical life has become of paramount importance.<sup>38</sup> The Bible as a link to the divine and as a direct guide for everyday living is an integral part of most African Christianity. The question I now seek to explore is how this Scripturally-based conservatism affects environmental sustainability and gender equality.

### *Christianity and Environmental Sustainability*

Traditional African religions<sup>39</sup> had a deep respect for the earth and a theology that supported sustainable use of resources. Land was given to the people by God, and ownership of land ultimately lay with the divine. Individual families were given rights of use to certain areas and the resources therein, but they used this in trust with their ancestors.<sup>40</sup> Furthermore, there was an obligation to protect the land for their descendants.<sup>41</sup> It was believed that the ancestors would be angry if holy places were abused and that misfortune would befall future generations if God was displeased by their misuse of his gifts.<sup>42</sup>

Wangari Maathi links poverty, environmental degradation and loss of culture together.<sup>43</sup> She believes that colonization and Christianity

delegitimized the traditional beliefs in ancestors and spirits of the land. She relates the story of Mount Kenya, known as Kirinyaga, the sacred home of God to the locals in pre-Christian times:

When Christian missionaries arrived in the area toward the end of the nineteenth century they told the local people that God did not live on Mount Kenya, but rather in heaven, and that the mountain and its forests, previously considered sacred grounds, could be encroached upon and the reverence accorded to them abandoned.<sup>44</sup>

This story exemplifies a common accusation held against Christianity: that at best, its theology gives humans complete dominion over the earth, and at worst, Christianity promotes environmental degradation. In 1967, the American scholar Lynn White Jr. published an essay in the magazine *Science* entitled "The Historical Roots of our Ecologic Crisis." This essay criticized Christianity's anthropocentric view<sup>45</sup> of the world as the root of the environmental problems and was the catalyst for wide debate within Christianity on the faith's ecological teachings.<sup>46</sup> Since then, almost every denomination of Christianity has issued a statement on faith and the environment. Most Christian responses have centred on the concept of stewardship.

Stewardship refers to the idea that God has made people caretakers and protectors of the

<sup>38</sup> Jenkins, 2006, 26.

<sup>39</sup> Throughout this paper I refer to "traditional African religions" in a broad sense. This is done to facilitate the flow of the writing, and is by no means intended to disregard the diversity of beliefs and practices that such a phrase might encompass. Nor is it meant to imply these traditions are purely a thing of the past; I refer to these "traditional religions" in the past tense because the scholars I cite refer mostly to practices and beliefs as they were in the pre-colonial times. The changing dynamics of traditional belief structures in Africa is also quite revolutionary; however, it is not the focus of this paper.

<sup>40</sup> C.K. Omari, "Traditional African Land Ethics," In *Worldviews, Religion and the Environment: A Global Anthology*, Ed. Richard C. Foltz (Belmont CA: Wadsworth, Thompson Learning Inc, 2003), 98.

<sup>41</sup> Maathi, 2009, 162.

<sup>42</sup> Omari, 2003, 99.

<sup>43</sup> Maathi, 2009, 165.

<sup>44</sup> *Ibid.*, 173.

<sup>45</sup> Anna Peterson, "In and of the World? Christian Theological Anthropology and Environmental Ethics," In *Worldviews, Religion and the Environment: A Global Anthology*, Ed. Richard C. Foltz. (Belmont CA: Wadsworth, Thompson Learning Inc, 2003), 321. The basis of this view is found in the first chapter of Genesis: "And so God blessed them, and God said to them, 'Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea, and over the birds of the air and over every living thing that moves on the earth'" (1:26-28). Historically most have understood this chapter as "legitimizing human domination over and utilization of the natural world" without any specific obligation to care for the earth as something with intrinsic value.

<sup>46</sup> Peterson, 2003, 319.



rest of creation. This still allows for humans to be distinct from the natural world and to have a special relationship with God, but places limits on human freedom and dominion over the rest of nature.<sup>47</sup> Many are critical of this perspective because it continues to view humans as somewhat distinct and separate from the natural world around them. More radical understandings have tried to explore the continuity between spirit and body, or the divine and the earthly.

For example, the feminist theologian Sallie McFague roots her understanding of ecological Christianity in the incarnation and the person of Jesus. If God came into the world and became fully human while remaining fully divine, then he valorized not only the human body, but all matter. He made nature sacramental.<sup>48</sup> Thus, the earth is like the body of God and whatever is done to the land is done to God.<sup>49</sup> While this is an important theological development for the RCC, and Christian thought in general, Christian ecology has stemmed mostly from European and North American contexts. The most radical forms which have emerged within Africa have been in the AICs.

In many AICs, care for the environment is a lifestyle, not a written code of conduct.<sup>50</sup> The Earthkeeping Churches of Zimbabwe are an interesting case study for how AICs have Africanized Christianity in a specifically ecological way. In Zimbabwe, the Association of African Earthkeeping Churches (AAEC), an assembly of around one hundred and fifty AICs with a combined membership of two million,

has joined together with the Association of Zimbabwean Traditionalist Ecologists (AZTE)

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under the Zimbabwean Institute of Religious Research and Ecological Conservation (ZIRRCON) to form a "green force" that has planted three to four million trees over the last decade. Marthinus Daneel, a professor at the Boston University School of Theology, describes this as "the largest grassroots ecological movement in all of Southern Africa, operating on the basis of religious motivation and mobilization."<sup>51</sup> While considering themselves Christian and using biblical scripture in their worship, these Earthkeeping churches conduct tree planting liturgies that serve as earth healing ceremonies conducted at the behest of the "creator, keeper, and saviour of creation."<sup>52</sup> Jesus is understood not only as saviour but also as part of the ancestral world, a guardian of the land, and the lord of creation.<sup>53</sup> The central figure of Christianity is thus rooted in African ancestral traditions around veneration of the land:

Jesus said, "I leave you my followers, to complete my work!" And that task is the one of healing! We, the followers of Jesus, have to continue with his healing ministry. So, let us all fight, clothing and healing the earth with trees!<sup>54</sup>

Peterson expounds upon the relationship of religious ethics and cultural beliefs. Religious ethics are not "isolated systems of moral

<sup>47</sup> Peterson, 2003, 328.

<sup>48</sup> Sallie McFague, "An Ecological Christology: Does Christianity Have It?" *Worldviews, Religion and the Environment: A Global Anthology*, Ed. Richard C. Foltz (Belmont CA: Wadsworth, Thompson Learning Inc, 2003), 338.

<sup>49</sup> Peterson, 2003, 326.

<sup>50</sup> Mathinus L. Daneel, "Earthkeeping Churches at the African Grassroots," In *Worldviews, Religion and the Environment: A Global Anthology*, Ed. Richard C. Foltz (Belmont CA: Wadsworth, Thompson Learning Inc, 2003), 512-513.

<sup>51</sup> Daneel, 2003, 504.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 506.

<sup>54</sup> Bishop Wapendama, leader of the Signs of the Apostles Church, quoted in Daneel, 2003, 505.



reasoning," but are "integrated into a complex cultural whole."<sup>55</sup> At the same time, ideas about God and salvation cannot be disregarded in a discussion of cultural values and ethics. This is particularly true of AIC theology since it is "enacted and lived, [and] finds expression in the throb of celebration, spontaneous proclamation, holistic cleansing of the body, spirit and earth, in rousing songs and the rhythm of dancing feet."<sup>56</sup> An understanding of the strength and power of religious convictions and how these relate to the lived reality of many Africans is thus vital to progress on environmental issues.

The AICs demonstrate the kinds of interactions that can occur between the Bible and African understandings of the world.<sup>57</sup> This is something with which other churches need to reconcile their theology. While Christianity generally rejects localized sacredness, John Mbiti, a distinguished African theologian, insists that "African Christianity needs a theology of the land [...] This is probably the most urgent theological issue facing the church in our continent today."<sup>58</sup> This is an unfinished project, but one whose completion could help Africans dealing with the contradictions of tradition and "modernity" so that they, like their ancestors, don't have to feel "alienated or adrift in a meaningless, highly materialistic world [...] because their world [is] animated by the spirits of God."<sup>59</sup> Only in this case, it is the Christian God who is present in their world.

### *Christianity and the Role of Women*

There is a wide range of relevant gender issues that could be examined from an African Christian perspective. In this paper, I will focus on the general role of women in the church and the implications for their social roles and individual rights. The conservatism and biblical literalism of southern churches certainly defines

the roles of women in the church in ways that appear oppressive to northern feminists. However, women form the core of most of the congregations in the global south and are widely active in lay organizations.<sup>60</sup> This is true for both the RCC and the AICs.

The restrictions placed on women by the RCC are fairly well known: women are not allowed to be ordained as church leaders, they are not granted complete control over their bodies and sexuality,<sup>61</sup> and the image of the submissive wife and good mother remains the female model. These are really "the contemporary replay of themes and issues familiar to us under the rubric of Christian origins in the Mediterranean world and beyond"<sup>62</sup> and issues that the global north has not fully finished debating. However, even in the AICs, whose origin is more African than Mediterranean, conservatism predominates.

Jenkins argues that conservative trends in the newer churches reflect previously existing social gender norms in African society and that "they naturally gravitate to Bible passages that support these ideas."<sup>63</sup> The idea that women should be submissive, pious, and unquestioning, particularly as wives, has biblical foundations 1 Corinthians 7 and Ephesians 5<sup>64</sup> but also in traditionally patriarchal structures. However, by providing a "new and exalted view of the family and of domesticity" the church places greater emphasis on male responsibility, fidelity, and

<sup>60</sup> Jenkins, 2006, 158.

<sup>61</sup> Bridget Walker, "Christianity, Development, and Women's Liberation," *Gender and Development*, Vol. 7, No. 1, (Mar., 1999):17. <http://www.jstor.org/stable/4030366>.

<sup>62</sup> Sanneh, 2005, 5.

<sup>63</sup> Jenkins, 2006, 159.

<sup>64</sup> 1 Corinthians 7 concerns marriage, virginity, and widowhood. Some of the relevant verses include "It is good for a man not to touch a woman" (7:1), "The wife does not have authority over her own body, but the husband does. And likewise the husband does not have authority over his own body but the wife does" (7:4), and "But I say to the unmarried and to the widows: it is good for them if they can remain even as I am [celibate]" (7:8). Ephesians 5 contains shorter admonitions on marriage, the most oft-quoted section of which is "Nevertheless, let each one of you in particular so love his own wife as himself, and let the wife see that she respects her husband" (5:33). Generally greater emphasis has been placed on the expectations of women rather than the mutuality of submission and respect.

<sup>55</sup> Robin Lovin and Frank Reynolds, *Cosmogony and Ethical Order*, 1985, 3-4 quoted in Peterson, 2003, 331.

<sup>56</sup> Daneel, 2003, 504.

<sup>57</sup> *Ibid.*

<sup>58</sup> John S. Mbiti, *Bible and Theology in African Theology*, 1986, quoted in Jenkins, 2006, 52.

<sup>59</sup> Maathi, 2009, 162.



chastity. This does not imply equality, but it can drastically change the<sup>65</sup> everyday lives of married women and the way in which genders relations are understood.

A more nuanced view of the role and rights of women may thus be applicable to the African context. Bridget Walker points out that "on the one hand, religious teaching preaches women's subordination through imposing social codes regarding their roles, behaviour, and relationships with men," while at the same time, the church is a key place in which women can meet and talk amongst themselves.<sup>66</sup> Indeed, many women in Africa feel the church has had a positive effect in their lived experience, as it affirms their identities, allows them to express themselves, and encourages them to form bonds with other women. A particularly notable answer can be found in the case of the Earthkeeping churches in Zimbabwe.

ZIRRCON has a Women's Desk that coordinates seventy-five rural women's clubs comprised of around 30 to 40 adult women. These clubs "combine the objective of earth care with income-generating projects and female emancipation."<sup>67</sup> Women in these clubs describe feelings of assertiveness and community. They feel that they are co-restorers of Eden alongside God and that this grants them an honour and dignity equal to that accorded to men:

Here in ZIRRCON the women are now redefining their status [...] they are treated as equals by the men and they have their own insights and plans in the movement without interference or domination from the side of men [...] we women have our own things here. I am so happy because we know these things are really ours [...] You fathers, who have come here today

are in support of *our* endeavours.<sup>68</sup>

While this may seem like an incomplete form of equality in the framework of Western feminism, it shows how participation in Christian-based organizations can fill African women with a sense of pride, self-worth, and power. From this position of strength, women can often further assert the nature of their role in society. Across Africa, "women find in the new churches the power to speak and often to lead [...] Christianity is transforming women's role and aspirations."<sup>69</sup> These groups are often able to discuss issues that might be considered subversive or indecent, such as rape and infidelity, through Bible studies focusing on select passages.<sup>70</sup> They regularly use their own interpretations of biblical texts to counter gender prejudices. Old Testament and traditional African taboos on impurity concerning blood and women's menstrual cycles<sup>71</sup> are contrasted with Jesus' willingness to associate with the marginalized, often including women who are prostitutes or who are ill.<sup>72</sup> They also look for examples of strong female leadership in the Bible in the characters of Deborah,<sup>73</sup> Esther,<sup>74</sup> the female community around Jesus, and Mary, the mother of Jesus.<sup>75</sup> These women are presented as having integral value for being who they are; this includes their identities as wives and mothers.

Feminist Christian scholars in Africa have

<sup>68</sup> Raviro Mutonga, chairperson of Women's Desk, quoted in Daneel, 2003, 512.

<sup>69</sup> Jenkins, 2006, 158.

<sup>70</sup> See the rape of Tamar in 2 Samuel 13:1-22 (AV).

<sup>71</sup> Jenkins, 2006, 162.

<sup>72</sup> A key text for African feminists is the story of the healing of the woman with the issue of blood. This woman, considered impure because of her ailment, is healed through her faith as she reaches out and touches Jesus' robe. Rather than being angry at this brash breaking of social conventions, Jesus tells her, "Daughter be of good cheer [...] go in peace" (Luke 8:43-48).

<sup>73</sup> Judges 4:4-24 (AV).

<sup>74</sup> Esther 1-10 (AV).

<sup>75</sup> Walker, 1999, 19.

<sup>65</sup> Jenkins, 2007, 75.

<sup>66</sup> Walker, 1999, 15.

<sup>67</sup> Daneel, 2003, 511.



formed the Circle of Concerned African Women Theologians (CCAWT). Active since 1989 with chapters in 13 African countries, the CCAWT wants to develop a new African feminism: "as women of Africa we came to a realization that our own liberation partially depends on us [...] we must stretch our theological imagination, our reading of the Holy Scriptures to take cognizance of our presence as women of Africa."<sup>76</sup> These women focus on increasing literature on the role of African women in the church written by and for African women. However, the influence of Western feminism and their scholarly approach may not fully reflect the lived experience of the women who form the majority of Christians in Africa.<sup>77</sup> African women on the ground may be less committed to fighting existing structures and more inclined to find unique and fulfilling roles within them, as the examples of ZIRRCO and other women's faith organizations demonstrate. These are not necessarily any less fulfilling or worthwhile than the more scholarly or radical assertions of African women within the church.

#### TRADITIONALIZING CHRISTIANITY AND CHRISTIANIZING TRADITION: IMPLICATIONS FOR DEVELOPMENT

Wangari Maathi writes that poverty, environmental degradation, and loss of culture are inextricably linked. She argues that colonialism and the Christianity that accompanied it took away Africans' culture and replaced it with racialized hierarchies and a new religion that saw God as external to the world; as a result Africans became passive, poor, and abusive of their environment. I agree that these are features of the colonial legacy and that any attempt to deal with crucial development goals

must take into account this history. However, in the postcolonial period the religion of the colonizers is becoming Africanized and that this must be recognized and given importance in development efforts.

