



# GENDER, LAW, AND SECURITY

LIECHTENSTEIN INSTITUTE ON SELF-DETERMINATION  
AT PRINCETON UNIVERSITY  
STUDENT RESEARCH SERIES

VOLUME II



# GENDER, LAW, AND SECURITY

*Selected Student Research from the  
Project on Gender and the Global Community*

2018-19

Liechtenstein Institute on Self-Determination  
at Princeton University  
Student Research Series

Volume II

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# Foreword

In his February 11, 1918 address to a joint session of the US Congress, Woodrow Wilson asserted, “[s]elf-determination’ is not a mere phrase. It is an imperative principle of actions which statesmen will henceforth ignore at their peril,” a sentiment to which National Women’s Party President Alice Paul retorted, “[t]here will never be a new world order until women are part of it.” Seizing Wilson’s own rhetoric framing World War I as a war to make the world “safe for democracy,” women fighting for a variety of causes—for the right to vote, for equal protections under the law, for independence from colonial rule, for an end to wars, for individual self-determination—made it their own and challenged the notion that democracy could ever be achieved without the full participation of women in the body politic. It was a message women the world over brought to France and the Paris Peace Conference in 1919 as they demanded a voice in the negotiations, formal recognition of women’s political and economic rights in the final treaty, and a place in the emergent world order.

The centenary of Paris Peace Conference offered a moment of reflection about the line of activism that can be drawn from Alice Paul’s challenge to Woodrow Wilson to unfinished and ongoing efforts from the grassroots to international bodies like the United Nations to move forward gender equality. Indeed, women across the world have long sought to influence and shape the nature of their own lives, with a gendered understanding of power and how hierarchies of power are not only created and maintained, and perpetuate inequalities, but also how they can potentially be reorganized and remade. In this spirit, the research agenda and related activities of the Liechtenstein Institute on Self-Determination (LISD) at Princeton University’s Project on Gender in the Global Community continues to use gender as a primary lens for analysis and starting point for broader dialogues about sustainable development, state building, economic and political participation, negotiation and mediation, peace, and security. This work considers the gaps that exist and challenges that remain in moving toward gender equality and gender inclusion not only in policy but in implementation and practice—from engagement of key stakeholders and resource allocation to security and judicial frameworks.

LISD began its gender-focused work during the 2009-2010 academic year, and officially launched the Institute’s Project on Women in the Global Community at a September 2010 panel convened around the 10th anniversary of United Nations Security Council Resolution 1325 on Women, Peace, and Security, the broadly ambitious thematic resolution marking the first time that the UN Security Council directly addressed the disproportionate impact of crises and armed conflicts on women, upheld the importance of women’s equal and full participation as agents of peace and security, and recognized the valuable contributions of women toward conflict prevention, conflict resolution, and peace building. Renamed the Project on Gender in the Global Community (GGC) in 2017, the project examines and interrogates the functioning of gendered structures and norms in the international system, focusing especially on human security, women’s economic empowerment, governance, and institution building.

The GGC Student Fellows Program, inaugurated during the 2017-18 academic year, is an integral complement to this work. Building on student interest in the GGC project and modeled on the successful student fellows program organized as part of LISD’s Project on Religion, Diplomacy and International Relations (PORDIR), a dedicated student cohort of Princeton students ranging from first year undergraduates to PhD candidates and

postdocs, are selected annually through a competitive application process. Students meet twice monthly throughout the academic year. The monthly meetings through the 2018-19 academic year combined discussions of readings and students' ongoing research, with pre-presentations by invited scholars and policy practitioners including Kimberly Bryant, Founder and CEO of Black Girls CODE; Anne-Marie Goetz, Clinical Professor at NYU and former Policy Director of Governance, Peace and Security at UN Women; Caroline Wanjiku Kihato, Urban Policy Program Director for Women in Informal Employment: Globalizing and Organizing (WIEGO); and Lindsay Stevens, Postdoctoral Research Associate at the Center for Health and Wellbeing.

Over the course of this 2018-19 fellowship year, GGC fellows pursued independent, academically rigorous research, a sampling of which is presented in this publication. In May 2019, they presented their year-long projects with peers internal to Princeton during a student research day convened at LISD. The papers in this volume include the written output of this independent work, which represent a variety of disciplines and methodologies, and reflect the range of work undertaken by GGC students throughout the year—some in connection to course work, junior policy seminars and senior theses, others as stand-alone research papers, and still others as short framing essays intended to serve as starting points for future research projects.

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# PART I

## Gender and Domestic Political Contexts



AMANDA MORRISON

# A Theory of Media Power and Feminist Backsliding in China<sup>1</sup>

## INTRODUCTION

“As the Chinese people pursue a happy life,” President Xi Jinping declared before the United Nations on September 27, 2015, “all Chinese women have the opportunity to excel in life and make their dreams come true.”<sup>2</sup> Xi delivered these opening remarks at the UN Global Leaders’ Meeting on Gender Equality and Women’s Empowerment. Earlier that year on March 9, vice president of the All-China Women’s Federation (ACWF) Song Xiuyan publicly announced that China would co-host the conference with UN Women. State media swiftly disseminated the news.<sup>3</sup> Just two days prior, five women’s rights activists were detained while preparing for an anti-sexual harassment campaign on International Women’s Day. The “Feminist Five,” as they became known, exposed the degree of intolerance towards the independent women’s movement that had developed within the Chinese Communist Party (CCP). After 37 days, the five women were released in the wake of international media attention. As Xi prepared to take the stage at the women’s summit in September, leaders voiced criticism. Former Secretary of State Hillary Clinton tweeted, “Xi hosting a meeting on women’s rights at the U.N. while persecuting feminists? Shameless.”<sup>4</sup> Meanwhile, US Ambassador to the UN Samantha Power released a statement responding to cases of female imprisonment around the world: “If you want to empower women, don’t imprison them on the basis of their views or beliefs.”<sup>5</sup>

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1. This paper is drawn from parts of my senior thesis presented to the Woodrow Wilson School of Public and International Affairs at Princeton University.

2. Xi Jinping, “Promoting Women’s All-round Development and Building a Better World for All,” United Nations Global Leaders’ Meeting on Gender Equality and Women’s Empowerment, September 27, 2015, <http://ie.china-embassy.org/eng/zltt/2d2/t1321134.htm>.

3. “China, UN Women to Co-host 2015 Global Women’s Summit,” ed. Eileen Cheng, People’s Daily, March 10, 2015, <http://www.womenofchina.cn/womenofchina/html1/news/china/1503/1235-1.htm>.

4. @HillaryClinton, Hillary Clinton, “Xi hosting a meeting...” Twitter, September 27, 2015, 4:39am, [https://twitter.com/HillaryClinton/status/648099640714391552?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwterm%5E648099640714391552&ref\\_url=http%3A%2F%2Ffortune.com%2F2015%2F09%2F28%2Fchina-hillary-clinton-trump%2F](https://twitter.com/HillaryClinton/status/648099640714391552?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwterm%5E648099640714391552&ref_url=http%3A%2F%2Ffortune.com%2F2015%2F09%2F28%2Fchina-hillary-clinton-trump%2F).

5. Samantha Power, “Resolve to Unlock and Unleash Women’s Voices,” *Medium* (blog), September 27, 2015, <https://medium.com/@AmbassadorPower/resolve-to-unlock-and-unleash-women-s-voices-4a8070894701>.

Chinese state media told a different story. Xinhua News Agency ran the headline: “China’s Commitments on Women’s Empowerment Lauded by World Leaders.”<sup>6</sup> Behind the headlines praising progress on “gender equality and the advancement of women,” China remains a deeply unequal society. In the most recent session, 24.9% of the deputies to the National People’s Congress were women.<sup>7</sup> Among the 25 members of the higher level Politburo of the CCP, one is a woman. In 2018, China ranked 103 out of 149 in the World Economic Forum’s Global Index on Gender Equality.<sup>8</sup> Based on economic, education, health, and political indicators, China’s position is below the global average and lower than years past. Through state-sanctioned feminism, China simultaneously touts anthems of gender equality while removing agency from women to bring about change in their own right. Why is the CCP able to maintain the utter disconnect between rhetoric and reality?

This paper introduces a theory about the coercive capacities of state-sanctioned feminism and state-controlled media to protect regime stability. I use this basis to postulate why and how the CCP is manipulating the media environment to obstruct independent feminism. I build my theory of feminist backsliding from existing corporatist, feminist movement, and censorship theories. I also pull from broader gender and media discourse to fortify the theoretical framework. I first outline corporatist theory to show how civil society, particularly feminism, fits into China’s institutional structure. I then explore existing feminist theories, focusing on the tension between different forms of feminism. Next, I present relevant media theories about Chinese censorship and the broader implications of media control on public opinion and social movement power. I conclude the paper by presenting my hybrid theory along with the arguments and hypotheses it generates.

## ALL ROADS LEAD TO LEGITIMACY

At first pass, women’s organizations and media development in China may appear disparate. But within the autocratic system, all roads lead back to regime legitimacy and stability maintenance. Stability maintenance (*weiwen*) is a central tenant to CCP ideology and policymaking. In addition to an institutional configuration that sustains one-party rule, *weiwen* policies—notable recent examples include the social credit system and facial recognition technologies—add another level of assurance. New feminism is a disrupting force to China’s corporatist and patriarchal structure. Meanwhile, the media functions as a *weiwen* mechanism to mitigate unwanted attention and shape an advantageous mainstream ideology. As new feminism agitates, state media alleviates.

### *Corporatist Theory*

In the 1990s, scholars began to apply corporatist models of political theory to China.<sup>9</sup> Corporatism can be roughly defined as a state’s coercive capacity to categorize, institutionalize and control society. In an ideal-type corporatist structure, the state officially endorses, subsidizes, and supervises singular and non-competing enterprises. In many scenarios,

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6. “China’s Commitments on Women’s Empowerment Lauded by World Leaders,” Xinhua Net, September 28, 2015, [http://news.xinhuanet.com/english/2015-09/28/c\\_134666698.htm](http://news.xinhuanet.com/english/2015-09/28/c_134666698.htm).

7. Cao Siqi, “More Chinese women elected to seats at NPC, CPPCC,” People’s Daily, March 11, 2019, <http://en.people.cn/n3/2019/0311/c90000-9554914.html>.

8. “The Global Gender Gap Report 2018” (World Economic Forum, 2018).

9. Most notably: Jonathan Unger and Anita Chan, “China, Corporatism, and the East Asian Model,” *The Australian Journal of Chinese Affairs*, no. 33 (1995): 29–53, <https://doi.org/10.2307/2950087>.

state-backed associations are called on to inform the policymaking process and implement national policies on the state's behalf. Corporatist mechanisms are not dependent on political system, but they have become a common feature of authoritarian regimes, particularly China.

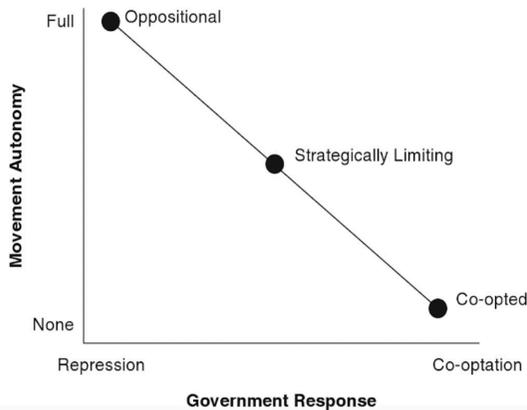
Central to the corporatist model is interpreting and managing social change. Scholars Reza Hasmath and Jennifer Hsu (2012) made the case that branches of the Chinese government establish relationships with local actors and organizations in order to align civil society with state interests.<sup>10</sup> This kind of corporatist cooperation builds up the presence, legitimacy, and stability of the regime. The ACWF is a coercive, corporatist tool that insists on being the singular representative of women's interests. Mass organizations like the ACWF have outward missions to represent specific interests among the population, but the dominating priority is strengthening Party rule. Consistent with Hasmath and Hsu's theory of adaptation, survival, and resistance, the ACWF has a vast network of relationships with independent organizations that allows it to disseminate Party ideology to the farthest reaches of rural China while also managing civil society development.

*Civil Society Under Authoritarianism*

The corporatist structure of Chinese society acts as a dualistic enabling and constraining force on civil society. The direction of the force is contingent on the type of civil society organization. Timothy Hildebrandt (2003) introduces the theory of "socially-sensitive, disaggregated corporatism," which examines the relationship between organizational approach and government response.<sup>11</sup>

**Figure 1: Conceptual framework of social organizations in authoritarian states<sup>12</sup>**

Figure 1: Conceptual framework of social organizations in authoritarian states<sup>11</sup>



10. Jennifer Y. J. Hsu and Reza Hasmath, *The Chinese Corporatist State: Adaption, Survival and Resistance* (Routledge, 2012), 3.

11. Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (New York: Cambridge University Press, 2013).

12. Hildebrandt, *Social Organizations and the Authoritarian State in China*, 13..

Hildebrandt argues that the corporatist relationship is determined by the nature of the organization's demands and strategic approach (Figure 1). Oppositional groups (such as the Falun Gong or other illegal religious organizations) are entirely autonomous from the state and experience the most repression. Co-opted groups represent the GONGO class, which face no oppression because they are simply an extension of the government. In the middle of the continuum lies "strategically limiting," or "self-limiting," groups (such as health or environmental organizations), which modify their actions to meet their baseline mission without challenging the system itself. Faced with uncertainty, these groups ultimately maintain the status quo rather than achieving new rights.<sup>13</sup> Hildebrandt uses gay men's groups to illustrate the strategically-limiting camp, which framed their actions in terms of public health rather than "human rights" to avoid sliding into the oppositional territory.<sup>14</sup> The state-society dance continues as the government grants the organization limited space to pursue its goals and the organization does not reach beyond those boundaries.

As one of the country's largest corporatist mechanisms, the ACWF must manage its dual function to represent women's interests and promote Party rule. According to Jude Howell, the ACWF collaborates closely with independent women's organizations compared to its monopolistic counterpart for labor representation, the All-China Federation of Trade Unions (ACFTU).<sup>15</sup> Historically, however, the ACWF managed tense relations as civil society began to grow within the developing corporatist structure. Between 1984 and 1989, over two thousand popular women's organizations emerged.<sup>16</sup> And after the 1995 UN Fourth World Conference on Women in Beijing, independent groups began to flourish with an influx of financial and human resources. The ACWF faced the question: "should it incorporate them, should it walk shoulder to shoulder with them, or should it just turn a 'blind eye' to their existence?"<sup>17</sup> Considering the future of the corporatist relationship, Jin Yihong argued in 2001 that networking with independent organizations was inevitable and beneficial for the ACWF in the long-run: "Through organizing and coordinating, it can increase mutual recognition...[and] make itself the most active and important knot of the network of women's social organizations."<sup>18</sup> Jin is essentially describing the logic behind a corporatist structure. The state at once benefits from the far-reaching linkages, which address practical needs, promote Party ideology, and mitigate potential threats to regime stability by placing itself at the center of the network.

Despite these advantages, the positioning of the ACWF between the state and society is inherently tense. Within its vertical structure, the Federation must reconcile pressure from two sources: the higher levels of the Party and lower level women's groups. The former insists the Federation ensure the stability of the system while the latter expects real representation of women's interests; the former bears on legitimacy while the latter determines representative authority.<sup>19</sup> Most of the time the ACWF manages to maintain its double iden-

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13. Ibid, 14.

14. Ibid, 14.

15. Jude Howell, "Organising around Women and Labour in China: Uneasy Shadows, Uncomfortable Alliances," *Communist and Post-Communist Studies* 33, no. 3 (2000): 355-77, [http://dx.doi.org/10.1016/S0967-067X\(00\)00011-8](http://dx.doi.org/10.1016/S0967-067X(00)00011-8).

16. Liu Bohong, 'Zhongguo funü feizhengfu zuhi de fazhan' (The Development of Chinese Women's Non-government Organizations), *Zhejiang xuebao*, (*Zhejiang Academic Journal*), (2000): 5.

17. Jin Yihong, "The ACWF: Challenges and Trends" in Ping-chun Hsiung et al., eds., *Chinese Women Organizing: Cadres, Feminists, Muslims, Queers* (Oxford: Berg, 2001), 131.

18. Ibid, 139.

19. Jin in Hsiung et al., *Chinese Women Organizing: Cadres, Feminists, Muslims, Queers*, 127.

tity, but when conflict arises, the Party takes precedent. When a grassroots cadre of the Federation was working on labor protection, an upper-level local Party official warned her that local enterprises were struggling and could not afford complaints about labor conditions. She was instructed to abandon labor protection efforts until conditions changed and she received a new order. Resources are more concentrated in Party organizations at lower administrative levels, so there is more pressure on cadres to “think for the bigger issues” (*guquan daju*) and subordinate its role as a ‘speaker for women’s interests’ (*funü quanyi de daiyanren*).<sup>20</sup> Konstantinos Tsimonis argues the ACWF has succeeded in striking a delicate balance between maintaining close relations with the CCP and executing “purposeful pro-constituency action.”<sup>21</sup> He engages in organizational survival analysis rather than a structural critique. In so doing, his argument fails to address why agency and incentives matter for policy change outcomes. This paper addresses this gap by examining feminist agency as a Catch-22: without agency, policy reforms reinforce the paternalistic status quo; with it, the movement is a threat to its own existence by challenging the patriarchal core of regime legitimacy.

## FEMINIST THEORIES

### *Corporatist Feminism?*

In a recent study conducted by Daniella Donno and Anne-Kathrin Kreft (2018), party-based regimes are associated with greater political and economic rights for women.<sup>22</sup> Authoritarian states have an incentive to secure women’s loyalty through women’s rights policies, which function as a corporatist-like tool for coalition-building while preempting civil rights associated with liberalization. Although Donno and Kreft acknowledge the driving motive behind these women’s rights agendas is regime stability, they highlight the policy advantages of autocracies without addressing the implications of agency within the process. The missing link in their work lies between the nature of “women’s empowerment” (to use their term) within authoritarian institutions: what is the importance and impact of women’s agency in the policymaking process?