This transformation also has implications for global understandings of Christianity. European scholar Walbert Buhlmann refers to the southward shift of Christianity as "the third church," giving this revolution prominence as an equal and unique tradition outside the common division of western and eastern traditions.<sup>78</sup> There is also now talk of an African (or Latin American) Pope, with Nigerian Cardinal Francis Arinze widely considered a frontrunner following the death of Pope John Paul II in 2005.<sup>79</sup> In an ironic twist, Africans are now being sent north to re-evangelize Europe.<sup>80</sup> This could mean the transplanting of some of the trends from an Africanized RCC or the AICs to the rest of the world. Jenkins believes that the growth of churches in the global south "portends a conservative shift in theology and in attitudes toward biblical authority" with revolutionary repercussions for religious attitudes, particularly towards sexuality.<sup>81</sup> Jenkins warns against Christians in the global north manipulating these trends for their own purposes, either to justify more social activism or to validate their own conservatism;<sup>82</sup> it is likely, however, that conservatives in the global north will see their morals increasingly reflected in global religious thought.

Conservative tendencies and literal readings of the Bible may also cause ruptures and conflict within traditional denominations with

<sup>76</sup> "Profile," *The Circle of Concerned African Women Theologians*, n.p. n.d. <http://www.thecirclecawt.org/profile.html?PHPSESSID=a796boedoa4552e2e85a53799b655ec1>

<sup>77</sup> Jenkins, 2006, 164.

<sup>78</sup> Walbert Buhlmann, *The Coming Of The Third Church*, 1976, 3, quoted in Jenkins, 2007, 3.

<sup>79</sup> David Blair, "Centre of Christianity Moves to Africa," *Calgary Herald*, Mar 13 2005, <http://proquest.umi.com/pqdweb?did=807557021&sid=1&Fmt=3&clientId=13370&RQT=309&VName=PQD>

<sup>80</sup> Buurisma, 1986.

<sup>81</sup> Jenkins, 2006, 10.

<sup>82</sup> Jenkins, 2007, 14.



a presence in both north and south. This has already happened in the Anglican Church, where southern Christians rejected the ordination of a homosexual bishop in the United States and moves to allow blessings of homosexual unions. Other denominations are watching this situation with trepidation,<sup>83</sup> aware that such problems could equally arise in their churches whenever northerners choose to interpret a biblical passage "in context" while southerners read it as literal and authoritative.

For those interested and working in development issues, understanding the evolving dynamics of African Christianity represents both a necessity and a potential opportunity. Bridget Walker emphasizes this, insisting that while religion may seem remote or irrelevant in the European and North American contexts, it plays an important role in much of the global south.<sup>84</sup> In Africa we can see that Christianity specifically is a young mass movement, with many new converts.<sup>85</sup> It thus represents a significant element of the context in which development work is undertaken.

As seen in the discussion above, Christianity can be interpreted in ways that are detrimental to environmental sustainability and to gender equality, or it can be harnessed as a convincing motivator for leadership on these issues. I suggest that it is important not to dismiss or disparage people's religious convictions, even if some of the beliefs they hold appear to be regressive from the viewpoint of the global north. Rather, development workers should initiate dialogue on the issues, bringing together people of different perspectives. Bridget Walker describes a workshop on the roles of men and women organized by Oxfam Great Britain:

There was a lively discussion of these issues, with much use by participants

of scriptural references to support their points of view. A proverb which suggested that beating and love were connected was firmly repudiated by a participant who quoted the Bible. Love, she said, is patient and kind.<sup>86</sup>

As seen in this example, Christian scripture contains statements that can be interpreted in many ways and that sometimes contradict each other. African Christians, with their strong tradition of oral scriptural knowledge can engage in discussions about biblical messages on development issues and develop understandings that are relevant to their reality. Bringing people together, as churches and church organizations do, can create assertive communities. These pre-existing networks, bound together by something as significant to the people as their faith, can be used by development workers as the basis for starting discussion and encouraging widespread mobilization.

The growth of the AICs and the Africanization of mainstream denominations such as the RCC show that Christianity cannot be dismissed as a static colonial remnant but must be considered a dynamic force that can accommodate these kinds of discussions even when they challenge conventional conservative interpretations. These notions may not be as easily or quickly dispelled, but Jenkins points out that "Southern Hemisphere Christians would not avoid political activism but they would become involved strictly on their own terms."<sup>87</sup> Trying to force more liberal ideas on environmental sustainability and gender equality on African Christians (or Africans in general) is thus a faulty effort.

Moreover, African churches have shown the capacity to bridge the traditional spiritual and cultural beliefs with Christianity. This ability to bridge the traditional and the present is a

<sup>83</sup> Jenkins, 2006, 4.

<sup>84</sup> Walker, 1999, 15.

<sup>85</sup> Jenkins, 2007, 137.

<sup>86</sup> Walker, 1999, 17.

<sup>87</sup> Jenkins, 2007, 7.



powerful tool for development. Walker states that "religion offers alternatives to the dominant models of social, economic, and political development"<sup>88</sup> and Maathi concludes that culture, poverty, environmental degradation, and women's rights are linked.<sup>89</sup> Thus, for many Africans, cultural loss may be reclaimed through new iterations of traditional beliefs and customs incorporated into a faith that is often familiar and

very relevant to their current lived experience. This religious revolution can thus serve as an alternative development model, facilitating reclamation of culture, while asserting Africans' abilities to discuss and develop an approach towards environmental sustainability and gender equality on their own terms.

### CONCLUSION

In this paper I have argued that Christianity has taken on a revolutionary role in postcolonial Africa and that its continued growth is likely to shape global Christian thought, creating yet another kind of revolution. This influence currently tends towards conservative positions, particularly on matters of sexuality, but African churches both mainstream and independent must be seen as developing their viewpoints to bridge traditional beliefs and Christian scripture through the mobilization and assembling of congregants. This context must be understood by development practitioners working in Africa. However, beyond understanding the context, I suggest that these networks can and do serve as places for dialogue on key development issues, such as environment and gender. Negotiating varying opinions on these topics through religious organizations could be an alternative form of development, one that allows Africans to take ownership of the discussion while reclaiming and interpreting lost cultural aspects through their new faith.

<sup>88</sup> Walker, 1999, 15.

<sup>89</sup> Maathi, 2009, 165.

## Children in Armed Conflict:

### An Analysis of International Efforts to Prevent the Use of Child Soldiers

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In many parts of the world today, children are engaged in extreme conflict as part of rebel factions, paramilitaries, and in some cases, government armed forces. Many of these children are trained to serve as armed combatants, forced labourers, and sex slaves. Over the past few decades, the international community has mobilized to combat the issue of child soldiering, calling it a basic human rights abuse. To support this mobilization, multiple documents have been drafted and implemented by both government and international organizations. The most prominent international document dedicated to the protection of children and the restriction of child soldiering, is the United Nations Convention on the Rights of the Child, which was adopted by the General Assembly in 1989. Following this was the creation of its Optional Protocol on the involvement of children in armed conflict in 2000.<sup>1</sup> Yet, despite this increased international awareness, the global use of children as armed combatants appears to be rising, and "the recruitment and employment of child soldiers [continues to be] one of the most flagrant violations of the norms of international human rights."<sup>2</sup> Although the international community has drawn attention to the issue, there has been little success in stopping or even reducing the practice of child soldiering.

<sup>1</sup> Christine Lundy. *An Introduction to the Convention on the Rights of the Child* (Ontario, Canada: Full Circle Press, 1997), 86.

<sup>2</sup> P.W. Singer, *Children at War* (New York: Pantheon Books, 2005), 37.



In considering the rise of children in armed conflict around the globe since the early 1990s, and specifically in situations of political violence, the shortcomings of the CRC and its Optional Protocol become very apparent. This work will assess the current international efforts to reduce the use of children as combatants by first investigating what a child soldier is, as well as how children are recruited, indoctrinated, and trained to take part in war. Following this, the main body of the CRC and its Optional Protocol on the involvement of children in armed conflict will be more closely examined. By understanding the creation of children as agents of violence, it becomes apparent that the CRC is not an agreement powerful enough to invoke change and, in order to remedy the issue, the document must be further developed. In light of this realization, this work will present four key requirements to further develop international efforts in eliminating the practice of child soldiering: First, there should be a larger focus on the conditions of civil warfare as opposed to interstate warfare, as most child soldiers are now recruited in regions of civil conflict between government armies and rebel groups. Second, stronger monitoring of the global arms trade is necessary, as the increase in small weapons trading makes the participation of children more likely. Third, the idealistic, universal approach presented by the CRC needs to be adjusted to accommodate the realities of children's local contexts. And, finally, there is a desperate need to properly sanction individuals that are known child soldier recruiters, which institutions such as the UN, as well as the International Criminal Court (ICC), have often failed to do.

### WHAT IS A CHILD SOLDIER?

First and foremost, it is important to understand the definition of a child soldier and the role that children play in armed conflict. Defining child soldiers sometimes poses challenges, however, seeing as "notions of childhood are culturally

constructed and vary across societies."<sup>3</sup> Western societies generally consider a person less than eighteen years of age to be a child, whereas other societies might base the change into adulthood on cultural initiation ceremonies, or the completion of specific labour or social roles. Despite these differences though, most societies agree that those under the age of eighteen are considered too young to take part in armed conflict, and have labeled them as *minor* or *underage* soldiers, if not *child* soldiers.<sup>4</sup> Furthermore, the notion of child soldiers suggests the arming and physical combat of children in situations of war. However, many children, especially females, are used in other positions, such as porters, labourers, spies, scouts, drill instructors, couriers, guards, cooks, and sex slaves.<sup>5</sup> It is important to include these positions in the definition of a child soldier, as well as those children acting as armed combatants. In the 1997 Cape Town Principles, UNICEF defines a child soldier as:

Any child – boy or girl – under 18 years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members. It includes girls and boys recruited for forced sexual purposes and/or forced marriage. The definition, therefore, does not only refer to a child who is carrying, or has carried, weapons.<sup>6</sup>

There are said to be approximately 300,000 child soldiers under the age of fifteen engaged in armed conflict around the globe, with the

<sup>3</sup> Michael Wessells, *Child Soldiers: From Violence to Protection* (Cambridge, Massachusetts: Harvard University Press, 2006),

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<sup>4</sup> *Ibid.* 5.

<sup>5</sup> *Ibid.* 6.

<sup>6</sup> UNICEF, "Convention on the Rights of the Child Frequently Asked Questions," 2006, [http://www.unicef.org/crc/index\\_30229.html](http://www.unicef.org/crc/index_30229.html).



highest concentrations located in Africa and Asia.<sup>7</sup>

Children may become part of armed forces for any number of reasons. The use of child soldiers is inexpensive and convenient, seeing as in many war zones over half or more of the population is composed of children.<sup>8</sup> The convenience, low cost, and freedom from liability makes the recruitment of children very appealing to various armed groups, whether they are government forces, paramilitary groups, or rebel factions. Aside from these practical aspects, however, children are quite easily manipulated or exploited, which also makes them appealing recruits. Commanders consider children to be unformed raw material that can be molded easily, and they can often be trained in ways that most adults would object to.<sup>9</sup>

Since children are physically small and easily intimidated, many are subject to forced recruitment, which entails the use of violence or aggressive threats. Forms of forced recruitment include individual abduction or group abduction, by which schools and orphanages are raided and multiple children are captured at a time.<sup>10</sup> In addition, many children join armed groups through unforced recruitment or voluntary means, due to what are known as 'push' or 'pull' factors. Push factors are negative situations that children are able to escape from by joining armed groups, including familial abuse, hunger, and most notably, extreme poverty. Many times, children see joining armed forces as a means of gaining access to a regular food supply, clothing, and medical attention. Pull factors, conversely, are positive rewards that children may receive by joining armed groups, such as power, wealth, education, a sense of family, and feelings of

personal achievement.<sup>11</sup> In order to "understand the lure of these incentives, one has only to imagine the power felt by a child who...has always felt powerless but who now carries a gun and is feared and respected by many."<sup>12</sup>

After being recruited into an armed group, whether through forced or unforced means, children usually undergo indoctrination procedures involving physical punishment,

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the promise of material rewards, and the offer of psychological rewards such as honour and group acceptance.<sup>13</sup> Indoctrination is a key step in the successful transformation of children into soldiers, as they are taught to assume a new perspective of the world in which they turn from civilian to an agent of violence. The process is meant "to create a sort of 'moral disengagement' from the violence that children are supposed to carry out as soldiers."<sup>14</sup> Although indoctrination procedures are quite varied among groups, they all seek to habituate children to acts of violence, to create a dependency of child soldiers on their leaders, and to change children's ideologies or worldviews. After indoctrination, children that have been recruited for roles that require little training, such as cooks, labourers or porters, begin work immediately. Those recruited to fight, however, undergo training processes that vary in length and level of skill. However, the level of training depends on the group they have joined. In any case, "training levels are generally

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<sup>7</sup> Jo De Berry, "Child Soldiers and the Convention on the Rights of the Child," *Annals of the American Academy of Political and Social Science* 575 (2001), 93; Wessells, 2006, 6.

<sup>8</sup> Wessells, 2006, 33-34.

<sup>9</sup> *Ibid.*, 36-37.

<sup>10</sup> Lundy, 1997, 85; Singer, 2005, 58-60; Wessells, 2006, 37-42.

<sup>11</sup> Wessells, 2006, 46; Singer, 2005, 61; Daya Somasundaram, "Child Soldiers: Understanding the Context," *British Medical Journal* 324.7348 (2002), 1268-1270.

<sup>12</sup> Wessells, 2006, 47.

<sup>13</sup> Singer, 2005.

<sup>14</sup> *Ibid.*, 72.



well short of the common standards of Western professional armies in both skills and duration, but are usually enough to learn how to kill effectively.”<sup>15</sup> The approaches of recruitment, indoctrination, and training differ depending on the type of armed forces conducting them, but it is clear that all three processes are crucial in the transformation of children into soldiers. The presence of child soldiers has serious consequences for the functioning of any society. Children signify an entirely new source of combatants that were not considered by most forces in the past, a source whose lives are regarded as cheaper than the average adult soldier. This has led to higher casualty rates and the prolonging of conflict in many regions, as P. W. Singer explains: “When children are present, violent conflicts tend to be easier to start, harder to end, and greater in loss of life. They also lay the groundwork for conflict recurrence in following generations.”<sup>16</sup> Throughout the 1990s, the world saw a significant rise in the number of child soldiers, an increase that highlighted the need for a concrete international document for the rights of children, as well as the official condemnation of their involvement in armed conflict.<sup>17</sup>

#### THE UN CONVENTION ON THE RIGHTS OF THE CHILD

Since 1919, when the League of Nations first formed their Committee on Child Welfare, there have been various attempts at international recognition of the rights of children. However, none have been as concerned with children in armed conflict as the United Nations Convention on the Rights of the Child (CRC), adopted by the General Assembly on November 20<sup>th</sup>, 1989. The original agreement was drafted in Geneva in 1924 and was known as the Declaration of the Rights of the Child or the Declaration of

Geneva.<sup>18</sup> This agreement outlined the basis of child rights and would eventually be augmented to become the CRC of 1989. Although the later Geneva Conventions of 1949 and their Additional Protocols also seek to protect women and children in situations of war, the CRC “was perhaps the most notable [agreement], and certainly most representative of global consensus” on the rights of children.<sup>19</sup> Since its adoption, 192 states have become States Parties to the Convention, which is more than any other human rights treaty in history.<sup>20</sup>

Article 38 of the CRC is the section concerned with the protection of children in situations of armed conflict, requiring States Parties to respect “the rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.”<sup>21</sup> It is instructive to note that this article is the only occasion where the definition of a child is lowered to below the age of fifteen rather than eighteen. However, the reason for this decision was not due to conflicting notions of the definition of a child, but rather to the longstanding presence of persons below the age of eighteen in national armed forces youth cadet programmes. Countries such as the United Kingdom, Canada, and Australia “threatened to withdraw all support from the Convention unless the provision in Article 38 were changed to meet their current national legislation,” allowing sixteen and seventeen-year-olds to take part in such voluntary programmes.<sup>22</sup> This debate became officially recognized with the creation of the Optional Protocol to the CRC, which “officially prohibits all recruitment of children by armed groups, but allows governmental forces to recruit volunteers under the age of eighteen.”<sup>23</sup> In summary, the Convention now allows the recruitment of

<sup>15</sup> Singer, 2005, 77.