In a comparative mixed-methods work, Dorothy McBride and Amy Mazur (2010) analyze the nature and effectiveness of relationships between government agencies and women’s movements.<sup>23</sup> Although they consider the “politics of state feminism” in postindustrial democracies, the distinctions and comparisons they draw can be reinterpreted and applied to the Chinese context. The fundamental distinction I find relevant to the government-movement relationship in China is that between “movement state feminism” and “transformative state feminism.” “Movement state feminism” describes when the state (typically through agencies) responds to movement activism by promoting the actors and ideas, such as gender consciousness, women’s solidarity, and the cause of women.<sup>24</sup> As such, the

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20. Ibid, 128.

21. Konstantinos Tsimonis, “Purposes and the Adaptation of Authoritarian Institutions: The Case of China’s State Feminist Organization,” *Journal of Chinese Political Science* 21, no. 1 (2015): 57-74.

22. Daniela Donno and Anne-Kathrin Kreft, “Authoritarian Institutions and Women’s Rights,” *Comparative Political Studies*, September 10, 2018, 0010414018797954, <https://doi.org/10.1177/0010414018797954>.

23. Dorothy McBride and Amy Mazur, *The Politics of State Feminism: Innovation in Comparative Research* (Philadelphia, PA: Temple University Press, 2010).

24. McBride and Mazur, 5.

broad goals of the movement are achieved. “Transformative state feminism” is explicitly “feminist” by recognizing patriarchy and gender-based hierarchy and implementing gender equality policies with the potential to transform the system.<sup>25</sup> Here, the specific goals of the movement are realized. China squarely fits in the framework for “movement state feminism.” My argument, expounded later, is that new feminist efforts pushing for “transformative state feminism” has resulted in backlash from the government and public as the media has doubled down on its paternalistic approach to state feminism and alienated feminists from mainstream gender ideology.

Maxine Molyneux (1998) constructed a theoretical framework for women’s movements that analyzes three ideal typical forms: independent, associative, and directed. Her typology aligns with Hildebrandt’s continuum, decreasing in degree of autonomy. By analyzing the form and effect of women’s movements, Molyneux searches for why “upper echelons of political power have remained a remarkable bastion of male exclusivity.”<sup>26</sup> The origin of women’s activism in China falls into the third group of collective action, “handed down from above ... by socialist states ... anxious to broaden their political base.”<sup>27</sup> Molyneux describes the consequences of directed mobilization:

(i) the goals of women’s associations do not specifically concern women other than as instruments for the realization of the higher authority’s goals; and/or (ii) even if they do concern women, control and direction of the agenda does not lie with them as an identifiable social force.<sup>28</sup>

Donno and Kreft neglect the implications of Molyneux’s argument on women’s rights in authoritarian settings: where women lack agency in the pursuit of women’s rights and gender equality, the state apparatus directing female mobilization still subordinates women under the authority of the state.

### *How State Feminism Reinforces the Patriarchy*

Jude Howell (2003) offers an argument specific to the Chinese context explaining why state feminism ultimately reinforces the patriarchy. In a paper on women’s political participation in China, Howell contends:

“...the party-state produces the official gender ideology, works out the strategies for resolving female oppression, and organises the process of social change. It has a monopoly on the explanation of women’s oppression, on the management of social change, and on the imagination of an alternative.”<sup>29</sup>

Howell touches on many points crucial to this paper. The regime controls the mainstream ideology towards women and gender equality. As a result, the ideology will be constructed to best serve the legitimacy and stability of the state. By being the agent of some,

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25. McBride and Mazur, 5.

26. Maxine Molyneux, “Analysing Women’s Movements,” *Development and Change* 29, no. 2 (April 1, 1998): 223, <https://doi.org/10.1111/1467-7660.00077>.

27. *Ibid.*

28. *Ibid.*, 229.

29. Jude Howell, “Women’s Political Participation in China: Struggling to Hold Up Half the Sky,” *Parliamentary Affairs* 55, no. 1 (January 1, 2002): 48, <https://doi.org/10.1093/parlij/55.1.43>.

albeit limited, “social change,” the regime precludes independent actors from demanding an alternative uncondusive to state vision. Since the founding of the PRC, there has been no intellectual space or tolerance for reworking the meaning of state-derived feminism, which is based on a Marxist interpretation of women’s rights equating to the state’s socialist agenda.<sup>30</sup>

The paternalistic approach also relegates women to a position of need, which is neither a novel nor simply scholarly perspective. Li Xiaojiang, a feminist considered the founder of women’s studies in post-Mao China, argued in the 1980s, “because the CCP had awarded liberation to Chinese women, logically speaking, women must never have sought it for themselves.”<sup>31</sup> At the time, feminists used the term *nüren* (women) rather than *funü* (the formal version of “women” used in communist rhetoric) to rebuke Party-mandated liberation.<sup>32</sup> Feminists attributed the early “failures of will” of the ACWF to “the fact that “women’s liberation” meant as little to ordinary women as womanhood itself did. That was because ordinary women saw women’s liberation as a gift from on high, a meaningless political endowment.”<sup>33</sup> Although feminist intellectuals chided women’s liberation for being ineffective due to lack of female agency, the ACWF evolved to enhance its legitimacy, which was tied to that of the Party itself.

With the cautious emergence of popular women’s groups in the 1980s and acceleration of organizational capacity after the 1995 Beijing conference, the ACWF built its corporatist network. In so doing, it became less monopolistic while continuing to function under direct political and financial control of the Party.<sup>34</sup> Instead of promoting only abstract “women’s liberation,” the ACWF aims to respond to women’s need and pursue concrete development projects. There was even a period in the 1980s when some ACWF cadres began to question its relationship with the CCP, proposing to turn itself into an NGO or work closer with new autonomous women’s organizations.<sup>35</sup> By 2001, it was considered the most effective mass organization in China with the legitimacy to speak and influence policy among upper-level Party committees.<sup>36</sup> But by then the CCP had again tightened its grip on the ACWF, so its actual policy influence can hardly be differentiated from the goals of the central leadership.

Throughout the environmental and institutional changes, the state feminism promoted and operationalized by the Party reinforces its patriarchal core. The ACWF does not examine structural roots of gender inequity (as transformation state feminism would do), but rather implements programs and policies, such as financial planning, medical exams, and legal education, which protect and promote women (as movement state feminism does) with the infusion of Party ideology. Collaborating with lower-level women’s organizations reproduces the notion that women are a special group in need of protection, upholding the mission of the ACWF and in turn the interests of the regime.

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30. Ibid, 52.

31. Tani Barlow, *The Question of Women in Chinese Feminism* (Durham, NC: Duke University Press, 2004), 259.

32. Ibid.

33. Ibid.

34. Hsiung et al., *Chinese Women Organizing: Cadres, Feminists, Muslims, Queers*, 125.

35. Jude Howell, “Women’s Organizations and Civil Society in China Making a Difference,” *International Feminist Journal of Politics* 5, no. 2 (January 1, 2003): 195, <https://doi.org/10.1080/1461674032000080567>.

36. Hsiung et al., *Chinese Women Organizing: Cadres, Feminists, Muslims, Queers*, 125.

## *Strategy and Survival of Women's Organizations*

Between the mid-1980s to around 2010, the veteran women's organizations have collaborated with the ACWF and accepted the terms imposed on them from above in order to implement programs that meet the immediate practical needs of women. Molyneux made a significant contribution to gender analysis in the mid-1980s by developing the distinction between women's *practical* and *strategic* interests.<sup>37</sup> Practical interests refer to concrete conditions and immediate needs whereas strategic interests focus on long-term goals aimed at challenging the patriarchy and advancing structural gender equality. Molyneux's distinction between practical and strategic interests is parallel to McBride and Mazur's distinction between movement and transformative state feminism.

In China, veteran women's organizations managed to survive under autocracy by focusing on practical interests and accepting movement state feminism. Women's groups provided services rather than advocacy. Howell points out the organizations made no effort to question or challenge the patriarchal political structure or practices.<sup>38</sup> The ACWF refused to use the term "feminism" for its association with western, bourgeois theory. Few women's organizations described themselves as "feminist" because it was interpreted as mounting a challenge to the state.<sup>39</sup> The willingness of women's organization to accept paternalistic discourse has contributed to the foundation and growth of the ACWF, which now has roughly 80,000 affiliated women's organizations at all levels. Jin Yinhong points out, the ACWF has facilitated ground level work, but ideologically remains deeply manipulative and reflective of the Party.<sup>40</sup>

Women's organizations born in the 1990s possessed limited ability to influence policy, but Howell points out political change was not a central organizational motive. At the time they were symbolically important, but they also helped reinforce the notion that women were a special group in need of protection, as described above. The perseverance of women's organizations required sacrifice of goals associated with many of the theories addressed in this section: independent collective action, transformative state feminism, and strategic interests.

### *The Divide Between Veteran and New Independent Feminism*

The tide began to turn in 2012 as a young generation of self-proclaimed feminists took a new approach to activism. The feminists were completely autonomous from the state apparatus and began calling for transformative and strategic reform, often through practical interests, like addressing domestic violence, employment discrimination, and sexual harassment. Jun Li and Xiaoqin Li (2017) argue the fledgling feminist movement mobilized mass media to gain public support and extract government responses.<sup>41</sup> Their success in doing so is key to my theory of *feminist backsliding*.

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37. Maxine Molyneux, "Mobilization without Emancipation? Women's Interests, the State, and Revolution in Nicaragua," *Feminist Studies* 11, no. 2 (1985): 227–54, <https://doi.org/10.2307/3177922>.

38. Howell, "Women's Organizations and Civil Society in China Making a Difference," 198.

39. *Ibid.*

40. Hsiung et al., *Chinese Women Organizing: Cadres, Feminists, Muslims, Queers*, 123.

41. Jun Li and Xiaoqin Li, "Media as a Core Political Resource: The Young Feminist Movements in China," *Chinese Journal of Communication* 10, no. 1 (January 2, 2017): 55, <https://doi.org/10.1080/17544750.2016.1274265>.

Moreover, the distinction between the old and new generation of feminists is central to my theoretical framework. I discussed the *daigou* (generational gap) with a prominent employment discrimination lawyer and professor at the China University of Political Science and Law (hereafter, “Feminist A”). She explains there is *maodun* (contradictions) between the old and young generations.<sup>42</sup> Young generations believe the old generation of feminists are *tizhinei* (inside the system), capitulating to the rules of the regime and ultimately doing little to advance gender equality. Feminist A says the younger generation feels emboldened and compelled to push the system harder. This shift in ideology is reflected in their approach to activism, from performance art street demonstrations to open letters to university presidents. Veteran feminists, Feminist A points out, subscribe to the idyllic Chinese notion of “harmony” and criticize young feminists for provoking the feminist backsliding. *Nannü pingdeng* (gender equality) is a fundamental state policy, but feminism has recently become a sensitive topic. The older generation is more conservative and believes certain topics and words should not be discussed publicly, says Feminist A. For instance, veteran feminists were jarred by Chinese productions of *Yindao Dubai* (Vagina Monologues) and a series of subway campaigns titled “*wo keyi sao, ni bu keyi rao*” (I can dress like a slut, you can’t harass me).<sup>43</sup> Making private matters public and utilizing shock value were at the core of the new feminist strategy.

Aside from method, another fundamental generational difference is that most old feminists started within the system and were thus afforded more space for activist-like work. Feminist B, an leading lawyer and women’s rights activist based in Beijing, started as a journalist at the *People’s Daily* in the 1980s. Feminist B explains that she broke the mold of reporting on selective outstanding female individuals and reported on the challenges of ordinary women and the work of independent women’s organizations.<sup>44</sup> At the time, Feminist B recalls, *People’s Daily* was expanding space for journalists to cover social concerns and activism. She later worked at the *China Women’s Daily*, published by the ACWF. Inspired by the Fourth World Conference on Women, Feng and a group of colleagues from state newspapers launched the Media Monitor Network for Women in 1996. The organization advocated for better reporting on women by covering a wider range of topics, improving the gendered depiction of women, and bringing attention to women’s rights. Feminist A was also involved with media advocacy and was actively engaged with both the ACWF and NGOs. Women in her position are called “amphibious persons.”<sup>45</sup> Feminist E held training workshops on gender representation in media for journalists and editors between 2009 and 2014. The journalists were from both independent and state media, including CCTV and *Legal Daily*. She recalls the workshops being a success. Feminist B agrees the trainings were effective and reporting on gender and social issues visibly improved around this time. She says the enhanced media reporting and independent women’s organizations played a role in setting the agenda.

The new generation of feminists emerged entirely from outside of the system. The young feminists I talked to all got their start in open workshops during university. Feminist C, for instance, was introduced to feminist theory in a seminar at school and became involved in sex education before organizing her own activities. Feminist D and Feminist E

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42. Feminist A, February 2019.

43. Feminist A.

44. Feminist B, August 2018.

45. Zhang, “Searching for ‘Authentic’ NGOs: The NGO Discourse and Women’s Organizations in China,” 169.

were volunteers for an LGBT youth organization in 2011 and met feminist leader Lü Pin at a workshop in 2012. Feminist E says she began by calling herself a “gender equality advocate” to avoid ostracization of using the word “feminist.”<sup>46</sup> She ultimately embraced the term “feminist” alongside the growing network of young activists. Nine women were arrested on March 8, 2015. The five affiliated with NGOs were detained; the other four were released. The Feminist Five specifically had ties to the NGO Yirenping (益仁平). Yirenping is applauded for its effective anti-discrimination advocacy and its staying power in China.<sup>47</sup> Although the NGO managed to embed itself in the system enough to avoid government crackdown, Professor Wang Zheng attributes the Feminist Five detention to the Chinese authorities’ goal “to smash Yirenping.”<sup>48</sup> (The Yirenping office was raided March 24, 2015).<sup>49</sup> The independent origin and development of the new generation of feminists put unwanted pressure on the regime; action was swiftly taken.

## MEDIA THEORIES

### *Persuasion through Propaganda and Censorship*

The paradoxical role of the media in authoritarian settings is not entirely reconciled in the existing scholarship. The divide lies between those who suggest the failure to maintain an impenetrable propaganda system cost the CCP secure longevity<sup>50</sup> and those who argue media marketization has strengthened authoritarian rule.<sup>51</sup> Daniel Lynch (1999) argues China has developed “public sphere praetorianism” in which culture is shaped by market forces, political participation is chaotic, and the state lacks the capacity to impose order on the communication environment.<sup>52</sup> Despite—or perhaps because of—media commercialization, China has undergone depolarization and even “narcotization” of society. Commercialization and globalization of thought work provided the economic incentives and technological capabilities to import foreign messaging over which the central authorities could not feasibly maintain control. Lynch argues, therefore, China’s leaders willingly relinquished some degree of control over the media, but did not realize the sacrifice would be so high.

Daniella Stockmann (2018), among others, maintains that marketized media contributes to regime stability. “Propaganda for sale,” Stockmann argues, “strengthens the ability of media to communicate societal feedback to authoritarian leaders and disseminate information about the position of the government on political issues and aids in guiding public opinion in a direction favorable to CCP rule.”<sup>53</sup> The regime masterfully balances a fine line between toleration and control. Where an issue is less sensitive, the space for reporting wid-

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46. Feminist E, March 2019.

47. Fu Hualing, “Embedded Socio-Legal Activism in China: The Case of Yirenping,” *Hong Kong Law Journal*, 2012.

48. “Detention of Five Chinese Feminist Activists at the Juncture of Beijing+20—An Interview with Gender Scholar Wang Zheng,” *China Change*, April 12, 2015, <https://chinachange.org/2015/04/12/detention-of-five-chinese-feminist-activists-at-the-juncture-of-beijing20-an-interview-with-professor-wang-zheng/>.

49. “China Targets Rights Group Yirenping after Activists’ Release,” BBC, April 15, 2015, <https://www.bbc.com/news/world-asia-china-32313650>.

50. He Zhao (2000), Kenneth Lieberthal (1995), Lynch (1999).

51. Stockmann; Brady, “Mass Persuasion as a Means of Legitimation and China’s Popular Authoritarianism.”

52. Lynch, *After the Propaganda State*, 2.

53. Stockmann, *Media Commercialization and Authoritarian Rule in China*, 14.

ens; where an issue may stoke collective dissatisfaction, the space remains heavily restricted. Similarly, there is freer reporting where audience demands align with policy interests of the party. One of Stockmann's findings reveals, "In the case of labor law, market demand and government policy converge; there is simply no need for the [*People's Daily*] to restrict news reporting if media outlets are pulled in the desired direction by market forces."<sup>54</sup> When the central government "can find allies among audiences for its policy goals," it benefits from the enhanced credibility of marketized media and promotion of party messaging.

Most of the stability-threatening arguments are outdated, but the emergence of social media networks in China beg for renewed attention to this strand of literature. Throughout the evolutions that Lynch differentiates (administrative, economic, and technological), the state has adapted its persuasion tactics. In the modern environment, the regime employs a combination of positive and negative persuasion.<sup>55</sup> In other words, state propaganda is a positive mechanism that spreads advantageous messaging, whereas censorship is a negative mechanism that removes threatening content. Together the state media and commercialized independent media continue to function as a stabilizing mechanism for the CCP.

Political theorist John Schaar contends legitimacy comes down to belief and opinion alone. Legitimacy is measured by popular opinion and the "system's ability to persuade members of its own appropriateness."<sup>56</sup> Brady's "popular authoritarianism" theory extends this argument to the Chinese context, stating the regime relies on combination of performance-based legitimacy and persuasion-based legitimacy to maintain regime stability.<sup>57</sup> Persuasion-based legitimacy can make up where performance-based legitimacy falls short by redirecting public opinion in a way that affirms government action or precludes pressure to take unwanted action. Marquis and Bird (2018) argue as the media environment becomes more developed and ubiquitous, the party-state can alleviate pressure to pursue policy change by using the media to distract attention from civic matters.<sup>58</sup>

Margaret Roberts recently contributed a new theory of censorship based on distraction and diversion. In her book *Censored*, she introduces censorship tactics that effectively divert and distract most people away from censored information.<sup>59</sup> Her typology includes three methods of censorship: "fear" (threats of punishment that induce self-censorship, e.g. job loss, detainment), "friction" (increasing the cost of information access, e.g. slow websites, manipulated algorithms and search orders), and "flooding" (information coordinated to distract or confuse, e.g. astroturfing, online propaganda). Notably, the censorship elicits different responses from different segments of the population and can drive a wedge between the elite and the masses. While the elite have the time, resources, and motivation to circumvent the censored information, the masses fall prey to censorship schemes due to short attention spans, less leisure time, and little background in politics. The central government has essentially devised a media strategy to thwart the potential for coordination of

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54. Ibid, 111.