<sup>16</sup> *Ibid.*, 95.

<sup>17</sup> Lundy, 1997, 83.

<sup>18</sup> Lundy, 1997, 21.

<sup>19</sup> Singer, 2005, 141.

<sup>20</sup> UNICEF, 2006.

<sup>21</sup> Lundy, 1997, 86.

<sup>22</sup> *Ibid.*, 85-86.

<sup>23</sup> Volker Druba, “The Problem of Child Soldiers,” *International Review of Education* 48.3 (July 2002), 273.



persons under eighteen on a voluntary basis to a state's government forces, but without their direct participation in armed conflict. However, it prohibits child recruitment to any other armed groups, whether forced or unforced. Despite this, many States Parties to the Convention have instilled national legislation to guarantee the age of eighteen as the minimum for recruitment into government armed forces.<sup>24</sup>

The Optional Protocol to the CRC on the involvement of children in armed conflict was adopted by the UN General Assembly in 2000, and entered into force in 2002. Its adoption was due in large part to the lobbying efforts of the Coalition to Stop the Use of Child Soldiers, which was formed in 1998 by six leading nongovernmental organizations: Amnesty International, Human Rights Watch, Save the Children – Sweden for the International Save the Children Alliance, Jesuit Refugee Service, the Quaker United Nations Office – Geneva, and International Federation Terre des Hommes.<sup>25</sup> The protocol amended the Convention in order to better treat the issue of child soldiering by first increasing the age of direct participation in armed conflict from fifteen to eighteen years. In addition, the protocol requires an official declaration stating the minimum age for recruitment that States Parties to the Convention must respect. It also bans any forced recruitment of persons under the age of eighteen, and explicitly includes non-state actors.<sup>26</sup>

Although a significant number of states have signed the protocol, it is important to recognize

<sup>24</sup> Office of the UN High Commissioner for Human Rights, "Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict," 2007, <http://www2.ohchr.org/english/law/crc-conflict.htm>.

<sup>25</sup> Claire Breen, "The Role of NGOs in the Formulation of and Compliance with the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict," *Human Rights Quarterly* 25.2 (May 2003), 453-481; Singer, 2005, 142.

<sup>26</sup> Druba, 2002, 273; Singer, 2005, 143; Office of the UN High Commissioner for Human Rights, 2007.

that it is optional, and that both the protocol and the CRC are non-binding agreements. As demonstrated by numerous non-binding agreements of the UN, conventions that do not legally bind their signatories may fail to effectively carry out their objectives. Furthermore, it must be noted that the CRC allows for official 'reservations' by which states are able to disregard certain articles in instances where the Convention conflicts with their national legislation.<sup>27</sup> These aspects weaken the authority of the Convention, as states are able to sign and ratify it under the terms that they have defined for themselves.

In addition to this, the United States and Somalia are two prominent nations that have not yet ratified the Convention.<sup>28</sup> This leads to further questions of whether or not the CRC has any authority, as the United States, the current global hegemon, has not yet ratified it. The CRC then appears to be predominantly symbolic and would perhaps be more valuable if it were a binding contract. However, the failure to find a solution to child soldiering lies not only within the degree to which the Convention binds its States Parties, but also within the document itself. Instead of critiquing the non-compulsory nature of the Convention, the goal should be to improve and further develop the current regulations on child soldiering that are outlined in the CRC and its Optional Protocol.

## CONDITIONS OF CIVIL WARFARE

In order to do this, the first step to be taken is to focus more on the circumstances of civil warfare as opposed to interstate warfare. The Declaration of the Rights of the Child (1924), which later evolved into the CRC, was originally drafted

<sup>27</sup> UN Treaty Collection, "Chapter IV Human Rights: Convention on the Rights of the Child," 2011, <http://www.treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsno=IV-11&chapter=4&lang=en>.

<sup>28</sup> UN Treaty Collection, 2011.



during a time of recovery, after a situation of extensive interstate conflict (the First World War). The current agreement continues to reflect this, despite the fact that “the proportion of intrastate civil conflict compared to interstate conflict has increased over the last century.”<sup>29</sup> Jo De Berry and Michael Wessells, scholars that have closely examined the global rise of child soldiers, both suggest that the phenomenon of child soldiering is linked most directly to civil conflict. This is because local communities that are normally separated from battlefields during interstate warfare are transformed into landscapes of physical violence during civil conflict. Children living in situations of civil conflict do not consider war as a process of enlisting and traveling to the front lines, but rather as a daily and local reality, which results in their increased vulnerability to push and pull factors.

The effects of civil war on child soldiering practices are evident within many states, but especially postcolonial African states, where the incidences of civil wars involving non-state actors are particularly high. The continent of Africa has become the historical “epicenter of the child soldier phenomenon.”<sup>30</sup> For example, the long period of severe civil conflict in Sierra Leone began in 1991 between its government forces and the Revolutionary United Front (RUF). The RUF supported its war efforts by dominating diamond mining sites, and “regularly abducted large numbers of girls and boys during attacks, forcing them to provide labour and sex and participate in combat.”<sup>31</sup> Children comprised nearly half of the RUF and 25 percent of the Civil Defense Force (CDF), which was later created by civilians in support of government forces. The Armed Forces Revolutionary Council (AFRC), composed of former Sierra Leone army officers, fought alongside the RUF and also recruited

children to serve.<sup>32</sup>

Although Sierra Leone reached a ceasefire agreement in 2001, it illustrates how civil conflict caters to the practice of child soldiering by various groups. The complexities of civil warfare and the vast array of armed groups make it difficult to trace and reprimand those who are recruiting children. Weak state governments cannot control the recruiting of children by rebel factions, and, in a few cases, have been reported to be recruiting children into their own forces. “Up until December 2000, the government forces of Colombia regularly recruited children – a total of approximately sixteen thousand.”<sup>33</sup> It should be noted, however, that Colombia has since stopped this practice, setting the age of government army recruitment to eighteen in the Optional Protocol.<sup>34</sup> Regardless of whether the government of Colombia has ended their child soldiering or not, paramilitaries and guerrilla groups, most notably the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP), continue to recruit children. Countries such as Colombia, Sudan, and the Democratic Republic of Congo remain locked in civil conflict, the circumstances of which must be further dealt with by the Convention and Optional Protocol. After all, “it is civil war that most threatens the survival and development of children.”<sup>35</sup>

## MONITORING THE GLOBAL ARMS TRADE

The second step in reducing the presence of child soldiers is to manage global processes that undermine the CRC, one of which is the escalating global arms trade. Most civil wars today are not fought with high-tech or expensive weaponry, but with small arms like

<sup>29</sup> De Berry, 2006, 93.

<sup>30</sup> Singer, 2005, 19.

<sup>31</sup> Wessells, 2006, 13.

<sup>32</sup> Wessells, 2006, 13.

<sup>33</sup> *Ibid.*, 16.

<sup>34</sup> UN Treaty Collection, 2011.

<sup>35</sup> Lundy, 1997, 86.



the commonly used AK-47 assault rifle.<sup>36</sup> Small arms are inexpensive, easy to use, and physically light, allowing for children to carry them despite having less strength than regular adult soldiers. "The greatest tactical reason for the increased use of children in combat over the past few decades is the development and availability of small weapons" that do not require adult skill or strength.<sup>37</sup>

States Parties to the CRC are, for the most part, not currently recruiting child soldiers into their government forces, but many continue to participate in the extensive global arms trading network. The arms trade does not only allow for the use of child soldiers, but also makes the practice significantly easier. Many of the weapons used by child soldiers originate in Western countries and circulate to war regions through

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trade. For example, child soldiers in Sierra Leonean paramilitaries were reported using guns directly provided by Britain in support of their efforts against the RUF.<sup>38</sup> The five permanent members of the UN Security Council are currently the largest weapons producers, and "arms

control specialists estimate there are over 650 million light, simple to use, deadly small arms cheaply available" to those wishing to begin or maintain armed conflict.<sup>39</sup> Although there has been some international rhetoric about limiting the proliferation of small arms, there has been no strict or legitimate enforcement of this in

order to reduce the use of child soldiers, the small arms trading system needs to be further monitored and regulations must be enforced. In addition, the CRC and its Optional Protocol must be altered in order to acknowledge the global arms trade as a prominent factor in the continuation of child soldiering.

## THE SIGNIFICANCE OF LOCAL CONTEXTS

The third step in dealing with the issue of child soldiers is to recognize the CRC as a document that presents universal solutions and tends to ignore specific local contexts. Situations of armed conflict that involve children are distinct and variable, and "where gaps exist between local norms and the CRC, there is a need for ongoing education and dialogue."<sup>40</sup> The reasons for which children become soldiers are quite varied; push and pull factors affect each recruited child differently, and determine the way in which they live as soldiers. The CRC, like many UN agreements, was drafted and amended in large part by developed Western nations, and therefore its global optimism is oftentimes far removed from children's daily realities in armed conflict.<sup>41</sup>

The armed groups into which children are recruited differ greatly from one another, though their reasons for using child soldiers are often similar, as discussed above. Children are often recruited into rebel factions in opposition to their state's government, as demonstrated by the RUF in Sierra Leone, the FARC-EP in Columbia, the Liberation Tigers of Tamil Eelam (LTTE) of Sri Lanka, or the National Patriotic Front of Liberia.<sup>42</sup> Although rebel groups are often politically driven, some are notorious for their distinctive ideologies, such as Joseph Kony's Lord's Resistance Army (LRA). Kony

<sup>36</sup> Roméo Dallaire, *They Fight Like Soldiers They Die Like Children: The Global Quest to Eradicate the Use of Child Soldiers* (Random House Canada, 2010), 121-122; De Berry, 2002, 93; Wessells, 2006, 18.

<sup>37</sup> Dallaire, 2010, 120.

<sup>38</sup> De Berry, 2006, 99.

<sup>39</sup> Dallaire, 2010.

<sup>40</sup> Wessells, 2006, 35.

<sup>41</sup> De Berry, 2006, 93.

<sup>42</sup> Singer, 2005; Wessells, 2006.



"claims to have spiritual powers and an agenda of bringing the country under rule according to the Ten Commandments."<sup>43</sup> On top of that, many groups, such as the United Way State Army in Myanmar (Burma), have ideologies that are strictly based on ethnicity.<sup>44</sup>

Differences in ideologies, indoctrination and training, as well as differences in recruitment experiences, make every child's situation as a soldier unique. In order to be successful, the CRC and its Optional Protocol must not adhere to such a universal approach to child soldiering, but act as a practical tool to be implemented in local contexts. It is, therefore, necessary to further investigate how conflict affects local social relations in individual regions. In addition to this, educating the on-the-ground military personnel about the guidelines and ethical terms of the Convention – whether they are peacekeeping or intervention forces – might allow the agreement to move from "a position of universal idealism to practical implementation" on a local level.<sup>45</sup>

#### SANCTIONING KNOWN CHILD SOLDIER RECRUITERS

The final step to be taken in order to deal with the issue of child soldiering is for international bodies, namely the UN and the ICC, to properly sanction known child soldier recruiters. This is necessary especially in the case of non-state actors, who continue to recruit child soldiers despite being explicitly included in the Optional Protocol. Although many rebel leaders have been targeted as known child soldier recruiters, international efforts have failed to persuade them to stop the practice, as Singer explains:

Few rebel groups using child soldiers have been swayed by either the new protocol or by meetings with Otunnu, [a

UN special representative]. The typical pattern is that, after some period of public denial, these groups would make a pledge to stop the use of child soldiers in an effort to garner international goodwill and aid. Their practices would be little altered though.<sup>46</sup>

The LTTE in Sri Lanka, for example, met several times with UN delegates and vowed publicly to stop the use of child soldiers. Even after a ceasefire was put into place in Sri Lanka in 2003, however, UNICEF received approximately 1,370 complaints of child soldier recruitment by the LTTE.<sup>47</sup> Almost 64 percent of the 630 children still currently missing in Sri Lanka are assumed to have been recruited by the group shortly before government forces declared victory over them in 2009.<sup>48</sup> By introducing the CRC and its Optional Protocol on the involvement of children in armed conflict, the UN has successfully spread awareness of child soldiering as a human rights abuse. However, it has failed to take formal action against known child soldier recruiters and, therefore, has failed to stop the practice.

Similarly to the UN, the ICC has been mostly unsuccessful in many cases of prosecuting rebel leaders that are known child soldier recruiters. The case of Thomas Lubanga Dyilo, the former president of the Union des Patriotes Congolais (UPC) and the founder and commander-in-chief of the Forces Patriotiques pour la Libération du Congo (FPLC) in the DRC, was the first trial of the ICC and is one case that seems to have been adequately carried out. Lubanga was found guilty of war crimes by means of having systematically recruited children under the age of fifteen to participate in armed conflict. He was

<sup>43</sup> Wessells, 2006, 13-14.

<sup>44</sup> *Ibid.*, 15.

<sup>45</sup> De Berry, 2006, 93.

<sup>46</sup> Singer, 2005, 144.

<sup>47</sup> *Ibid.*, 144.

<sup>48</sup> IRIN Humanitarian News and Analysis, "Sri Lanka: Over 600 war children still missing," 2011, <http://www.irinnews.org/report.aspx?reportid=93381>.



originally arrested in March 2005 and, after the trial was delayed twice over the years, he was finally convicted.<sup>49</sup>

The case of Lubanga seems to be progressing, but it is an exception to the many situations of rebel leaders that are still at large. The most obvious example is that of Joseph Kony, the leader of Uganda's LRA, who has had an arrest warrant issued to him by the ICC since July 2005, as a result of being charged with 12 counts of crimes against humanity and twenty-one counts of war crimes. He has yet to be detained, and moreover the LRA has since met with ICC officials and stated that they will not to sign a final peace agreement with the Ugandan government until the ICC charges have been dropped.<sup>50</sup> The ICC, therefore, has not only failed to track down and detain Kony, but has become a sort of barrier to peace agreements between the LRA and the Ugandan government.

The San Diego-based, not-for-profit organization Invisible Children, Inc. has recently launched a vigorous media campaign entitled Kony 2012 in order to spread awareness about the indicted war criminal. The group released a half-hour long film about Kony's human rights abuses, specifically focusing on child soldier recruitment, seeking to "make him famous" in the public eye and to aid in his arrest by the ICC within the year.<sup>51</sup> The film spread virally across social networks such as Facebook and Twitter, successfully spreading awareness of Kony and the LRA globally. However, Invisible Children has been heavily criticized on many aspects of the campaign, including its oversimplification of the situation of the LRA in Uganda, its support for the Ugandan army, which has been known to commit its own human rights abuses, and its perpetuation of the 'white man's burden'

<sup>49</sup> The Hague Justice Portal, "Courts and Tribunals", 2011, <http://www.haguejusticeportal.net/smartsite.html?id=2>; Coalition for the International Criminal Court, "Lubanga Case", 2011, <http://www.iccnw.org/?mod=drctimelinelubanga>.

<sup>50</sup> The Hague Justice Portal, 2011.

<sup>51</sup> Invisible Children, "Kony 2012," 2012, <http://www.kony2012.com/>.

through its Western, top-down approach.<sup>52</sup> Although the case of Kony has recently received extensive attention, both positive and negative, other rebel leaders that have reportedly been using child soldiers continue to evade the ICC, despite having had arrest warrants made out to them. These leaders include Dominic Ongwen and Okot Odhiambo, two brigade commanders of the LRA, and Bosco Ntaganda, former Deputy Chief of General Staff for Military Operations of the FPLC and commander of the Mouvement Révolutionnaire du Congo (MRC).<sup>53</sup> In addition to spreading awareness of the issue of child soldiering, there needs to be stronger international efforts to trace and physically capture these known child soldier recruiters.