55. I use this phrase based on the concepts of positive and negative agenda power.

56. John H. Schaar, *Legitimacy in the Modern State* (New Brunswick, N.J.; Oxford: Transaction Publishers, 1989), 21.

57. Ibid; Brady, "Mass Persuasion as a Means of Legitimation and China's Popular Authoritarianism."

58. Christopher Marquis and Yanhua Bird, "The Paradox of Responsive Authoritarianism: How Civic Activism Spurs Environmental Penalties in China," *Organization Science* 29, no. 5 (June 8, 2018): 2, <https://doi.org/10.1287/orsc.2018.1212>.

59. Margaret E. Roberts, *Censored: Distraction and Diversion Inside China's Great Firewall* (Princeton University Press, 2018).

the majority which could result in collective action. A paper Roberts co-authored in 2013 argues censorship targets collective action rather government criticism, contrary to previous understandings.<sup>60</sup>

Roberts studies the effectiveness and pitfalls of what she calls “porous censorship,” in which information is “taxed” rather than banned. The strategic approach affords the regime plausible deniability, which is a theme Stockmann also raises in her research of media marketization. Minimizing the use of observable repression abates opportunities for backlash, signaling government weaknesses, and piquing interest in topics deemed ‘off-limits’ as a result of hardline censorship. Roberts adds that the government relies on controlled open discourse to identify local corruption, pockets of dissent, and citizen preferences for policy change. Based on Roberts’ prescriptions, the state approach to media manipulation is yet another tool for social control in its corporatist structure. Roberts concludes that “even though it is possible to access most information, as normal citizens get lost in the cacophony of information available to them, their consumption of information is highly influenced by the costs of obtaining it.”<sup>61</sup> Roberts derives her theory from control of the online environment as a whole. My research applies some of her ideas, namely fear and flooding, to changes in the state media and corresponding government-mandated actions towards feminists.

### *Media Power in Chinese Politics*

Media leverage has proved crucial for social and policy change in China. Professor Eva Pils says creative media strategies have allowed activists to generate awareness and pressure the government, pointing out:

In anti-discrimination contexts, there is a lot of law you can draw on to push, for example, gender equality. There is a very keen sense that only using the law ... isn't going to be enough. Human rights advocates feel they have to use the media ... and public pressure to promote their goals to compensate for a fundamentally complete lack of judicial independence.<sup>62</sup>

Pils underscores the importance of the media against the backdrop of an underdeveloped and heavily controlled judiciary. Similarly, Lü Pin argues, in addition to the lobbying of dedicated activists, “mass media was playing an important role in turning the tide on domestic violence...Many years on, the public opinion in China has drastically changed as a result of these campaigns.”<sup>63</sup> Lü cites specific examples of mass and popular media that contributed to the shift of mainstream opinion. A popular soap opera in the early 2000s called *Don't Respond to Strangers* depicted domestic violence and sparked a new level of awareness in the Chinese mainstream. Seeing an opportunity to act, Lü drafted a proposal for an anti-domestic violence bill and distributed it to the media before Two Sessions in 2003. It was the first bill drafted by Chinese civil society.<sup>64</sup> The bill did not make it onto the

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60. Gary King, Jennifer Pan, and Margaret Roberts, “How Censorship in China Allows Government Criticism but Silences Collective Expression,” *American Political Science Review* 107, no. 2 (May) (2013): 1–18.

61. Roberts, *Censored*, 5.

62. Pils, interview, August 2018.

63. Lü Pin, “Two Years On.”

64. *Ibid.*

government's legislative agenda that year, but the Overton window was shifting. CCTV aired a documentary in 2005 about women jailed for killing their abusive husbands.<sup>65</sup> By 2011, the media was dominated by the story of Kim Lee who posted photos online of her bruised body and became the plaintiff in a high-profile divorce case.<sup>66</sup> Domestic violence inched towards the sphere of consensus. Public support reached a critical mass. In December 2015, the landmark Anti-Domestic Violence Law was passed.

Implementation of the law is the next battle, which has so far proved to be an uphill one, especially given that the media leverage that propelled the issue onto the legislative agenda has since been removed. What pressured and, in turn, threatened the CCP was the feminists' ability to "utilize creative approaches and evoke positive media reaction," says renowned feminist Ai Xiaoming.<sup>67</sup> If the passage of the Anti-Domestic Violence Law was due in large part to the lobbying of feminist activists and the changing expectations of the citizenry they helped bring about, the regime may have decided that degree of policy influence was no longer welcome.

Prior to 2015, the media space around women's advocacy remained relatively open. The Occupy Men's Toilets protest, for instance, was even covered by Xinhua News Agency and *People's Daily*. Civilians were quoted in the state media expressing support of the demonstration.<sup>68</sup> The Guangdong provincial officials agreed to implement a plan increasing the number of toilets for women. And bathroom gender-ratio legislation was proposed at the NPC session in March 2012.<sup>69</sup> The media attention and affirmation of the effort was central to its success. Feminist C remarked, "no one thinks you can change a policy in China, but we found a way."<sup>70</sup>

### *Media Power and Social Movements*

Depending on circumstance, media power can propel or isolate a social movement. In China, the media is instrumental for constructing the mainstream gender ideology, determining the success of a social movement, and preserving the legitimacy of the ruling power.<sup>71</sup> Critiquing depictions of women in China media, Howell draws the conclusion:

Not only does [official ideology] sketch an overly sanguine picture of women's status, not least by the techniques of selective description, but its proffered explanation of inequities avoids any critical reflection that might uncover the structural determinants of gender oppression. To do so would imply a critique of economic policy and, therefore, a challenge to the claims of the party-state rule.<sup>72</sup>

In this case, the gender ideology constructed in the media is inextricably tied to regime legitimacy. Hong Fincher argues in her earlier work *Leftover Women*, "Chinese state media

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65. Ibid.

66. Ibid.

67. Zhao Sile, "中国女权主义者用37天建造抗争里程碑," Weibo, April 15, 2015, [http://card.weibo.com/article/h5/s?from=singlemessage&isappinstalled=0#cid=1001603831800668508876&from=1052093010&wmm=3333\\_2001&tip=117.136.13.57](http://card.weibo.com/article/h5/s?from=singlemessage&isappinstalled=0#cid=1001603831800668508876&from=1052093010&wmm=3333_2001&tip=117.136.13.57).

68. Hong Fincher, *Betraying Big Brother: The Feminist Awakening in China*, 18.

69. Zhao Sile, "中国女权主义者用37天建造抗争里程碑."

70. Feminist C, August 2018.

71. Howell 2002; Marquis and Bird 2018; Brady 2009, respectively.

72. Howell, "Women's Political Participation in China," 52.

respond to social changes by constantly inventing new ways to insult single women.”<sup>73</sup> Some media moves are more subtle, such as Xinhua’s transition from “child” to “children” as the one-child policy was phased out before the official onset of the two-child policy. Jin Yihong writes she condemns the ACWF’s “misleading or even sexist messages.”<sup>74</sup> The paramount purpose of the Chinese media is to guide public opinion to uphold the party line.

Across cultures, feminists and gender scholars have long noted the importance of the media in shaping the social consciousness and public policy. Research has shown how selection, exclusion, emphasis, and tone deeply influences cultural perceptions.<sup>75</sup> Despite its very different sociopolitical context, the US feminist movement is a useful comparison to show the ubiquity of media pushback against feminism. In 1995, legal scholar Deborah Rhode reasoned, “For the contemporary women’s movement, mass communication networks have done much both to frustrate and to advance feminist objectives.”<sup>76</sup> The mainstream press was largely uninterested in or unsympathetic to the feminist movement during its early years, and feminist activists lacked the platform and critical mass to be heard.

Antagonization of feminists as “crazy” or “radical” delegitimizes the movement and reinforces the current system. Rhode lists a sample of terms from Time magazine’s coverage of the women’s movements during the 1970s and 1980s: “strident,” “humorless,” “extremist,” “lesbian,” to name a few.<sup>77</sup> Prominent women face reputational risks for associating with feminist activists and women on the cusp of supporting particular causes may shy away from a movement branded in such extreme terms. In an interview, Gloria Steinem recalled some of her colleagues at New York Magazine warning her: “You’ve worked so hard to be taken seriously, Gloria. You must not get involved with those crazy women.”<sup>78</sup>

Emphasizing the power of the media, feminist scholar Susan Faludi notes, “media narratives construct the trends they claim only to describe.”<sup>79</sup> In other words, the neglectful, one-sided, and extreme reporting on the feminist movement turned it into a radical minority in the public’s eye. What was left out of news reporting was just as notable. During the 1970s feminist movement, Monica Morris introduced the term “blackout as social control,” which other scholars have built on in more recent theories.<sup>80</sup> After the formation of the National Organization for Women, for instance, the *Washington Post* ran no story and the *New York Times* published an article in the margins under traditional Thanksgiving recipes.<sup>81</sup> Disregarding aspects of the movement altogether marginalized the movement—literally and figuratively.

There is some additional valuable literature outside the Chinese context that adds depth to the importance of the media and strategies to control it. From the social movement perspective, the media environment is central to influencing public awareness and setting

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73. Leta Hong Fincher, *Leftover Women*, 2014, 42.

74. Hsiung et al., *Chinese Women Organizing: Cadres, Feminists, Muslims, Queers*, 123.

75. See: Tood Gitlin, “The whole world is watching,” University of California Press, 1980; Erving Goffman, *Frame analysis: An essay on the organization of experience*, Harvard University Press, 1974.

76. Deborah L. Rhode, “Media Images, Feminist Issues,” *Signs* 20, no. 3 (1995): 686.

77. *Ibid.*, 693.

78. Quoted in: M. Thom, “The Personal Is Political - Publishable, Too,” *Media Studies Journal* 7, no. 1–2 (WIN-SPR 1993): 223.

79. Susan Faludi, *Backlash: The Undeclared War Against American Women* (New York: Three Rivers Press, 1991), 80–88.

80. Monica Morris, “Newspapers and the New Feminists: Blackout as Social Control,” *Journalism Quarterly* 50 (1973): 37–42.

81. Rhode, 690.

the agenda for policymaking.<sup>82</sup> Daniel Lieberfeld analyzes the success of the “Four Mother’s” anti-war protest against Israel’s occupation of Lebanon in the late 1990s. He argues that media attention was pivotal to the movement by shaping public opinion and mobilizing opposition to the war. The activists sought to project a mainstream identity to avoid being framed by the press as “weird or dangerous.”<sup>83</sup> Groups that challenge the status quo will always face the risk of media-induced isolation from the mainstream.

Lieberfeld’s argument relies on the media theory developed by Daniel Hallin, which divides the public discourse into three spheres: consensus, legitimate controversy, and deviance. The sphere of consensus includes issues with virtually universal agreement. The sphere of legitimate controversy is comprised of issues up for debate and present on the government policy agenda. The sphere of deviance encompasses views rejected by the political mainstream as unworthy of being considered or heard. The media’s framing of issues influences their placement within the spheres. In so doing, the media shapes the position of the Overton window, which describes the range of ideas tolerated in public discourse. The goal of a social movement is to keep its demands out of the sphere of deviance and move them closer to the sphere of consensus. In an authoritarian setting, the goal of a regime would be to keep dissent in the sphere of deviance through propaganda and censorship tactics.

Elisabeth Noelle-Neumann developed a similar communication theory stating personal opinion is shaped by prevailing notions of acceptance and rejection in the public sphere. Afraid of social isolation, people use mainstream opinions to guide their own voice and actions. The mass media, as Noelle-Neumann points out, is extremely powerful in shaping the environment from which people take these queues. Whether in a democracy or responsive autocracy, policymakers respond to the public opinion shaped by Hallin’s spheres and Noelle-Neumann’s spiral of silence. As such, social movements and ruling powers both have vested interests in media favorability.

## FEMINIST BACKSLIDING THEORY

Based on the feminist and media theories—drawing from within and beyond the Chinese context—I offer a hybrid theory to explain what I call “feminist backsliding.” I argue that as new feminist groups began pursuing strategic interests and transformative state feminism in recent years, the government counterbalanced the movement’s increasingly independent and oppositional development with repression and retrogressive media control. I focus on media as a battleground because of the universal power of media on public opinion and the unique role it plays in directing and reflecting Chinese society.

My theory makes a distinction not only between state and independent feminism but also what I call veteran and new independent feminism, which lacks attention in academic work. The space has changed significantly since Howell analyzed state-society feminist relations at the turn of the century. In many ways, this paper extends and updates Howell’s analysis, turning a keen eye to the media. Before proceeding to my hypotheses, it is pertinent to crystalize the distinction between veteran and new independent feminism to under-

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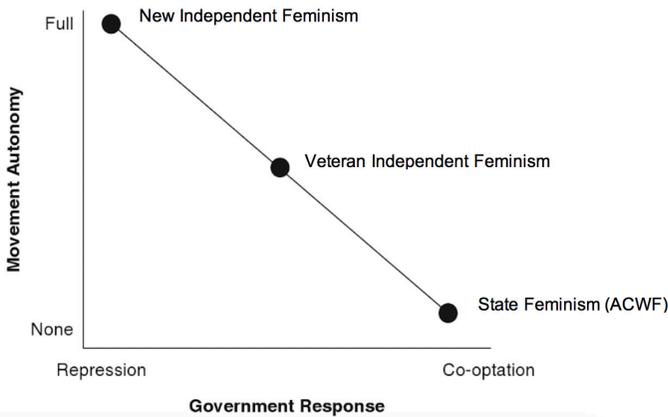
82. Harvey Molotch, “Media and Movements,” in *The Dynamics of Social Movements: Resource Mobilization, Social Control and Tactics*, ed. M.N. Zald and J.D. McCarthy (Cambridge, MA: Winthrop Publishers, 1979), 71–93.

83. Daniel Lieberfeld, “Media Coverage and Israel’s ‘Four Mothers’ Antiwar Protest: Agendas, Tactics and Political Context in Movement Success,” *Media, War & Conflict* 2, no. 3 (December 1, 2009): 329, <https://doi.org/10.1177/1750635209345199>.

stand how the government’s response to women’s advocacy in civil society has changed in the last ten years. Veteran independent feminism represents the older generation of women who worked close to or at times within the party system to advance gender consciousness, women’s solidarity, and limited policy goals. Veteran objectives aligned with movement state feminism and practical interests. New independent feminism, on the other hand, has developed entirely outside of the system and challenges structural gender equality and patriarchal control in China. New feminists pursue strategic, long-term interests and demand transformative state feminism—insisting feminist actors are part of the policy subsystem and “addressing gender-based hierarchies that contribute to sex-based inequities across all spheres.”<sup>84</sup>

Returning to Hildebrandt’s framework, Figure 2 shows an adjusted continuum to conceptualize the differences in the levels of feminism I have discussed. Veteran independent feminism reflects the strategically/self-limiting camp willing to accept the terms of the government in order to carry out their practical goals. New independent feminism has become more autonomous of and oppositional to the state, which will draw heavier repression.

**Figure 2: Adapted framework for feminist organizations in China**



Notably, Xi Jinping’s ascent to power has been accompanied by ruthless repression and renewed nationalism. It is difficult to attribute the detention of the Feminist Five and subsequent feminist backsliding to a precise regime motive. On the one hand, the government may view feminism as a threat to the subordination of women for fertility control. On the other hand, the intolerance may be more concerned with a movement’s collective action potential, irrespective of gender issues. This distinction is a limitation of the empirics of this paper and should be investigated further in future work. Nonetheless, my theory takes both explanations into account by focusing on the increasing policy power of the independent feminists. I assume the regime is responding first and foremost to unwanted policy pressure in general, but feminists are particularly sensitive because they represent the biggest interest group in the country and their demands uproot the patriarchal core of the government.

84. McBride and Mazur, 124.

### *Hypothesis 1 and 2: Erase and Replace*

The first two hypotheses are derived from corporatist theory. In order to thwart collective action potential and lend the regime legitimacy, I predict the state media will “erase and replace” the new feminist movement. My *erasure hypothesis* is that independent feminist activism will be entirely omitted from state media. Policy progress and gender equality will be framed exclusively in terms of government achievement. If my distinction between veteran and new independent feminism holds, there may be some coverage of independent groups and actors before 2015. After 2015, mentions of feminists should cease along with a decrease in coverage on specific policy issues, such as sexual harassment.

My *replacement hypothesis* is that the state media will assert the ACWF/ CCP as the sole agent of achieving gender equality. I anticipate coopted coverage to reflect the practical interests and abstract ideals indicative of movement state feminism. As new feminists push for transformative change, I predict the state to ramp up its use of paternalistic language and discourse on abstract gender equality to counterbalance demands from civil society and remove agency from women as policy entrepreneurs. Erasure and replacement alleviate policy pressure on the government. Where media manipulation is detected towards a particular civic issue, therefore, points to the regime’s unwillingness to address it with meaningful policy. Testing omission will be operationalized through qualitative research while cooptation will be tested through both qualitative and quantified text analysis.

### *Hypothesis 3: Isolate and Separate*

The third hypothesis is based on the media-movement theories that highlight the importance of the media to influencing public opinion and determining the viability of a movement. The state media will attempt to “isolate” feminists from influencing public opinion and “separate” different actors in civil society, including old and new feminists. If the government is able to keep the new feminist movement isolated by reinforcing a mainstream gender ideology and disparate by forging divides between groups, it does not have to worry about collective action potential and regime instability.

Like erasure and replacement, isolation alleviates policy pressure on the government by holding feminists in the sphere of deviance. Deborah Rhode extrapolates the political implications stating, “frequent refusal to present feminists as anything other than a lunatic fringe justified decision makers’ refusal to present them at all.”<sup>85</sup> As long as the outspoken feminists are viewed as eccentric, extreme, and outside the mainstream, the government has no pressure to bow to their requests. The isolation tactic is more indirect than explicit omission. Rather than intentionally omitting or deleting the presence of feminists, their voices are drowned out by government rhetoric, as Roberts describes in her “flooding” argument. Diffusing feminist discourse by promoting traditional gender roles and government rhetoric allows for plausible deniability. After 2015, I predict an increase in both the promotion of traditional gender roles and government-centric propaganda in women’s news.