## CONCLUSION

Child soldiering is a complex issue with numerous factors making it difficult to manage. International efforts have been successful in spreading awareness of the issue by adopting the CRC and its Optional Protocol but, unfortunately, this awareness and denunciation of child soldiering has not resulted in the end of the phenomenon. In order to better address the problem of child soldiering, this work has discussed four requirements that international efforts must seek to fulfill: 1) A larger focus on the circumstances of civil war as opposed to interstate war, 2) increased monitoring of the proliferation of small arms, 3) better application of the Convention to children's local contexts, and 4) stronger efforts to seek out and prosecute known child soldier recruiters. The use of child soldiers is currently "the world's most unrecognized form of child abuse."<sup>54</sup> In fulfilling the objectives presented here, the international community can better serve to prevent child soldiering and, if not stop it completely, at least reduce the practice significantly in the years to come.

<sup>52</sup> Invisible Children, 2012.

<sup>53</sup> The Hague Justice Portal, 2011.

<sup>54</sup> Singer, 2005, 9.



## Borders and Bodies:

### Sex Trafficking and the Expansion of the European Union

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Eastern and Central Europe have gone through a monumental change since the end of the Cold War. This change has manifested itself in two different, yet connected ways. First, the spread of democracy and economic liberalism has reconnected Eastern and Central Europe with the rest of the continent and ignited their desire to gain membership in the European Union. Secondly, the rapid destruction of standing political regimes created a vacuum wherein poverty and economic hopelessness became widespread in the region. The opening of these regions has created an opportune environment in which human trafficking, primarily for the means of sexual exploitation, has become endemic, targeting the region's most vulnerable. This paper seeks to explore how the expansion of the European Union has affected sex trafficking in Eastern and Central Europe. The argument that will be made is that the EU's eastward expansion has helped create a downward trend in numbers of people trafficked and has, at the same time, displaced the problem further eastward instead of eradicating it; this shows that individual state action has been insufficient and a global governance solution is necessary.

In order to understand the phenomenon of sex trafficking within Europe, it is necessary to understand what sex trafficking is and how it began on the continent. The first part of this paper will define sex trafficking and differentiate it from other forms of trafficking, with the hope

of shedding light on the nature of this modern-day trade. The second section will focus on understanding the problem in the European context by examining how sex trafficking developed after the Cold War and expanded into the twenty-first century. The third section will analyze the situation in Europe during and after the expansions of the EU in 2004 and 2007 with a focus on how these expansions have changed and displaced sex trafficking in Eastern and Central Europe. In conclusion, it will examine how the EU is addressing this problem now and what strategies are necessary for the future.

#### WHAT IS SEX TRAFFICKING?

The United Nations provides the most commonly accepted definition of human trafficking (within which sex trafficking is addressed). It states that human trafficking is:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs<sup>1</sup>

Although this paper focuses on the experiences of women and girls who are trafficked, it is important to note that boys and men are also

<sup>1</sup> UN General Assembly, "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" in *United Nations Convention Against Transnational Organized Crime* (Geneva: United Nations, 2003), 42.



targeted, although to a lesser extent. Victims are generally recruited from Eastern and Central states or regions, including Romania, Bulgaria, Russia, Ukraine, and the Balkans<sup>2</sup> and transported to EU member states, such as Italy, Germany, France, and the Netherlands, although every member state has trafficking victims within their borders.<sup>3</sup> Generally trafficked persons, with the exception of those who have been abducted, begin with the same "intention to either migrate and thus seek work on a temporary basis or to emigrate" away from their home countries.<sup>4</sup> Traffickers lure in potential victims with offers of jobs abroad – commonly in domestic services or the entertainment industry – who then fall into the hands of traffickers. They are either brought into the destination country illegally or use legal documents (i.e. tourist visas), supplied by the traffickers, and subsequently overstay them. The latter strategy is more common among female victims.<sup>5</sup> Once in the destination country, the victims are sold to buyers who take away their passports, reveal the true nature of their work, and force the women using coercive and violent means to comply with their demands.<sup>6</sup> Traffickers often hold their victims in debt-bondage, requiring that the women pay their transportation and acquisition costs before they are released. Unsurprisingly, pimps will often "fine" the women for perceived offenses, or, when someone is close to earning enough to pay off her debt, the pimp will resell the victim, starting her debt anew with another

pimp.<sup>7</sup> If women escape or are rescued in a police raid, they are often victimized again by the local government when they are accused of prostitution or illegal immigration. If they are not immediately deported to their home country, they sometimes are offered conditional protection dependent on their cooperation in testifying against the trafficker.<sup>8</sup> This is problematic because the requirement to testify is not often accompanied by support structures that are suitable for trafficking victims. The trafficked women viewed as disposable and replaceable, driving a constant demand for new victims and creating a continual market for traffickers.<sup>9</sup>

Sex trafficking is considered a lucrative and low-risk business, which has led to market domination by transnational organized crime groups. Considering that trafficking is the third largest money-making venture for transnational crime, following illegal weapons and drugs, the extent to which transnational criminal groups have implanted themselves is not surprising.<sup>10</sup> In order to protect their market, traffickers and pimps keep their victims "largely invisible, hidden from publically commodified sex trades."<sup>11</sup> The underground nature of the trade has resulted in the availability of few reliable sources for statistics on trafficking. The United States' annual "Trafficking in Persons" report is considered the most accurate source of statistics, but even their data is based on estimates.<sup>12</sup> Furthermore, access to information is stunted. For example, Eurostat, the statistics agency of the EU, does not release its data to the public. Finally, the information that is accessible is often unclear or simply not useful.<sup>13</sup>

<sup>2</sup> Tanja El-Cherkeh et al., "EU Enlargement, Migration and Trafficking in Women: The Case of South Eastern Europe" (Hamburg: Hamburg Institute of International Economics, 2004), 25; UNODC, *Trafficking in Persons; Analysis on Europe* (Vienna: United Nations, 2009), 11; Gail Kligman and Stephanie Limoncelli, "Trafficking Women after Socialism: To, Through, and From Eastern Europe," *Social Politics: International Studies in Gender, State and Society* 12 (2005): 124-125.

<sup>3</sup> Kligman and Limoncelli, 2005, 125-126.

<sup>4</sup> El-Cherkeh, 2004, 21.

<sup>5</sup> Frank Laczko, "New Directions for Migration Policy in Europe," *Philosophical Transactions: Biological Sciences* 357 (April 29, 2002): 602; El-Cherkeh, 2004, 21; Victor Malarek, *The Natashas: The New Global Sex Trade* (Toronto: Viking Canada, 2003), 20.

<sup>6</sup> El-Cherkeh, 2004, 82-83.

<sup>7</sup> Malarek, 2003, 19.

<sup>8</sup> El-Cherkeh, 2004, 23-24; Malarek, 2003, 119, 127.

<sup>9</sup> Malarek, 2003, 4.

<sup>10</sup> Malarek, 2003, 4.

<sup>11</sup> Kligman and Limoncelli, 2005, 120.

<sup>12</sup> Laczko, 2002, 602.

<sup>13</sup> Frank Laczko et al., "Trafficking in Women from Central and Eastern Europe: A Review of Statistical Data," in *Migration Challenges in Central and Eastern Europe* (IOM, International Centre for Policy Development, and Asser Press, 2002), 4.



Considering the difficulty in gathering statistics, it is unsurprising that there are a variety of estimates regarding the total number of people trafficked into Europe. Europol estimates that by the end of the 1990s, several thousand people per year were trafficked into the EU, 90 percent of which were originally from Central and Eastern Europe.<sup>14</sup> The International Organization for Migration (IOM) has a drastically higher estimate of 500,000 people trafficked into Europe and four million people trafficked across the globe annually, making human trafficking a US\$7-12 billion industry.<sup>15</sup> Finally, the United Nations estimate is in the middle of these two extremes, saying that there are at any given time 140,000 victims in Europe with a two-year turnover rate, making the European market worth US\$3 billion annually. The UN concedes that "detecting trends in the number of trafficking victims is difficult, because awareness of the problem and legislation to deal with it is evolving".<sup>16</sup>

Another complication with detecting and prosecuting human trafficking is the subtle difference that exists between it and smuggling. Here are three examples of trafficking and smuggling, showcasing how it is often difficult to differentiate between the two phenomena at first glance:

The young Ukrainian woman who is promised a job in Italy as a nanny, but ends up as a prostitute in Kosovo, was undeniably trafficked. So, too, was the young Moldovan woman who knew that she would work as a prostitute, but believed she would earn a decent wage and be able to help her family at home. She had not reckoned with being locked up and not paid. She was a victim of trafficking. However, trafficking victims exclude those women who pay a smuggler once or twice a year to help them cross the

border into Italy, for example, to work as prostitutes. Those women do not depend on anyone and, after a few months, return home with enough money to support their families for another six months.<sup>17</sup>

Smuggling entails the payment of a smuggler by a migrant for aid in illegal entrance into a country. Trafficking necessarily must include the use of coercion, deception, force, or other violent or dishonest means to transport a person across a border with the intent of exploitation, sexual or otherwise. This definition becomes even more complicated when you consider that sex trafficking can occur even with the individual's consent.<sup>18</sup> A woman who crosses a border with the awareness that she is going to be working in the sex trade, such as the Moldovan woman in the example above, can still be trafficked if she is not aware of the true conditions awaiting her.<sup>19</sup> In general, working in the sex trade is neither desirable nor expected by women who migrate for work; if it were a more attractive option, it can be presumed that more women would migrate for that purpose.<sup>20</sup>

#### SEX TRAFFICKING IN EUROPE: 1990-2003

The fall of communism and the Soviet Union marked the beginning of a period of upheaval and change in Eastern and Central Europe. Sex trafficking was an almost immediate effect of the political, social, and economic changes during that time period. According to Kligman and Limoncelli, the fall of the Berlin Wall changed the landscape of Western Europe by introducing scores of Eastern European women to the Western European sex trade.<sup>21</sup> Rapid democratization, liberalization, and increased militarism, especially in the Balkans, soon destabilized the economies and institutions

<sup>14</sup> Kligman, and Limoncelli, 2005, 126.

<sup>15</sup> El-Cherkeh, 2004, 23.

<sup>16</sup> UNODC, *Trafficking in Persons to Europe for sexual exploitation* (Vienna: United Nations, 2010), 7-8.

<sup>17</sup> Laczko et al., 2002, 3.

<sup>18</sup> Donna M. Hughes, "The 'Natasha' Trade: The Transnational Shadow Market of Trafficking in Women," in *Journal of International Affairs* 53 (Spring 2000): 10.

<sup>19</sup> El-Cherkeh, 2004, 22-23; Malarek, 2003, 18.

<sup>20</sup> Hughes, 2000, 11.

<sup>21</sup> Kligman and Limoncelli, 2005, 119.



of the East; this was accompanied by rapid westward movement of capital and high unemployment rates.<sup>22</sup> Women, representing as much as 70 to 80 percent of total unemployed individuals in some of these countries, were the hardest hit by these changes.<sup>23</sup> Organized crime quickly filled the void left by communism and socialism, as the region was a perfectly “unstable environment,” conducive to the development of transnational crime.<sup>24</sup> This “shadow economy” became extraordinarily powerful. For example, in Ukraine estimates state that the informal and criminal sectors made up 50 percent of the total national economy during the process of democratization.<sup>25</sup>

Sex trafficking was fed both by “supply-push factors” and “demand-pull factors.”<sup>26</sup> Eastern and Central Europe had scores of women who saw migration as “a means of upward social mobility” and a way to escape the “feminization of poverty” that resulted from free market reforms.<sup>27</sup> It was these factors that created a willing supply of economic migrants to the EU.<sup>28</sup> On the other hand, demand in the EU for sex services has made trafficking and exploiting these migrants profitable for criminal networks. As in other parts of the world, “men create the demand and women are the supply,” however the European case is differentiated by its unusually large supply of victims.<sup>29</sup> Traffickers used the desperation of female migrants to trap and sell them into the sex trade, especially targeting women from Russia, Ukraine, Romania, Bulgaria, and Moldova.<sup>30</sup>

Eastern and Central Europe were truly desperate after

the end of the Cold War. In Moldova, for example, average real wages in 2000 were down 71 percent from 1990 and the average salary was US\$30 a month.<sup>31</sup> The majority of people (80 percent) lived under the poverty line. Unsurprisingly, more than 20,000 women left Moldova as economic migrants each year.<sup>32</sup> This migration was a real need for a better life, which was seen as unobtainable in their home country.<sup>33</sup> It was an effective strategy – when it worked. According to a study by the Moldovan Alliance of Microfinance, a Moldovan family could earn US\$150 per month, per migrant, through remissions.<sup>34</sup> However, if the migrant was a woman who was trapped in sex trafficking, there were no positive benefits for her

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**“OVER THE COURSE OF THE 1990S AND INTO THE BEGINNING OF THE TWENTY-FIRST CENTURY, IT IS ESTIMATED THAT ANYWHERE BETWEEN 120,000 TO 800,000 INDIVIDUALS WERE TRAFFICKED EACH YEAR INTO THE EU, 90 PERCENT OF THEM WERE ORIGINATING FROM CENTRAL OR EASTERN EUROPE.”**

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family or community. The women “[...] often end[ed] up with nothing, or any money they earn[ed] [came] at great cost to their health, emotional well-being and standing in the community.”

<sup>35</sup> Virtually all the money

earned by the victim would be funnelled to the off-shore bank accounts of criminal enterprises, leaving the victim stigmatized, scarred, and impoverished.<sup>36</sup>

It has been argued, that the main driver of sex trafficking in Southeastern Europe in the 1990s was the militarization of the Balkans.<sup>37</sup> During the months that NATO intervened in the Kosovo war it was observed that sex services

<sup>22</sup> *Ibid.*, 119.

<sup>23</sup> Kligman and Limoncelli, 2005, 128-129.

<sup>24</sup> El-Cherkeh, 2004, 31.

<sup>25</sup> Hughes, 2000, 4.

<sup>26</sup> Joyce Outshoorn, “The Political Debates on Prostitution and Trafficking of Women,” in *Social Politics: International Studies in Gender, State and Society* 12 (2005): 143.

<sup>27</sup> Kligman and Limoncelli, 2005, 128-129.

<sup>28</sup> El-Cherkeh, 2004, 10, 15; Outshoorn, 2005, 143.

<sup>29</sup> Hughes, 2000, 10.

<sup>30</sup> UNODC, 2010, 11; Hughes, 2000, 3.

<sup>31</sup> El-Cherkeh, 2004, 75.

<sup>32</sup> Malarek, 2003, 45.

<sup>33</sup> *Ibid.*, 45.

<sup>34</sup> El-Cherkeh, 2004, 75.

<sup>35</sup> Hughes, 2000, 9-10.

<sup>36</sup> *Ibid.*, 9-10.

<sup>37</sup> Kligman and Limoncelli, 2005, 127.



were thriving in the region.<sup>38</sup> UN Peacekeepers have been implicated in buying sexual services and participating in trafficking networks, complicating any attempted solutions in the area.<sup>39</sup> Here, the ability of traffickers and pimps to replenish their supplies of women was unimaginably efficient. Police officers would complain that even when they busted brothels in raids and freed the trafficked prostitutes, the brothels would have a fresh shipment of victims arriving in a matter of days.<sup>40</sup> Analysts estimate that 90 percent of women and girls in brothels in the Balkans were trafficked and 10-15 percent of them were under the age of eighteen.<sup>41</sup> During the Balkan crisis, traffickers generally recruited them from countries such as Albania, Bulgaria, Moldova, and Romania.<sup>42</sup> The presence of peacekeepers and the militarization of the Balkans provide a striking example of how external forces can support trafficking and hinder attempts to improve the situation.

Over the course of the 1990s and into the beginning of the twenty-first century, it is estimated that anywhere between 120,000 to 800,000 individuals were trafficked each year into the EU, 90 percent of them were originating from Central or Eastern Europe.<sup>43</sup> As shown earlier with the divide in high and low estimates in overall sex trafficking numbers, it is evident that finding data and analyzing trends continues to be a serious problem that the anti-trafficking movement faces.<sup>44</sup> Nonetheless, as the next section will show, it is becoming apparent that the total number of victims from these regions has fallen since the late 1990s.

#### THE EXPANSION OF THE EUROPEAN UNION: 2003-2007

<sup>38</sup> *Ibid.*, 127.

<sup>39</sup> Anna M. Anthangelou, "Desire Industries: Sex Trafficking, UN Peacekeeping, and the Neo-Liberal World Order," in *Brown Journal of World Affairs* 10 (Summer/Fall 2003): 134-135.

<sup>40</sup> Malarek, 2003, 103.

<sup>41</sup> El-Cherkeh, 2004, 24.

<sup>42</sup> Kligman and Limoncelli, 2005, 125; El-Cherkeh, 2004, 23.

<sup>43</sup> Kligman and Limoncelli, 2005, 126.

<sup>44</sup> UNODC, 2010, 7.

Since the Cold War, there have been three distinct waves of migration out of Eastern and Central Europe. The first was "ethnically dominated migration," such as the migration of Jewish populations to Israel. The second was the "emergence of informal/illegal migration networks," through which human trafficking developed and spread. Lastly, with the expansion of the EU in the twenty-first century, there has been a "normalization and regularization of immigrants during the transition to free movement in the EU."<sup>45</sup> Opening migration from less economically developed countries has stirred Western European fears – sometimes characterized as a "moral panic"<sup>46</sup> – about an uncontrollable inflow of Eastern and Central European workers. Nonetheless, it was generally accepted that allowing migration "should reinforce [the development] process [of Eastern and Central Europe] by allowing greater factor mobility and greater trade."<sup>47</sup> This has, in fact, generally been the case over the past decade and has had a substantial effect on sex trafficking from these regions.

Beginning in the mid-1990s and continuing into the 2000s, the EU has loosened or dropped many visa requirements for a number of Eastern and Central European nations, especially potential EU members (accession countries). This policy shift has had a substantial effect on both legal and illegal migration. Initially, the liberalization of visa regulations sometimes led to a short-term increase in trafficking into the EU. The ease of crossing the EU's external and internal borders made trafficking easier and encouraged traffickers.<sup>48</sup> Nonetheless, this was not the norm for EU accession countries. In most affected countries, there was "an apparent reduction of trafficking [that had] been observed among

<sup>45</sup> El-Cherkeh, 2004, 11.

<sup>46</sup> Nandita Sharma, "Anti-Trafficking Rhetoric and the Making of a Global Apartheid," in *Feminist Formations* 17 (2005): 89.

<sup>47</sup> Michael Haynes, "European Union and its Periphery: Inclusion and Exclusion," in *Economic and Political Weekly* 33 (September 29, 1998): 88.

<sup>48</sup> Kligman and Limoncelli, 2005, 125-126.



women ... immediately after the lifting of visa requirements".<sup>49</sup> It can be argued is that visa liberalization enhanced the ability of women to access legal channels of economic migration, thus allowing them to avoid the risk of falling into the hands of traffickers.

Romania was the greatest exception in the trend of trafficking reduction following visa liberalization as trafficking rates increased for a short period after the EU removed its visa requirements in 2001; nonetheless, this was shortly followed by a steady decline.<sup>50</sup> As legal economic migration opportunities increased, the number of trafficking victims continued to fall.<sup>51</sup> In spite of Romania's growing stability in the eyes of the EU, its border with Moldova continued to pose a trafficking threat. Moldova, one of the poorest countries in Europe, continued to be economically underdeveloped relative to its neighbours and consequently had supplied a population of high-risk women and girls to trafficking rings.<sup>52</sup> The EU urged Romania to "ensure the security of its borders" because of its status of an accession country.<sup>53</sup>

This strategy included supplying Romanian passports to a number of Moldovan citizens such as students studying in Romania and people living in border areas. Between 300,000 and 600,000 Moldovans were issued Romanian passports prior to Romania's ascension to full EU membership in 2007; this reflected the view that the legalization of migration is a major contributor to both regional and human security.<sup>54</sup>

Overall, the evidence provided has indicated a steady downward trend in human trafficking from Eastern and Central Europe throughout the process of states gaining EU membership.<sup>55</sup> In this context, it is important to consider that

EU membership (and the process of attaining it) is contingent on economic growth and stability. It is difficult to firmly claim causation in this situation because of the direct, reciprocal relationship between the path to EU membership and economic growth and stability. Economic and political development programs are integral to the accession process. It is likely that a combination of EU economic programs such as the European Neighbourhood Policy in Eastern Europe and the Stabilization and Association Process in the Balkans, the liberalization of visa regulations, and the stabilization of governance have all affected and been affected by the EU accession process.<sup>56</sup>

One major concern regarding this trafficking trend is the question of whether or not trafficking is actually declining or if it is simply changing and becoming more difficult to detect. In the Netherlands, the source of trafficking victims has changed drastically. Traditional Russian and Ukrainian victims peaked in 2003 and have "decrease[d] basically to zero in recent years", although they are being replaced by increasing numbers of domestic trafficking victims, whose situations are often vastly different than internationally trafficked victims.<sup>57</sup> Furthermore, as the EU's external borders move further east, so does trafficking. In recent years there have been increasing numbers of victims trafficked into the EU from China, Uzbekistan and other Central Asian countries.<sup>58</sup> Therefore, a key question arises: is the eastward expansion of the EU is solving this problem, or is it just displacing it geographically? The changes in source countries combined with the continuing prevalence of trafficking for the European sex market suggests that EU expansion is simply pushing trafficking past its previous borders.

Focusing again on Europe, the ascension of ten countries to full EU membership in 2004 (including such trafficking source countries

<sup>49</sup> El-Cherkeh, 2004, 6.

<sup>50</sup> *Ibid.*, 6.

<sup>51</sup> *Ibid.*, 51.

<sup>52</sup> *Ibid.*, 75.

<sup>53</sup> *Ibid.*, 71.

<sup>54</sup> *Ibid.*, 71.

<sup>55</sup> UNODC, 2010, 6-8.

<sup>56</sup> El-Cherkeh, 2004, 71-72.

<sup>57</sup> UNODC, 2010, 14.

<sup>58</sup> *Ibid.*, 16.



problem, the more multifaceted must be the governance system.”<sup>62</sup> This is the idea that one aspect of the solution (e.g. regional security) cannot overshadow another (e.g. poverty reduction) when trying to find an acceptable solution. The final criterion is that “networks” must be “core elements of security governance”; these networks must include groups who see the issue from different perspectives (contrast, for example, the difference between a state’s perspective and an NGO’s perspective) and who are able to share information and arrange themselves without overbearing bureaucracy or communication failures.<sup>63</sup>

The current attempts to combat human trafficking of both the EU and source/transit countries have been state-centric in their orientation, lacking the inter-actor cooperation or networking necessary for a truly effective solution. Trafficking is seen primarily as a law and order or security concern. Popular opinion in EU countries often categorizes migration as a “burden” despite its documented economic benefits.<sup>64</sup> This perception leads to support for the strict control of both legal and illegal migration and thus a propensity to treat trafficking harshly.<sup>65</sup> Although this harsh response may, at first glance, seem appropriate, it often leads to the criminalization of trafficking victims and their speedy deportation, resulting in the denial of victim rehabilitation and reintegration.<sup>66</sup> This strategy ignores the human rights perspective of the problem as advocated by IGOs and NGOs. The state-centric solution of legislative harmonization, a facet of the security perspective, has increased the number of countries with human trafficking legislation in Europe from eight in 2000 to thirty-seven in 2008. This has led to an increase in conviction rates by a margin of 30 percent between

as Poland and Hungary) and the ascension of Romania and Bulgaria in 2007 have all coincided with declining falling trafficking rates from these countries. In this sense, it is fair to conclude that, while one cannot infer causality, declining trafficking rates and higher economic development correlate highly with membership and accession status. The next step in this analysis is to consider what actions the EU has taken in the past that has helped achieve this outcome and study what strategies the EU can use to fight the displacement of sex trafficking in the future.

#### THE EUROPEAN UNION RESPONSE: PRESENT AND FUTURE

The necessity of the EU to act in concert with other actors demonstrates the need for global governance in the world today. According to analyst Tom Obokata, global governance is “a concept that attempts to explain how world affairs should be governed in the era of globalization.”<sup>59</sup> Another analyst, Cornelius Friesendorf, outlines three criteria for effective global governance solutions that are required to combat human trafficking. The first is that “states,” to which I would add ‘and other actors’, “must intensely cooperate with one another” and “foster flexible forms of governance.”<sup>60</sup> Sex trafficking is an issue that involves a variety of actors including states, intergovernmental organizations (IGOs), non-governmental organizations (NGOs), and civil society, and cannot be solved without the increased participation and cooperation of these actors. However, cooperation between these groups is often problematic because, “authority is not equally distributed among all actors, and is therefore fragmented.”<sup>61</sup> The second criterion is that, “The more complex the

<sup>62</sup> Friesendorf, 2007, 385.

<sup>63</sup> *Ibid.*, 386.

<sup>64</sup> Laczko, 2002, 605.

<sup>65</sup> *Ibid.*, 605.

<sup>66</sup> Sharma, 2005, 89.

<sup>59</sup> Tom Obokata, “Global Governance and International Migration: A Case Study of Trafficking of Human Beings,” in *Refugee Survey Quarterly* 29 (January 2010): 121-122.

<sup>60</sup> Cornelius Friesendorf, “Pathologies of Security Governance: Efforts Against Human Trafficking in Europe,” in *Security Dialogue* 38 (2007): 384.

<sup>61</sup> Obokata, 2010, 124.



2003/2004 and 2006/2007 (although the number is still low compared to the estimated number of victims annually).<sup>67</sup> Nevertheless, there is no evidence that these approaches have addressed the rehabilitation and reintegration of victims has improved or that the root causes of trafficking and its displacement eastward, demonstrating the lack of human rights and development perspectives in current decision-making and the necessity for it.

Some countries are improving their treatment of trafficked women in their custody, but there is still much room for progress. Italy, Belgium, the Netherlands, and Spain all give aid and temporary residence permits to women who agree to testify against their captors or pimps.<sup>68</sup> While this is a valuable step, the time period the governments give to the victims to make their decision is generally far too short and the aid provided is insufficient. Furthermore, many victims are suspicious of the police or are afraid to testify because of threats made by traffickers and pimps against the victims' families.<sup>69</sup> These programs are further weakened by a lack of proper witness protection for victims who agree to testify. Germany is one of the only countries that offer witness protection to high-risk victims, but in reality only 5 percent of testifying women are deemed worthy of that level of protection while the remaining 95 percent are deported, often against their will.<sup>70</sup> Although these tactics may help convict traffickers, they ignore the victims' rights by sending them straight back into the economic, social, and political situations from which that they were trying to escape in the first place. This is a major problem because trafficking cases are almost entirely dependent on witness testimony – cases cannot proceed without a testimony. Therefore, states which hold "responsibility for victims must provide sufficient protection so [that the victims]

can recover from their ordeal which, in turn, may make it easier to gain their cooperation," resulting in convictions of traffickers.<sup>71</sup>

Cooperation allows individual actors to pursue their own perspective on the problem in concert with other groups. States can continue to focus their individual actions on border security, legislation, and police action while NGOs and IGOs can focus on human rights, rehabilitation, reintegration, education, and prevention in both source and destination countries. Even businesses have a role to play in the anti-trafficking movement, as responsible development in the economically marginalized source countries and the hiring of legal migrant workers in EU countries "help[s] promote growth in the CEE [Central and Eastern European] region, eventually leading to declining emigration," which lessens the risk of exploitation by traffickers.<sup>72</sup> The key is balance and cooperation between actors and mutual respect for each others' work and perspectives. In this sense, it is true that anti-trafficking efforts are "a prime example of the paradigmatic shift from government to governance" necessary to solve such multi-faceted and globally complex problems.<sup>73</sup>

## CONCLUSION

Sex trafficking, along with all other forms of human trafficking, seems like a relic of the nineteenth century – an anachronism in the twenty-first century. Nevertheless, it continues to exist. As can be seen by the experiences of Eastern and Central Europe following the Cold War, sex trafficking in Europe is rooted in unequal development, poverty, and political instability, as well as a demand for the services of trafficked victims in developed nations. As long as migration is used as a means to escape poverty, traffickers will continue to exploit migrants to the best of their ability. The legacy of

<sup>67</sup> UNODC, 2010, 5-8; El-Cherkeh, 2004, 26-27.

<sup>68</sup> Outshoorn, 2005, 144.

<sup>69</sup> El-Cherkeh, 2004, 24; Obokata, 2010, 129.

<sup>70</sup> El-Cherkeh, 2004, 25.

<sup>71</sup> Obokata, 2010, 129.

<sup>72</sup> Laczko, 2002, 606.

<sup>73</sup> Friensendorf, 2007, 384.



the Cold War and the havoc it inflicted on Central and Eastern Europe once when it ended has not been forgotten, nor have the consequences.

The expansion of the EU today is connected to increasing political stability and economic growth in its new and future members, which in turn lessens the incentive to migrate from these regions. For those who continue to migrate, the opening of legal channels lessens the chance that they will fall into the hands of traffickers and end up in the European sex market, sold into slavery and deprived of their human rights. Although it is not clear that EU membership itself is the sole cause of the downward trend in human trafficking from Central and Eastern Europe, it is undeniably an essential factor.

The expansion of the EU has been a positive development for Eastern and Central Europe, especially for those women and girls whom traffickers would have otherwise targeted. While it is not the sole explanation for the changes in sex trafficking patterns, nor has it eradicated trafficking entirely, it is an important factor which should be valued for the effect it has had on the lives of countless potential victims. Despite positive trends, Europe cannot become complacent in regards to trafficking. There are still unacceptable numbers of Eastern and Central European women and girls trafficked into the EU, and victims from Asian countries such as China, Uzbekistan, and Turkey are joining them. Domestic trafficking is increasing to make up for a shrinking supply of victims from traditional source markets. Traffickers are endlessly creative, and international actors must not forget that. In light of this, cooperation between actors is absolutely essential for effective anti-trafficking efforts. A state-centric approach on behalf of the EU cannot address all the facets of this incredibly complex global issue; a balanced approach by states, IGOs, NGOs, and civil society is absolutely necessary.

## Degendering Disaster

### An Examination of the Gender Differences in Today's Natural Disasters

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#### INTRODUCTION

As the world continues to globalize at a rapid pace, natural disasters have become an international issue. During the twentieth and twenty-first centuries in particular, we have seen a shift in aid relief efforts from a national to an international affair. When studying natural disasters, areas that often complement the field include the social, political and psychological impacts on the affected society.<sup>1</sup> One largely disregarded area of natural disaster study is *gender*. The purpose of this paper is to explore and explain some of the issues that emerge after a natural disaster in relation to gender. The argument that will be made is that there is a divide that exists between men and women in post-disaster situations and that society's preconceived notions of gender roles can often further a woman's disadvantage. To provide evidence for this argument, the Indian Ocean Earthquake/Tsunami and Hurricane Katrina will be examined as case studies. Furthermore, the concepts of educating citizens, persuading international agencies to recognize gender as a dimension of aid relief and re-evaluating the roles of women in the rebuilding process, will be supported as means of constructing a more fair and equal post-disaster environment.

To explain the issues that emerge after a natural

<sup>1</sup> Valerie Nelson, Kate Meadows, Terry Cannon, John Morton, and Adrienne Martin, Uncertain predictions, invisible impacts, and the need to mainstream gender in climate change adaptations (*Gender & Development*. 10. no. 2, 2002), 54.



disaster in relation to gender, it is important to offer definitions of key terms. The World Health Organization (WHO) defines gender as “the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women.”<sup>2</sup> The United Nations (UN) Department of Humanitarian Affairs defines a natural disaster as a “situation or event, which overwhelms local capacity, necessitating a request to national or international level for external assistance.”<sup>3</sup> To explain the link between these two definitions in terms of gender roles, it is important to examine recent natural disasters and the resulting gendered impacts that have arisen. One event in recent history, with a highly gendered impact, was the 2004 Indian Ocean Earthquake and Tsunami.