The erasure, replacement, and isolation hypotheses offer an opportunity to test my theory of feminist backsliding that has plagued the new feminist movement since 2015. Table 1 shows a summary of the corresponding theoretical and observable hypotheses. These hypotheses are not mutually exclusive. On the contrary, they seek to encompass a full range of methods the regime uses to reign in the feminist movement and consolidate its control.

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85. Rhode, “Media Images, Feminist Issues,” 691.

The media is at the center of the tension between the state and independent feminists. How the government chooses to adapt the state media and regulate the media beyond its control reveals its degree of tolerance towards the feminist movement and determines the level of leverage the independent feminists exercise to influence policy.

**Table 1: Summary of Hypotheses**

HYPOTHESIS [NAME]	THEORETICAL HYPOTHESIS	OBSERVABLE HYPOTHESES
H1 [Erase]	The regime is trying to erase the presence of the new feminist movement all together.	ACWF media will (1) omit mentions of feminists after 2015 and (2) will report less on specific policy issues, such as sexual harassment.
H2 [Replace]	The regime removes agency from independent groups by reinforcing its paternalistic approach to women's rights.	ACWF media will (1) exhibit an increase in paternalistic language after 2015 and (2) will increase its reporting on "gender equality."
H3 [Isolate and Separate]	The regime will manipulate mainstream discourse to alienate feminist discourse to the radical fringe in order to divide the citizenry and preempt collective action.	ACWF media will (1) increase its promotion of traditional gender roles after 2015 and (2) flood reporting with state propaganda.

## CONCLUSION

Women's movements under autocracy face a Catch-22: pursuing strategic interests requires mobilizing women. Yet female empowerment inherently disrupts the enduring political order that legitimizes patriarchal regimes. I examined this conundrum in the context of China, where feminist activists have achieved unexpected successes and faced recurring setbacks. Independent Chinese feminists have proven to be skilled policy entrepreneurs—so skilled they became a threat to and therefore target of the party-state. Past efforts have revealed that pursuing policy change within the system is slow and ineffectual. But pressuring the government from outside the system, while expedient and effective, will be met with resistance or crackdown. In the past five years, the CCP has become more repressive to civil society at large, but feminists are a unique group because they uproot the very power structure that allows the regime to dominate all aspects of society.

By all accounts, China's new media frontier is only beginning. Global media integration and propaganda efforts are expanding rapidly. On March 16, 2019, Xi Jinping published an article in the *Qiushi Journal* calling for accelerated media development "to make the penetration, guidance, influence, and credibility of the mainstream media powerful." State media reported on the article calling it an "urgent subject" and quoting Xi: "The achievements

of the information revolution should be utilized to promote integrated media development and help mainstream public opinion grow bigger and become stronger.” As China projects its influence through a conflation of global journalism and propaganda work, its rhetoric and framing of women’s issues will impact women’s movements and rights efforts across the developing world.

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KIARA RODRIGUEZ GALLEGO

# EXAMINING THE RELATIONSHIP BETWEEN CRIMINAL VIOLENCE AND VIOLENCE AGAINST WOMEN

*The Extreme Consequences of a Patriarchal Society*

## INTRODUCTION

Since 2006, more than six thousand people have died in Ciudad Juarez, the region with the highest rate of femicides in Mexico, as have more than twenty-eight thousand across the country, in relation to the violence associated with the restructuring of the cartels that control the production and distribution of illegal drugs. In response to the public outcry against the violence, Calderon's administration deployed thousands of troops to Ciudad Juarez, among other cities, as part of their "war on drugs" campaign. He vowed to kill any doubts regarding the strength of the Mexican state, which had been increasingly coming into scrutiny by the international community. However, since Calderon's campaign, both intensification of criminal violence and violence against women have increased. From 2006 to 2010, femicide rates in Chihuahua, which is where femicide has its roots in Mexico, have risen by 877%.

There is a discourse on whether the war on drugs' methods proved to be a necessary and successful strategy in combating war, or whether its implementation helped certain populations of the country and abandoned responsibility to protect others. Calderon's War on Drugs campaign used a targeted strategy to arrest drug traffickers on federal drug-related or organized crime charges, plausibly destabilizing drug gangs. Studies have found that a positive correlation between PAN officials election and drug war intensification, suggesting that the PAN administration with its war on drugs initiatives increased violence. Thus, many label the states' actions against war a failure. Other government supporters contend that the increase in violence demonstrated the states' success in disrupting the drug trade. Government elites argued that the violence in Ciudad Juarez, for instance, is a positive outcome of the government's war against organized crime. Studying the war on drugs, and the politicians approaches to gender-based violence during the campaign will prove useful in understanding why violence against women also intensified during this period.

This paper intends to examine the relationship between civil conflict and domestic violence in Mexico. Specifically, it intends to use Mexico as a case study because it is one of the

countries with the highest rates of gender-based violence. It studies specifically the before and after period of Calderon's War on Drugs (2006-2012), which is infamously known for fueling intensification of cartel-related violence. It looks at how intensive campaign efforts/intensification of criminal violence in certain regions may be correlated with higher incidences of homicides of women. Specifically, it asks the questions: what explains the increase in violence against women seen during 2008-2012? How is it connected to the intensification of the drug war in Mexico?

## LITERATURE REVIEW

No paper has studied the direct relation between Mexico's cartel violence and increases in femicide rates. Although no paper specifically addresses this relationship, this paper draws from relevant literature on violence against women during conflict to find different mechanisms explaining the increase in femicide cases in Mexico. It synthesizes the learnings of the literature to two types of mechanisms: structural and within household. This paper attempts to test the three structural mechanisms identified. The three mechanisms that explain the increase in femicide phenomenon are: 1) cartels and criminal organizations changing tactics to involve victimization of women, 2) a government unwillingness to pursue further investigation (impunity for aggressors), and 3) a government's inability to pursue further investigations due to exhaustion of resources. Additionally, it considers the potential effect of within household mechanisms, this paper considers 1) stress and 2) socio-economic background, but due to the scope of the paper does not test them in-depth.

### *Structural Mechanisms*

First, the increase in violence against women after 2006 may serve a strategic function for criminal organizations. According to Jimenez-Valdez (2014), a couple of decades back, organized crime group members had an implicit code of conduct regarding women and families, wherein women and family were hardly harmed. This attitude, according to Jimenez-Valdez, has changed. Now violence against another organized crime group member's wives or daughter is used as a symbol or bargaining chip in relations amongst different actors. The study conducted by Evelyn Salinas (2015) corroborates this argument; Salinas argues Calderon's intervention of direct confrontation between the state and drug cartels caused cartels to venture into other criminal activities to maintain their power; these included: kidnappings and human trafficking, and these new activities struck women particularly severely. Salinas, like Jimenez Valdez, argues that cartels have turned women into a commodity, or bargaining chip, to possess and use.

Second, the increase in violence against women may be explained by increasing impunity. Since many believe in the "inevitability of violence against women during war"—in Mexico's case, intense criminal violence—many cases go uninvestigated. Along the same line of thought, politicians that shift blame to female victims, and shift to talk about their "public" behavior, in a sense dismiss the value of life of women who do not conform to patriarchal ideals. Some studies suggest that officials often view female victims as partly responsible due to their status as "public women"—women who frequented the streets, perhaps as hookers or drug users.

Evidently, governments' regard for the value of "public women's lives" can lead to lack of motive to investigate or combat those who commit the crimes. This idea of value of life of public women, stemming from a notion of power dynamics is similar to a theory posited by

Jimenez Valdez (2014), which argues that the state has become indifferent to gender-based violence because they consider it to be secondary in importance to crimes of a higher nature. To further the point, Salinas attributes the increase in femicides to the impunity that those who attack women or girls face. In other words, this patriarchal mentality leads to impunity for aggressors of women. This argument is corroborated by other studies such as Marco Palma-Solis (2008) study, which finds that the reduction in government final consumption expenditure and democratic backwardness in terms of gender equality appear to be relevant factors in deaths caused by gender-based violence.

Third, the presence of criminal organizations may weaken the state's ability, resources, and willingness to control not only criminal violence but also other forms of violence—violence against women. Gaviria 1998 referred to this as the “congestion-in-law-enforcement” model. If the Mexican government had its resources otherwise engaged in fighting the war against drugs, and focal regions of cartel conflict saw exhaustion of financial resources, this might suggest that a weakened state capacity could have to do with weakened time and resources placed to investigate cases of violence against women. In other words, violence against women may intensify during periods of increased civil conflict because of weakened state capacity to protect women.

### *Mechanisms Within Household*

Stress can be a potential causal mechanism for increased violence against women. High-stress societies—those that go through a transformation process with civil unrest, armed conflicts, war or terrorism—cause harmful effects on the weakest. As we have learned in the studies read in class, civil conflict can result in lower income, destruction of infrastructure, loss of human capital, rise in unemployment, reduction in foreign direct investment, firm closures, etc, all of which may cause increases in stress. Abadie and Gardeazabal (2003), for instance, constructed a synthetic model of the Basque Country and found that terrorism resulted in a 10% GDP loss.

Ibañez et al (2011) finds that the deterioration in male labor conditions can allow for a rise in domestic violence as a means of releasing stress. The fear and uncertainty that emerges in conflict settings cannot only exacerbate stress in a household, but can contribute in making males feel powerless pushing them to use violence as a mechanism through which they can assert their dominance. This suggests that high-stress societies may play an important role in perpetuating violence against women.