#### THE 2004 INDIAN OCEAN EARTHQUAKE AND TSUNAMI

On December 26, 2004, at 12:58 a.m., a massive undersea earthquake off the Indonesian coastline caused extensive damage and devastation that resulted in the death of over 230,000 people in 14 countries.<sup>4</sup> Tsunami waves reached heights of 30 meters and resulted in an outpouring of US\$14 million dollars in humanitarian aid from the western world.<sup>5</sup> After the tsunami and earthquake, many organizations looked at the effects on tourism, the environment and wildlife in the impacted region. Oxfam International was the first organization to specifically examine the tsunami's impact on gender.<sup>6</sup> In their initial

report released in 2005, Oxfam's gendered findings were alarming and confirmed what many locals already knew. A local newspaper near the small coastal town of Lampu'uk reported similar findings in the weeks after the tsunami hit:

When the survivors of Lampu'uk had picked themselves up out of the mud of the tsunami, several appalling facts became clear. The first was that their town no longer existed. The second was that four out of five of its former inhabitants were dead. But it took a while to realise the strangest thing of all: that among those who made it to higher ground, or who kept their heads above the surging waters, so few were women.<sup>7</sup>

There have been several key arguments presented by scholars and NGOs to explain disproportionate death rate of women during the Indian Ocean Tsunami and Earthquake. One of the most compelling arguments is that by attempting to save their children, women hindered their chances of survival.<sup>8</sup> As the wave hit, many women dispensed more energy trying to stay afloat as they attempted to save their own lives and the lives of their children.<sup>9</sup> While this greatly impacted their survival rates, another important factor was the timing of the tsunami. On Sunday morning, when the wave hit, many women were taking care of their children and preparing breakfast at home as part of their traditional roles as mothers and caregivers. During this time most men were away at work, either inland working on farms or at sea fishing in small boats, which enabled them to survive the waves.<sup>10</sup> Regardless, those men who were not away from home were more adequately equipped than women to survive through the

<sup>2</sup> World Health Organization, What do we mean by sex and gender? (Last modified 2011. Accessed November 03, 2011) <http://www.who.int>

<sup>3</sup> UNDHA. Internationally agreed glossary of basic terms related to disaster management (*Geneva: The United Nations Department of Humanitarian Affairs*, 1992), 12.

<sup>4</sup> R. Paris, F. Lavigne, P. Wassmer, and J. Sartohadi, Coastal sedimentation associated with the December 26, 2004 tsunami in Lhok Nga, west Banda Aceh (*Marine Geology*. 238. no. 1-4, 2007), 93.

<sup>5</sup> Sisira Jayasuriya and Peter McCawley, *The Asian Tsunami: Aid and Reconstruction after a Disaster* (Cheltenham: Edward Elgar, 2010), 32.

<sup>6</sup> Oxfam International, *The Tsunami's Impact on Women* (*Oxfam Briefing Note*; 2005), 6.

<sup>7</sup> Oxfam International, 2005, 8.

<sup>8</sup> *Ibid.*

<sup>9</sup> WHO Press Release, Children are vulnerable because more women died in the Tsunami (*World Health Organization*, May 5, 2005), 1.

<sup>10</sup> Oxfam International, 2005, 9.



education they had received based on their sex.<sup>11</sup> An example of this would be in Sri Lanka, where boys are taught to climb trees to gather fruit and learn to swim in case they choose a career as a fisherman.<sup>12</sup> Women are discouraged from learning these skills because they are expected to work within the household.<sup>13</sup>

Investigating the after effects of a disaster is another important dimension in examining gender and natural disasters. With disproportionate sex-based death rates in the Indian Ocean Tsunami and Earthquake, the remaining women have seen a drastic increase in their familial responsibilities at home. Some men have taken on the household chores and childcare responsibilities, but others have asked women in their extended family to take on an extra workload.<sup>14</sup> With the additional burden of extended caregiver, living after the tsunami can be incredibly stressful for some women.<sup>15</sup> Another issue women face is mobility. Before the tsunami, married women in Aceh, Indonesia often enjoyed a degree of personal, educational and religious freedoms.<sup>16</sup> With the disproportionate number of women and men in Aceh communities after the tsunami, some municipalities have reverted back to more severe restrictions over widowed and unmarried women, limiting their overall mobility and freedom.<sup>17</sup> Harassment, sexual abuse and domestic violence also became a problem post-disaster<sup>18</sup>. Organizations such as Asia Pacific Forum on Woman, Law and Development and the Internal Displacement Monitoring Center

individually reported a large number of sexual harassment and violence cases against women in refugee camps.<sup>19</sup> All of these organizations have openly stated they believe the cases they found are merely a fraction of the actual number.<sup>20</sup>

## HURRICANE KATRINA

Developing nations are not the only areas of the world that find themselves afflicted with issues of gender in natural disasters. Studies have shown that Hurricane Katrina also left women at a disadvantage. On August 29, 2005, Hurricane Katrina made landfall on the United States Gulf Coast as a category three hurricane.<sup>21</sup> Carrying sustained winds of 111–130 mph (178–209 km/hr), the hurricane brought extraordinary destruction and widespread loss of life to the south-east United States.<sup>22</sup> By August 31, 80 percent of the New Orleans region was underwater and damages from the storm were estimated to have exceeded US\$100 billion.<sup>23</sup> In 2012, agencies are still rebuilding parts of New Orleans. When the storm hit, thousands of New Orleans citizen moved to designated federal government safe houses to take shelter. One of the largest of these safe houses was the New Orleans Superdome. After the storm, horror stories circulated about the proceedings within the Superdome, the most horrifying of these stories are arguably those related to gender.

Personnel staffing of the Superdome during Hurricane Katrina included local police, local emergency staff, the Louisiana National Guard and the Federal Emergency Management

<sup>11</sup> Oxfam International, 2005, 9. ; World Bank, FAO, and IFAD, Gender and Agriculture SourceBook (Washington, D.C; The World Bank, 2009), 449.

<sup>12</sup> Oxfam International, 2005, 6. ; World Bank, *et al.* 2009, 449.

<sup>13</sup> Oxfam International, 2005, 6. ; World Bank, *et al.* 2009, 450.

<sup>14</sup> Oxfam International, 2005, 5.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, 6.

<sup>17</sup> *Ibid.*

<sup>18</sup> Ian Davis, Kala Peiris De Costa, Khurshid Alam, Madhavi Malagoda Ariyabandu, Mirir Bhatt, Rita Schneider, and Satchit Balsari. Gender Issues in Tsunami Recovery Planning (*Tsunami, Gender and Recovery*. 1. no.6 2005), 3.

<sup>19</sup> Claudia Felten-Bierman, Gender and Natural Disaster: Sexualized violence and the tsunami (*Development*. 49. no. 3 2006), 82.

<sup>20</sup> Felten-Bierman, 2006, 83.

<sup>21</sup> Jennifer Silva-Brown, Katie Cherry, Loren Marks, Erin Jackson, Julia Volaufova, Christina Lefante, and Michal Jazwinski. After Hurricane Katrina and Rita: Gender Differences in Health and Religiosity in Middle-Aged and Older Adults (*Health Care for Women International*. 31. no. 11 2010), 1000.

<sup>22</sup> Silva-Brown, *et al.* 2010, 1001.

<sup>23</sup> National Climatic Data Center. U.S. Department of Commerce, Hurricane Katrina (Last modified December 29, 2005. Accessed November 07, 2011) <http://ncdc.noaa.gov/>.



Agency (FEMA), who offered security and medical services.<sup>24</sup> Residents of New Orleans intending to take shelter in the Superdome were recommended to bring a three day supply of food and water - which would later prove to be half of what was needed.<sup>25</sup> The issue with the original Superdome plan is that it assumed that the levees would hold. But as the levees fell late Monday afternoon, thousands of people who had ignored the call for evacuation looked to the Superdome for refuge.<sup>26</sup> Capacity was quickly overwhelmed and staffers were forced to turn refugees away. As time passed, the Superdome was reported by news agencies to resemble a "ghetto" with looting, gangs, and violence against women and children.<sup>27</sup>

Unconfirmed reports of sexual abuse, harassment and rape began to surface as soon as one as a week after the hurricane hit.<sup>28</sup> Two of the most haunting news stories include two babies who had their throats slit inside the dome and a seven-year-old girl who was raped and murdered.<sup>29</sup> Rape is something that is not unusual in gender and natural disaster studies.<sup>30</sup> After a natural disaster, women are more likely to become victims of domestic and sexual violence.<sup>31</sup> In developing nations women often avoid shelters out of fear of rape and sexual harassment.<sup>32</sup> However, the presence of this gendered subordination in a westernized society shocked and appalled many within the United States and in the greater world community.

<sup>24</sup> Robert Congleton, The story of Katrina: New Orleans and the political economy of catastrophe (*Public Choice*, 127, no. 1 2006), 13.

<sup>25</sup> Congleton, 2006, 15.

<sup>26</sup> *Ibid.*, 16.

<sup>27</sup> Gary Younge, Murder and rape - fact or fiction? (*The Guardian UK*, September 6, 2005), 1.

<sup>28</sup> Younge, 2005, 1.

<sup>29</sup> *Ibid.*

<sup>30</sup> Felten-Bierman, Claudia, 2006, 84. ; M. Hynes and B.L Cardozo, Sexual violence against refugee women (*Journal of Women's Health & Gender-Based Medicine* 9.no.8 2000), 820. ; Davis, et al. 2006, 8.

<sup>31</sup> Davis, et al. 2006, 9 ; Oxfam International, 2005, 4.

<sup>32</sup> Davis, et al. 2006, 8. ; Hynes, et al. 2000, 820. ; UN Press Release, UN calls for empowering women to address tsunami's gender-specific needs (*UN News Centre*, January 15, 2005).

Although the New Orleans police have found no substantiated evidence of rape or murder in the Superdome, the reports effectively caused a global realization that gender disparity after a natural disaster can exist even in one of the world's most developed countries.<sup>33</sup>

## DISASTER CASUALTY RATES

The above case studies are specific examples of the effects of a natural disaster on gender. The Indian Ocean Tsunami and Earthquake and Hurricane Katrina provide an idea of how gender inequality can be intertwined with natural disasters in both developing and westernized civilizations, yet there is a bigger picture that needs recognitions. A 2007 study on the gendered nature of natural disasters found that in 141 countries the "gender differences in deaths from natural disasters are directly linked to women's economic and social rights."<sup>34</sup> Thus, the study indicates that in nations where women find themselves at a disadvantage in the absence of a natural disaster, post-disaster they become even more vulnerable. An example used by the 2007 study to illustrate the social vulnerability of women states that in developing nations where gender inequality exists "both women and girls suffer more from shortages of food and economic resources."<sup>35</sup> They argue that that the reason for this disparity is the cultural norm that encourages immediate service for the males.<sup>36</sup> This approach to post-disaster aid inevitably leads to a high casualty rates in women.

Casualty rates and death tolls are a common method organizations and governments use to pinpoint the gender differences that exist after a natural disaster.<sup>37</sup> Studies indicate that women and children are 14 times more likely to die than

<sup>33</sup> Younge, 2005, 1.

<sup>34</sup> Eric Neumeyer and Thomas Plümper, The Gendered Nature of Natural Disasters: The Impact of Catastrophic Events on the Gender Gap in Life Expectancy, 1981-2002 (*Annals of the American Association of Geographers*, 97, no. 3 2007), 553.

<sup>35</sup> Neumeyer, et al. 2007, 554.

<sup>36</sup> *Ibid.*

<sup>37</sup> Neumeyer, et al. 2007, 551.



men during a disaster.<sup>38</sup> In the 1991 Bangladesh cyclone disasters, which resulted in the deaths of 140,000 Bangladesh citizens, 90 percent of victims were women.<sup>39</sup> When the figures for the Indonesian tsunami and earthquake were released, it indicated not only that more women died than men, it also indicated that in Indonesia and Sri Lanka, male survivors outnumber female survivors by four to one.<sup>40</sup> This trend is not just something that is exclusive to developing countries. In the western world, more women died than men during the 2003 European heat wave.<sup>41</sup> Even with Katrina in the United States, studies indicate that African-American women faced the greatest post-hurricane challenges of survival.<sup>42</sup> These outstanding trends not only point out a divide between men and women in natural disasters, they speak to an inherent need for aid relief programs to recognize that a problem exists.

#### LONG TERM GENDERED EFFECTS OF A NATURAL DISASTER

Although casualty numbers show a division between men and women immediately after a natural disaster, it is also important to recognize some of the long term effects that are felt, particularly in developing countries. After a natural disaster, men and women play different roles in rebuilding their nation and, in developing countries, will often play an important role in the home. After a disaster, household work increases substantially as restoration begins and familial life changes drastically.<sup>43</sup> Many families find themselves in difficult situations and often force their daughters, rather than boys, to drop out of school to help with additional chores.<sup>44</sup> This, in turn, hinders their prospects for an

educated future and has lifelong impacts on the daughter's.

Often, after a natural disaster, the economy and job markets suffer for an extended period of time.<sup>45</sup> This has a detrimental impact on women in both the developing and developed worlds because there are more women involved in the informal sector and in small enterprises.<sup>46</sup> With lack of capital and limited access to credit information after a disaster, this sector is typically the most impacted industrially and sees a drastic increase in unemployment.<sup>47</sup> Another major industry that is negatively impacted is agriculture. Sufficient food supply is a necessary part of every working country, but some scholars have argued that the nutritional status that exists before a natural disaster determines how a society manages the effects of natural disasters.<sup>48</sup> An example of this idea is illustrated in Sub-Saharan Africa, where women have a large workload (particularly after a natural disaster) but also have a lower intake of calories than men because the cultural norm is for men to receive more food.<sup>49</sup> In nations where these norms exist, women suffer much greater nutritional deficiencies for longer periods of time as the agricultural industry recovers.<sup>50</sup>

#### MEASURING DISASTER VULNERABILITY

Thus far, it has been argued that the preconceived societal notions built into different cultures can be a major impediment after a natural disaster. However, it is important to reflect on what these preconceived societal notions are and how they impact citizens along gendered lines. Scholars argue that women experience multiple

<sup>38</sup> Lorena Aguilar, *Climate Change and Disaster Mitigation (Conference for the International Union for Conservation of Nature, 2004)*, <http://www.iucnworldconservationcongress.org> (accessed November 04, 2011).

<sup>39</sup> Aguilar, 2004, 4.

<sup>40</sup> Davis, *et al.* 2006, 6.

<sup>41</sup> Aguilar, 2004, 4.

<sup>42</sup> Silva-Brown, *et al.* 2010, 999.

<sup>43</sup> Davis, *et al.* 2006, 3.

<sup>44</sup> *Ibid.*

<sup>45</sup> Davis, *et al.* 2006, 4.

<sup>46</sup> Nelson, *et al.* 2002, 553.

<sup>47</sup> *Ibid.*

<sup>48</sup> Terry Cannon. Gender and climate hazards in Bangladesh (*Gender & Development*, 10, no. 2 2002), 45.

<sup>49</sup> The Food and Agriculture Organization of the United Nations, *Gender and Nutrition* (Last modified July, 2001. Accessed November 10, 2011) <http://www.fao.org>

<sup>50</sup> Cannon, 2002, 46.



vulnerabilities after disasters that require special attention because of their socially constructed roles.<sup>51</sup> These roles frequently include the roles of mother, caregiver, household keeper and wife, among others.<sup>52</sup> In some developing countries, these roles are seen as inferior or subordinate to men and leave many women unable to access important resources.<sup>53</sup> These resources include access to “social networks, transportation, information, skills (including literacy), control over land and other economic resources, personal mobility, secure housing and employment, freedom from violence and control over decision-making.”<sup>54</sup> These resources are essential in ensuring disaster preparedness, mitigation and rehabilitation.<sup>55</sup> Without freedom to use these resources women cannot have the adequate (or equal) survival skills that are needed to cope with a post-disaster environment.

A specific example where socially constructed roles have led to a high female casualty rates is Bangladesh. In the 1991 Bangladesh cyclones, excessive female death is credited to an adherence to “gender-specific roles and restrictions on women’s spatial mobility imposed by the norm of *pardah*”<sup>56</sup>. In Bengali, the word ‘*pardah*’ represents ‘the curtain’ that separates the worlds of men and women.<sup>57</sup> For those that adhere to *pardah*, there is a strict belief that women should not leave the home without a male-relative, regardless of national emergencies. Multiple studies have blamed *pardah* as an important factor in producing the high female casualty rate after the storm.<sup>58</sup>

<sup>51</sup> GenSalud, Gender and Natural Disasters (Pan American Health Organization Regional Office of the WHO, 2002).

<sup>52</sup> *Ibid.*, 1.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*, 2.

<sup>55</sup> *Ibid.*

<sup>56</sup> Keiko Ikeda, Gender Differences in Human Loss and Vulnerability in Natural Disasters: A Case Study from Bangladesh (*Indian Journal of Gender Studies*. 171. no. 2 1995), 174.

<sup>57</sup> *Ibid.*, 181.

<sup>58</sup> Ikeda, 1995, 181.

A more recent example of societal notions limiting women is the 2010 Haiti earthquake. In a newsletter released by the non-governmental organization *InterAction* two months following the earthquake, the humanitarian workers cite critical gender issues as serious obstacles to the aid process.<sup>59</sup> These obstacles included “unequal access by women, and especially female-headed households, to humanitarian aid and supplies due to power inequalities exacerbated by the earthquake.”<sup>60</sup> In order to eliminate the gender inequalities that are present after a natural disaster, it has been recommended that governments and international agencies focus on three variables before the disaster: education, adaptation and recognition.<sup>61</sup>

Proper education plays a large role post-disaster to ensure there are little or no gender inequalities. This education can be given to three core groups: women, men and aid workers. It is important to create programs for women to gain general knowledge about natural disaster action plans before the disaster strikes, so they can better prepare themselves in case of emergency. Additionally, it is important to educate men and aid relief workers on the inequalities that exist so that the difference is minimized when a disaster happens.<sup>62</sup> An example of effective education on hurricane disaster action plans is the case of Hurricane Mitch in 1998. Six months before the category five hurricane hit much of Central America and the Western Caribbean, a disaster agency had given a “gender-sensitive community education on early warning systems and hazard management” in the town of La Masica, Honduras.<sup>63</sup> After the session had taken place, the women of La Masica created an early hurricane warning monitoring system

<sup>59</sup> Peter Chang, Jeannie Harvey, Julie Montgomery, and Heather Powell. Gender Response for the Haiti Earthquake (*Interaction Newsletter*, March 2010), 1.

<sup>60</sup> Chang, *et al.* 2010, 1.

<sup>61</sup> *Ibid.*, 3.

<sup>62</sup> Ariana Araujo, Andrea Quesada-Aguilar, Lorena Aguilar, and Rebecca Pearl. Gender Equality and Adaption (*Womens’ Environment & Development Organization*, 2007), 2.

<sup>63</sup> Aguilar, 2004, 3.



in their community. When Hurricane Mitch made landfall in Honduras, the town was able to evacuate effectively and quickly. After the hurricane passed, La Masica reported no deaths in their community. The town credited their main factor of success to the education and monitoring skills the town's women had gained from the disaster agency sessions.<sup>64</sup>

Scholars do not view education as the only important factor in eliminating post-disaster gender inequalities; adaptation is another key aspect. The first step in adaptation is ensuring that governments and international organizations include gender as a dimension in their disaster strategy planning.<sup>65</sup> The UNFCC is in the process of developing the *International Adaptation Fund*, including gender as an aspect in this fund would be large step towards an equal post-disaster future.<sup>66</sup> The second step in adaptation is making sure that natural disaster survival and management strategies have a fundamental understanding of women's special needs and requirements.<sup>67</sup> One way to improve this would be including more women in the development and policy-making processes for natural disaster relief.<sup>68</sup>

The last aspect in eliminating post-disaster gender inequalities is encouraging natural disaster strategists to recognize the societal role of women themselves and ensure governments recognize them as a vital tool in the rebuilding process. The International Labour Office (ILO) believes "women's local community knowledge, strong social networks, key roles in families, and active work roles make them resourceful actors in crises, yet they are rarely recognized by 'front-line' responders".<sup>69</sup> Using women in the

rebuilding scheme is something occasionally disregarded by developing nations; additionally, it is something humanitarian relief efforts must acknowledge in order for governments to use every available resource in the rebuilding process.

## CONCLUSION

When looking at natural disasters, gender is not something typically thought of as a top priority issue.<sup>70</sup> The impact of natural disasters on gender is often neglected by both individuals and policy-makers because of the 'gender-blindness' that can hold back development thinking.<sup>71</sup> Search and rescue, food, clean water, and clothes are typically the first issues thought of when offering humanitarian aid relief, not gender.<sup>72</sup> However, when the delivery of daily life necessities is hindered because of societal roles, there is an issue that must be addressed. Gender must be added to the post-disaster aid relief agenda.

To conclude, much work is to be done in the future by scholars, theorists, international agencies, national governments and the global community in order to ensure that gender is recognized as a legitimate problem in humanitarian relief. Most of all, in order to eradicate these predetermined societal notions about women, it is important to ensure that citizens are educated, international bodies adapt and that the important roles of women in the rebuilding process are recognized by both agencies and citizens. The field of natural disaster and gender studies is simply in the beginnings of its development period. However, with further research and a further global awareness that a problem exists, the situation for women in post-disaster situations is guaranteed to improve.

<sup>64</sup> Aguilar, 2004, 3.

<sup>65</sup> Araujo, et al. 2007, 4.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Eugenia Date-Bah, Crisis Women and other Gender Concerns (*Recovery and Reconstruction Department ILO*. no. 7 2002), 23.

<sup>70</sup> Elaine Enarson, Gender Issues in Natural Disasters: Talking Points and Research Needs (*ILO InFocus Programme on Crisis Response and Reconstruction Workshop*, May 3-5, 2000, Geneva), 1.

<sup>71</sup> Nelson, et al. 2002, 54.

<sup>72</sup> Enarson, 2000, 1.



## **Marianismo as Political Fulcrum in the Midst of Crisis, Argentina 1976 – 2004**

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**T**wo major crises have plagued the last 40 years of Argentine history. The first was the political crisis of the militant bureaucratic authoritarian regime that lasted from 1976 until 1983, while the second was the economic crisis that began in 1998 that lasted until approximately.<sup>1</sup> The transition of women in advocacy, first through maternalism and then through feminism in the midst of these two crises, can be best explained in the context of quotidian disruption theory (QDT) and the degrees of freedom granted by the Argentine state.<sup>2</sup> Quotidian disruption requires that there is a threat to the mundane “taken-for granted routines and attitudes of everyday life.”<sup>3</sup> There are four conditions that are most likely to disrupt the quotidian and incite mobilization:

- 1) Accidents that throw a community’s routines into doubt and/or threaten its existence; 2) actual or threatened intrusion into and/or violation of citizens’ sense of privacy, safety, and control; 3) alteration in subsistence routines because unfavourable ratios of resources to claimants or demand; 4) and dramatic changes in structures of social control.<sup>4</sup>

<sup>1</sup> Opinion varies on when the crisis actually started and ended, depending on what is considered to be the inciting event

<sup>2</sup> Quotidian disruption theory is a tangential subset of Breakdown theory.

<sup>3</sup> Elizabeth Borland and Barbara Sutton, *Quotidian Disruption and Women’s Activism in Times of Crisis, Argentina 2002-2003* (Gender and Society 21(5)), 703.

<sup>4</sup> David A. Snow, Sarah Anne Soule and Daniel M. Cress (2005), *Identifying the Precipitants of Homeless Protest Across 17 U.S. Cities, 1980 to 1990* (Social Forces 83(3)) 1183.

The quotidian exists in two dimensions: daily practices and routines and cognitive component, or essentially all of these practices, which are taken for granted. Quotidian disruption occurs when the environment challenges natural attitudes and customary habits, which is an “impetus for mobilization.”<sup>5</sup> The first case of quotidian disruption this article will examine is the mobilization of the *Madre de la Plaza de Mayo* in Buenos Aires in response to the bureaucratic authoritarian regime, in an attempt to explain the maternal focus of the feminine collective action incited by quotidian threat. In this case, the *Madres* wished not to eliminate maternity as a gendered ideal, but to create a political role for maternity within the confines of the Argentine state. The second case study that will be examined is the economic crisis of 1998-2004 in Argentina and the ensuing feminist mobilization. This form of activism was built on the foundation of collective action created by the *Madre* and maternalist ideology twenty years prior, though came to include the innovation of new visions of women’s role in society as well.

### **MOBILIZATION OF THE MADRE DE LA PLAZA DE MAYO**

For centuries, gender relations in Argentina could be defined by the culture of *machismo*, before being redefined by the culture of *marianismo*. *Machismo* is by definition the dominance of males over males and females in a patriarchal state; in this way, in women are defined by their traditional roles as secondary actors to men.<sup>6</sup> *Marianismo*, a second wave of cultural gender norms bolstered by the Catholic Church, defines the female gender as being “semi-divine” – that is, femininity grants women the qualities of moral greatness, spiritual power and insists on complete submission to the

<sup>5</sup> Borland and Sutton, 2007, 703.

<sup>6</sup> Ashley McEachern (2009), *Feminist Identities in Argentina: The Divergence Between Women’s Movements and Feminism*, (Patterson Review: The Norman Paterson School of International Affairs), 92.



needs of men.<sup>7</sup> It is through *marianismo* that maternalism is cultivated and maintained as an Argentine value. Political actor and feminist Paulina Luisi's moral reformists developed a hybrid of marianismo and feminism during the beginning of the twentieth century. Luisi defines feminism as:

[...] Demonstrating that woman is something more than material created to serve and obey man like a slave, that she is more than a machine to produce children and care for the home; that women have feelings and intellect; that it is their mission to perpetuate the species and this must be done with more than the entrails and the breasts; it must be done with a mind and a heart prepared to be a mother and an educator; that she must be the man's partner and counselor and not his slave.<sup>8</sup>

This definition forms the basis of the *Madres* political goals, and details two arguably distinct ideals – feminism<sup>9</sup> and maternalism<sup>10</sup>.

The threat posed by the military bureaucratic authoritarian regime meets three of the four

conditions of disturbance in the QDT – the first, second and fourth. The first and second conditions, that is, the accidents that throw community routines into doubt and the threat to human security and safety, were materialized through the regime's threat to make people 'disappear'. This threat was made real by the fact that over 30, 000 individuals disappeared during the time of the Dirty War.<sup>11</sup> The tyrannical overthrowing of the democratic government and the subsequent introduction of a military regime manifested the change in the structure of social control. This regime insisted on neoliberal economic and political policies, which were very taxing on the quotidian conception of the structure and greatly threatened the control it promised. In revolt against the the disappearances and the military regime, every Thursday afternoon mothers and grandmothers would stage demonstrations in the main square of Buenos Aires – the Plaza de Mayo – to reclaim their children, who had been deemed terrorists or subversives by the regime.<sup>12</sup> These women came to call themselves the *Madre de la Plaza de Mayo*.

The *Madres* normalized their protest by making it quotidian routine, and ritualized their revolt against the regime by their rights as mothers. In doing so they helped to create a new quotidian. This new quotidian lacked the strength and dimension granted by political freedom, an idea that will be developed in a section below when examining the economic crisis of 1998 through 2004.

The *Madres* adopted a strong stance against the regime, and benefited from the rights and responsibilities granted to motherhood – they use the state's metaphor of women-as-state to hide from its violence and brutality in plain

<sup>7</sup> McEachern, 2009, 92.

<sup>8</sup> Jeffress Little (1975), *Moral Reform in Feminism: A Case Study* (Journal of Interamerican Studies and World Affairs 17(4)) 387.

<sup>9</sup> Within the context of this paper, the term feminism will refer to any politicized movement (not exclusively female-led) which aims to create gender equality through legislation in areas such as sexual rights, labour rights, individual rights and enfranchisement. During the bureaucratic authoritarian regime, feminism was strongly associated with Marxism; that misnomer is not within the parameters of feminism considered here.

<sup>10</sup> Maternalism, within the context of this paper, will include the cultural idea of *marianismo*, and all the rights therein allotted to women. These are a part of the foundation of the hegemonic structures of the Argentine state, and include sexuality, family, Catholicism, maternity, and formal politics which holds women in an unproblematic place as the individual responsible for maintaining the family on a daily and generational basis (Michael Keith and Steve Pile, *Place and the Politics of Identity* (Routledge: New York, 1993) 1.)

<sup>11</sup> Sara Eleanor Howe (2006), *The Madres de la Plaza de Mayo: Asserting Motherhood; Rejecting Feminism?* (Journal of International Studies 7(3)) 43.

<sup>12</sup> Howe, 2006, 43.



sight.<sup>13</sup> In fighting for the normalcy of the quotidian, mothers fought through the confines of the traditional virtue of maternalism – and by doing so, the *Madres* reinforced the idea that a woman's primary role is that of a mother to her children – in following *marianismo*, she is submissive to the rights of all those to whom she is obliged. In this way, the movement didn't challenge the quotidian construct of maternal identity in Argentina. In fact, it played to their advantage as it gave women "visibility in a representational system that rendered most women invisible."<sup>14</sup> It is through this power that women shifted from passive observers to active agents in the social movement. However, by working within the parameter of maternalism, the advocacy was directed not towards women's rights, but was subverted for the rights of others (their sons).<sup>15</sup>

It is therein that the dividing factor between maternalism and feminism is found – it is for whom the advocacy was being done that differentiates the maternal from the feminist. Where maternalists aimed to advocate for the rights of those they were required to care for through *marianismo*, their approach as mothers gave them a voice and agency within the system. Feminists, however, sought to advocate for themselves, rejecting the engrained values of *marianismo*. Therefore, feminists during the time of the dictatorship were given no agency whatsoever. Through the use of traditionally allotted power, maternalists undermined the efforts of feminists whose aim was to move away from the identity of women as mothers and towards the image of women as individuals of equal societal stature.<sup>16</sup> Maternalists rejected the

idea that legal motherhood should be confined within the family and be subject to male control, which was a part of the agenda of the feminist perspective of the time. In this way, although the women in the *Madre* movement did not believe in equal representation of genders in the political spectrum, they nonetheless aimed to contribute a *feminine* perspective (Howe 47). They wished not to eliminate maternity as a gendered ideal, but to create a political role for maternity within the confines of the Argentine state. This defied the feminists' goal of breaking down the traditional compartmentalization of women in the Argentine *marianismo* culture. The idea of gender equality would assign women esteem and agency in the system – something earned through political conflict and competition, not gifted by *marianismo* with the condition of subversion. The *Madres*, however, openly rejected feminism. This rejection was caused by, in large, Peronist politics, and the resulting cultural and social clashes.

Arguably the most notable influence in the formation of feminist rhetoric in the 20<sup>th</sup> century in Argentina was that of Evita Perón and her Peronist Feminism. Prior to Peronism, the women's movement was strong, with simple cleavages caused by a divided enemy – men, capitalists and imperialists were the top contenders. Peronism and Peronist Feminism weakened extant feminism. Literature criticizing Western feminism, including Evita Peron's own writing, identifies women in Latin America as the victims rather than the agents in women's movements. As such, feminism was adopted by the bourgeois, as seen above, and made unavailable to common women of the time, creating the aforementioned simple cleavages much more pronounced. The strong link established by Evita Peron to imperialism caused a further divide.<sup>17</sup> This is furthered by the Peronists government's fragmentation of women's movements and feminism through

<sup>13</sup> Keith and Pile, 1993, 101. This metaphor is largely based on the ideals of *marianismo*, as they existed within the foundations of the bureaucratic authoritarian regime.

<sup>14</sup> Howe, 2006, 45

<sup>15</sup> McEachern, 2007, 89. Due to the emphasis placed on responsibility of women to care for others, and the disenfranchisement of women in the state, and as such, in the formal political process.

<sup>16</sup> Howe, 2006, 46.

<sup>17</sup> McEachern, 2009, 91.



the use of anti-feminist policies. Women were invited into politics, but were dissuaded from using feminist language and instead encouraged to conform to the traditional roles of maternalism. In order to be accepted into the political realm, women simply could not identify as feminists. This created a group of women in politics founded on the exclusion of feminists and women who had, at some point, been identified with anarchism and socialism. It resulted in a political system with females who, although present, were positioned as “passive, subordinate, and submissive actors in the political sphere”.<sup>18</sup>

By the cultural norm and religious obligation of *marianismo*, women were confined and committed to their role as mothers, subordinating their rights (social and political) to those whom they were bound to protect and serve. Women were given some latitude to petition gender roles, however, due to the overarching patriarch rule, the conflicting nature of *marianismo* and feminism, and the reinforcement of the position of women in politics by Peronist politics, Argentine women could not identify as feminists.<sup>19</sup> During the time of the *Madres*, feminism was strongly associated with lesbianism and female superiority which, given *marianismo*, strongly dissuaded mothers from supporting feminist goals.<sup>20</sup> Furthermore, there was a prevalent feeling of class exclusionism between feminists and maternalists, a division introduced by the Perón administration. The attitude surrounding maternalism was casual and socially transient; that surrounding feminism was of privilege and bourgeois ambition, created by Evita Perón. In this way, the bourgeois feminists were criticized by maternalists for subordinating all other issues

to those of gender demands.<sup>21</sup> In this way there were many erroneous definitions of feminism circulating in Argentina that dissuaded women from engaging in the ideology.

Just as it is true that the ideology surrounding the advocacy of the *Madre de la Plaza de Mayo* did contradict feminist ideology of 1970s and 1980s, it is also true that it helped bolster the position of feminist rhetoric in the Argentine culture. Women broke the barrier between the private sphere to which they were confined by *marianismo*, and entered the public sphere – by doing so, they enabled themselves to not only be the object of, but the subject in political action and in doing so created a new quotidian.<sup>22</sup> This new quotidian – achieved through politicized mediums by maternalists to publically adopt the role of mothers – allowed for some reconstruction of the idea of motherhood. It went from being “women seeking to protect the sanctity of the mother-child bond within the existing political system” to “women wishing to transform the state so that it reflects maternal values”.<sup>23</sup> This new quotidian incorporates some feminist virtues as women developed a gendered consciousness through their actions that went beyond maternalism, to challenge the social constructions surrounding femininity.<sup>24</sup> In this way, maternalists infuse politicized movements with a feminine perspective. By doing so, they created space in the political sphere for feminine (and by extension, feminist) rhetoric, a strength that had been lost in Perón’s regime.

Threats to quotidian normalcy provide incentive for social advocacy and mobilization, as was seen

<sup>18</sup> Sonia Alvarez, *Engendering Democracy in Brazil: Women’s Movements in Transition Politics*. Princeton (N.J.: Princeton University Press, 1990) 22.

<sup>19</sup> McEachern, 2009, 90.

<sup>20</sup> *Ibid.*, 89.

<sup>21</sup> M.G. Bouvard, *Revolutionizing Motherhood: the Mothers of the Plaza de Mayo* (Wilmington, DE: Scholarly Resources, 1994) 191.

<sup>22</sup> Keith and Pile, 1993, 101.

<sup>23</sup> Howe, 2006, 47.

<sup>24</sup> *Ibid.*, 46. Maternalists accomplished the establishment of a new feminine image that reflected feminist value via avenues that fundamentally undermined the tenets of the feminist struggle in Argentina.



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to which this mobilization can occur is limited both by the democracy of the state and the degree of freedoms granted to those within the state.<sup>25</sup>

Twenty years after the regime in

Argentina,

with democracy (mostly) restored enabling the rights and freedoms of citizens, feminine-led advocacy during a second bout of quotidian disturbance looks different. Under the governance of the military regime, women mobilized through maternalized avenues with maternalist aims. This is due to the fact that agency and protection were granted to women ascribing to maternalist values. Twenty years later, in the re-democratized state, women are no longer restricted to hiding behind maternalism.<sup>26</sup>

#### ARGENTINA: ECONOMIC CRISIS OF 1998-2004 AND THE ENSUING FEMINIST MOBILIZATION

The quotidian disturbance conditions that the Crisis agrees with, however, are quite different. Whereas the regime incorporated conditions one, two and four, the Crisis incorporates conditions three and four. The third condition

states that the disturbance should be caused by an "alteration in subsistence routines because [of] unfavourable ratios of resources to claimants or demand".<sup>27</sup> The resource that the Argentines were lacking was money (and thus employment) and government officials. The lack of government officials will become a symptom of the third condition once society mobilizes, and is coincidentally the situation which corresponds to the fourth condition of quotidian threat – which states that there ought to be a dramatic change in structural social control.<sup>28</sup> The night after President De La Rúa declared a state of siege, five thousand citizens gathered outside the apartment of Minister Cavallo, the the minister of finance, "banging on pots and pans, and after an hour of that he resigned, taking the whole cabinet with him overnight". The petition cry for the Crisis was "*Que se vayan todos*" (They all must go!).<sup>29</sup>

The Crisis, which was initially provoked by the country's economic challenges, cascaded into violent riots and protesting.<sup>30</sup> The government phased in Structural Adjustment Programs (SAPs) designed by the International Monetary Fund (IMF) in order to combat the effects of the Crisis, although these policies had negative implications with devastating impacts on women and children. The impacts of SAPs on the Argentine population include increased unemployment and underemployment, a decline in real wages, accelerated inflation, the elimination of state-subsidized food, and decreased government expenditures on social

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<sup>27</sup> Snow et al., 2005, 1.

<sup>28</sup> *Ibid.*

<sup>29</sup> Borland and Sutton, 2007, 701.

<sup>30</sup> The economic causes of the Crisis are threefold. The first was the devaluation of the Argentinean peso in 1999 after it was pegged to the American dollar – which had the intended effect of reducing hyperinflation, but when it devalued, investors switched their attention to Brazil. Second was the extensive foreign and domestic borrowing of the Menem government which drove interest rates up and many businesses into bankruptcy. Finally, privatization of public sector goods (such as electricity and other utilities), in combination with high unemployment, resulted in steady increase in the cost of utilities which furthered the issue of domestic debt (Luna).

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<sup>25</sup> In this context, freedom refers to the affirmation of personal security provisioned by the state, wherein the re-democratized state ensures the protection of personal rights and freedoms.

<sup>26</sup> The economic policy of both Menem and Rúa's governments closely resemble those enacted during the militant bureaucratic authoritarian regime of the 1970s and 1980s, which provides control for the reaction of women to policy.



services including health and education.<sup>31</sup>

During the time of the Crisis, *marianismo* was still an engrained value in the Argentine state, where women were expected to primary caregivers to children and maintaining a household, though combined is also their responsibility in the workforce. Here, women were overrepresented in the lower echelons of many careers, concentrated in professional paths targeted by government cutbacks.<sup>32</sup> To be an educated woman in Argentina does not mean to have “higher than average levels of labour force participation”.<sup>33</sup> Women with secondary education earn significantly less – approximately half as much as their male counterparts – and the income gap becomes more pronounced higher up the education scale.<sup>34</sup> In Latin America in 2004, 9.4 million women from urban areas were unemployed (6.8 million more than the recorded numbers in 1990) – unemployment rates were around 20 percent.<sup>35</sup> Female unemployment in 2005 (just after the Crisis) was four percent higher than that of male unemployment, where the rates were 14.8 percent and 10.8 percent respectively.<sup>36</sup> This was the reality of the threat posed by the Crisis to quotidian labour norms, without even accounting for the informal sector.<sup>37</sup> The Crisis greatly affected women’s household labour, most markedly through the decreased access to resources, making

household maintenance, child care, and other home-based responsibilities much more labour intensive and onerous.<sup>38</sup> The unprecedented levels of poverty brought upon Argentina’s historically large middle class disrupted life for those already living in abject poverty, as well as those being forced into poverty.

The challenges instigated by the Crisis challenged gendered practices and casual or unquestioned assumptions about the roles of women in the workings of a community, inciting activism and collective action in groups of women. This form of activism was built on the foundation of collective action created by the *Madre* and the maternalist ideology twenty years prior, twinned with the innovation of new visions of women’s roles in society.<sup>39</sup> Thus feminism emerges at the forefront of social activism in Argentina, subjugating maternalist movements. No longer is it necessary to hide behind maternalism to be allotted a voice – personal rights and freedoms are protected in the re-democratized regime. Hence during the economic crisis, subsequently referred to as the Crisis, women participated in street protests and many mixed-gender groups – *piqueteros/piqueteras* (picketers), *empresas recuperadas*, popular assemblies, and *barrio* committees,<sup>40</sup> among many others.<sup>41</sup> The activist quotidian during the Crisis was threefold<sup>42</sup> – they developed a new urban landscape of protest, made activism into a form of additional work, and adopted new sets of relationships

<sup>31</sup> Helen Safa (1990), *Women’s Social Movements in Latin America*, (Gender and Society 4(3)) 357.

<sup>32</sup> Borland and Sutton, 2007, 706.

<sup>33</sup> Lais Abramo and Elena Valenzuela (2005), *Women’s Labour Force Participation Rates in Latin America*, (International Labour Review 144(4)) 378.

<sup>34</sup> Abramo and Valenzuela, 2005, 377. This income gap is accounted for by occupational segregation that is assumed to generally exist in the labour market. Employers in Argentina exploited female workers by paying lower wages and practicing discrimination/risk-aversion against female workers at the compensation level (Lee, Cho 445).

<sup>35</sup> *Ibid.*, 379.

<sup>36</sup> *Ibid.*, 380–381. The dichotomy between male and female unemployment is as narrow as it is because women are more flexible about taking/leaving paid employment as their supply of labour is more elastic in its adaptation to demand than is male supply of labour (Abramo, Valenzuela, 2005, 380).

<sup>37</sup> The informal sector will be used to describe work performed by women in their home, as domestic workers and as vendors.

<sup>38</sup> Borland and Sutton, 2007, 706.

<sup>39</sup> *Ibid.*

<sup>40</sup> Safa, 1990, 357.

<sup>41</sup> Borland and Sutton, 2007, 703. *Empresas recuperadas* were recuperated businesses and factories taken over by the workers once the businesspeople were forced out of business.

<sup>42</sup> The Crisis generated a new societal sector in which advocacy could engender itself into Argentine rhetoric. While protest levels were exorbitant, they gradually became normalized by society – a part of daily life, expected and routine. It has been argued that this form of everyday action as a form of resistance is paramount to the vocalization of a marginalized cohort of society. This form of regularized protest is consistent with the ritualized *modus operandi* of the *Madre de la Plaza de Mayo*, though simultaneously more liberal and more feminist in nature. (Sutton)



and conflicts, the former two being key to this investigation.

In creating a new urban landscape in which to protest, women created a direct line of communication with the government and effectively appealed to the Argentine population. According to media estimates, in 2002 there were 12,766 street protests over an eight month period between January and August.<sup>43</sup> Women were a key part of these protests,

[shaping] the city's landscape as they marched with baby strollers, played drums and chanted protest songs outside the cathedral, put their bodies on the line in roadblocks, rallied demonstrators with megaphones, and distributed bread and roses to pedestrians as a symbolic act. Graffiti...inscribed walls and streets in the centers of power with messages such as 'Take Your Rosaries out of Our Ovaries' and 'Women Building Popular Power.'<sup>44</sup>

In this way, women were politicizing their quotidian position in political and social hierarchy, and demanded that it be changed. The first of the two graffiti quotes is quite poignant as it demonstrates the acknowledgment that the church has, not only in the issue of abortion, but also the engraining of *marianismo* into the feminine quotidian. The mobilization of women through activities such as protests and graffiti art has incurred greater legitimacy for gender-based claims being made.

The translation of activism into an additional form of work was very important given the rising unemployment rates and treatment disparities in the workforce. Women sought parity through the activist quotidian and

created environments that emulated the ideal employment situation possible. This was done through joining social movements, creating organizations, engaging in new roles in order to incorporate new routines and frames for understanding the different realities attached to such participation. In some cases, women institutionalized survival tactics into forms of advocacy – some such cases include *comedores populares* or *ollas comunes* (public kitchens) for food, or *talleres productivos* (workshops) for teaching life skills such as making clothing and other small trades.<sup>45</sup> In other cases, women were responsible for evaluating solutions to the crisis. They would accomplish this through a three step process. Firstly, they would collect data via primary research, creating surveys and conducting interviews. Secondly, these women's organizations created documents like flyers to appeal to the masses or petitions to gain popular support to create policy change. Finally, they would create and participate in workshops. These jobs were often difficult and unpaid, though in the wake of unemployment, gave many women a sense of purpose in and meaning, and equally enabled the supplementation or replacement of other jobs.<sup>46</sup> These women's activist work incorporated the stereotyped 'women's issues': gender violence, access to contraception and issues related to abortion.

The Crisis that began in 1998 and lasted until approximately 2004 allowed women to identify the specific burdens imposed on them by the combination of neoliberal globalization with *marianismo*-led gender subordination. Through this identification, women re-oriented themselves through mobilization, allowing for reshaping of activist priorities. Whereas the *Madre de la Plaza de Mayo's* activism focused on keeping maternalism central in policy surrounding women, women activists during the Crisis identified a more clearly feminist goal – that is to say, a goal striving for the parity of

<sup>43</sup> Borland and Sutton, 2007, 709.

<sup>44</sup> *Ibid.*

<sup>45</sup> Safa, 1990, 357.

<sup>46</sup> Borland and Sutton, 2007, 710.



women in Argentine society. The contributions made by female quotidian activism contributed to the:

Prompting of President De La Rúa's resignation, the repeal of laws that shielded dictators from prosecution, the creation of a large household subsidy program, laws in Buenos Aires to permit civil unions for gays and lesbians and the interruption of pregnancies with unviable fetuses, the appointment of the first women to the Supreme Court during democracy, the expansion of reproductive and sexual health laws, and growing criticism of neoliberalism and the US influence in Argentine and world politics.<sup>47</sup>

The progress made in the way of the stereotyped "women's issues" was rather extensive.

## CONCLUSION

The activist quotidian politicized the mundane and created new spaces to challenge the status quo during the military regime of the 1970s and 1980s, and again during the economic and political crisis of 1998 until 2004 (approximately) in Argentina. The difference in fundamental influences lies not in the quotidian threat condition, rather in the level of democracy and thus the degree of personal rights and freedoms ensured by the state. During the military bureaucratic authoritarian regime existing from 1976 until 1983, the only vein of women's activism that allowed intervention or involvement to dissent within the regime was *marianismo*. The *Madres de la Plaza de Mayo* were the main actors in this movement, and did so by reinforcing the maternal values of the Argentine culture. This is in part due to the lack

of agency granted to citizens by the regime, and even more so to the lack of agency granted to women as autonomous actors within the political system. Politically, license was granted only when advocating for the rights of those to which they were bound by *marianismo* to protect and serve. Furthermore, women were discouraged from engaging in feminism socially due to the stereotypes attached to it such as lesbianism and bourgeoisie superiority, and culturally by Peron politics. Given the security of personal rights and freedoms as provisioned by the promise of the redemocratization of Argentina, and the impetus to become mobile evidenced by the quotidian threat of economic instability, women would simply demand agency, and thus not restrict themselves to maternalism. It is thus that mobilization focused on women's rights as described by feminist belief during the Crisis is created and results achieved.

The transition of women in advocacy first through maternalism then through feminism in the midst of crises in Argentina can best be

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explained in the context of quotidian disruption theory (QDT). The outcomes of this analysis indicate that in a context of moderate democracy established

through redemocratization, controlling for the conditions of quotidian disturbance observed, feminism is the primary means of positive social mobilization. In a context of authoritarianism with suspended personal rights, maternalism will be the ideal promoted for women's roles in society.

<sup>47</sup> Borland and Sutton, 2007, 713.