## DATA AND EMPIRICAL STRATEGY

### *Description of the Data*

This paper uses data from Instituto Nacional de Estadística y Geografía (INEGI), which has homicides split down to municipality level and by sex from 1989 to 2017. INEGI's numbers, though not perfect, are long-running and are reasonably reliable (highly correlated with those of Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SNSP), which is the only organization that started counting femicides). Although SNSP, has homicides not only by gender but also by whether there was a gender motive (they define gender-based violence with 9 points of criteria), SNSP only has data available since 2015. Thus, SNSP is useful as a comparison of how accurate or off INEGI numbers will be.

In this study, “violence against women” is defined as homicides of women as propor-

tion of total homicides. This paper uses killings of women as proxy for femicide because there is no available data before 2015 explaining which type of cases were due to gender reasons and which weren't. The main explanatory variable consists of the interaction effect of year and municipality to study the effect of the period (2008-2012 being the criminal violence intensification period) and municipality (whether or not the municipality was exposed to criminal organizations) to study the relationship between increase or intensification of organized crime and violence against women. It will study the impact of exposure to intensification of violence in the period of 2006 to 2012 on violence against women.

### *Empirical Strategy*

This paper will use a difference-in-difference analysis to study the relationship between increase/intensification of organized crime and violence against women. It will study the impact of exposure to intensification of violence in the period of 2006 to 2012 on violence against women (homicide of women), comparing municipalities exposed to cartel organizations to those not exposed, and the different years of occurrence. It will do so through a linear regression, consisting of average female homicides (per year and municipality) as the dependent variable, and exposure to criminal organization as the main explanatory variable.

### Impunity: Actual Probability of Further Investigations (Autopsies)—Comparing Male Rates to Female Rates

To study whether gender affects the willingness to pursue further investigations through autopsies, this paper uses a linear regression to study average female autopsies per year and municipality as the outcome or dependent variable, and municipality exposure to criminal organizations and year as the explanatory variable. It then controls for municipality capacity—by adding a variable for financial resources allocated by state to respective municipalities. Then, it replicates the model for male autopsies. By looking at the difference in autopsy rates conducted for female victims of homicide compared to male, this study can analyze more closely if the increase in female homicides is due to structural neglect of women.

### Effect of Criminal Organization Presence on Femicide Rates

This question is explored at the municipality-level. It studies the effect of municipality exposure to criminal organizations and year (IV) on average female homicides per year and municipality (DV). It controls for B1: age, B2: those speaking an indigenous language, B3: marital status, B4: occupation, B5: urban vs. rural area, and B6: Education. I also use dummy variables at the state-level. Then, it runs the regression at the municipality-level. It also studies the effect of municipality exposure to criminal organizations and year (IV) on average female homicides per year and municipality (DV). It runs both models, for the male equivalent and compares results.

### Limitations

Potential limitations include the accuracy and reliability of data. Mexican agencies did not begin categorizing specific homicides as femicides until 2015, so there is a large margin of error in deciding which types of homicides can be categorized as femicide. There is also

a wide margin of error for the number of homicides or disappearances because not all of them are reported. There is margin of error on the way the homicides are reported because before 2015 they are reported on a case basis, which could include multi-homicides. Lastly, there are many unobservables that may potentially affect violence against women and criminal violence. For instance, if the judicial system is not effective, this may create favourable conditions for both types of violence to increase.

### *Descriptive Statistics*

#### Time Series

In terms of time periods, according to Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres's 2016 report, from 1985 to 2014, there were a total of 47,178 homicides of women in the country, and within this period there were three important time periods in the trends of homicides of women. First: from 1985 to 2007 numbers of homicide against women decreased, from 2008 to 2012 the number of homicides against women increases significantly having a peak in 2012. The period of highest rates of homicide of women occurred from 2008 to 2012, coinciding exactly with the intensification of cartel violence (due to the war on drugs). Since 2012 there has been a slight reduction (7% reduction in 2013, and 13% in 2014).

#### Geographical Effect

INEGI data suggests that homicides of women are also explained by geographical differences in cartel presence, with some municipalities consistently experiencing more homicides against women than others, suggesting there are, within Mexico, certain contexts that would favor gender-based violence. Most of the states with consistently high levels of homicides of women are those with a heavy presence of organized crime gangs (i.e. Guerrero). According to the report, most of the femicides occur in ten municipalities in Mexico. Data from 2009 to 2014, consistently shows Juarez, Tijuana, Acapulco, Ecatepec de Morelos, Culiacan, Monterrey, Toluca, Tijuana, Toluca, Toluca on the top ten municipalities with homicides of women. Data also shows that from 1988 to 1997 the state of Mexico had the highest rate of homicides of women, soon this first place was taken by Guerrero and later Chihuahua. Since 2001, Chihuahua has maintained one of the highest rates of homicides against women (it ranked first from 2008 to 2012 and second in 2013 and 2014). Guerrero occupied first in 2013, 2014 and second in 2011 and 2012, and third in 2008 and 2009, and first in 2006 and 2007. The state of Mexico's rate of homicide against women has decreased, dropping to 14th place in 2010, 10th in 2011, 8th in 2013, and 9th in 2014. This is all while states known for having cartel presence such as Guerrero, Chihuahua, Baja California, have gone up. Thus, this gives us impetus in studying the relationship of cartel/criminal organizations in Mexico and increasing homicides of women.

## RESULTS AND DISCUSSION

### *Impunity: Actual Probability of Further Investigations (Autopsies)*

The actual probability of states conducting investigations of homicides (i.e. conducting autopsies) is negatively related to the exposure to cartel violence. Exposure to cartel violence

compared to non-exposure to cartel violence, explains a decrease of 1.581 in average female autopsy rates per municipality and year (Column 1), and it's significant controlling for municipality capacity (i.e. financial resources allocated by state to its municipalities). With fixed effects, the decrease is 0.941. This, although does not prove, corroborates our hypothesis that there are structural mechanisms (in part) responsible for the increase in femicide rates. Further, column (1) shows a 1% change in municipality capacity is associated with a positive change in average female autopsies (per year and municipality) of  $0.01 \times 0.635$ , also significant. With fixed effects, the positive change is 0.115.

On the other hand, column (2) shows a positive correlation between exposure to cartel violence and average male autopsies (per year and municipality). In column (2), "exposure to cartel violence" compared to non-exposure to cartel violence, explains an increase of 19.89 in average male autopsies (per municipality and year), and it's significant controlling for municipality capacity (i.e. financial resources allocated by state to its municipalities). With fixed effects, the increase is 13.20. Further, column (2) shows a 1% change in municipality capacity is associated with a negative change in average female autopsies (per year and municipality) of  $0.01 \times -15.31$ , also significant. With fixed effects, the negative change is 10.61.

Whereas, it is expected that the magnitude of the coefficient is larger for male autopsies than for women (there are still more males killed yearly in Mexico than females), the difference in direction is telling. Males have a positive correlation—more exposure to cartel violence, more autopsies. Females, however, as they face more exposure to cartel violence, the average female autopsy rate sees a decrease. Now, there can be many unobservable explanations as to why female autopsies see a decrease in municipalities exposed to violence. It could be a weakened capacity of the state to investigate crime. However, this is not only controlled for by the "municipality capacity" variable, but also would not explain why with males we still see a positive correlation. This paper proposes this can be due to one of several of the proposed mechanisms including: impunity for violence against women.

### *Effect of Criminal Organization Presence on Femicide Rates*

These regressions study the direct relationship of municipality exposure to criminal organizations and year (IV) on average female homicides per year and municipality (DV). This model is at the municipality level. In column (1), exposure to cartel violence compared to non-exposure to cartel violence, explains an increase of 41.06 in average female homicides (per municipality and year). In column (2), with fixed effects, the direction stays the same and the coefficient magnitude decreases to 30.02. In comparison, the magnitude for average male homicide rate is also positive, but the magnitude is much smaller. In column (3), exposure to cartel violence compared to non-exposure to cartel violence, explains an increase of 11.64 in average male homicides (per municipality and year). When adding fixed effects in column (4), the magnitude is much smaller, and no longer significant. Further, without fixed effects, both female and male homicide averages are significantly associated to municipality capacity. Column (1) shows a 1% change in municipality capacity is associated with a negative change in average female homicides (per year and municipality) of  $0.01 \times -6.669$ —significant. Similarly, column (3) shows a 1% change in municipality capacity is associated with a negative change in average female homicides (per year and municipality) of  $0.01 \times -6.923$ —significant.

## CONCLUSION

This paper sought to examine the relationship between criminal violence and increase in homicides of women. It proposed that 1) changing tactics of cartels, 2) impunity due to patriarchal norms, and 3) weakened state capacity all explain to an extent the increasing phenomenon of femicide. The results showed that in municipalities exposed to conflict, average autopsies for men were positive, while average autopsies for women were negative. In other words, there is a clear difference the willingness and not capability of the state to perpetuating impunity for perpetrators of violence against women. Moreover, the effect of being exposed to a municipality with cartel organization presence has positive coefficients for both male and female homicides, but the coefficients for females are higher (both significant). The results show in a limited way that there is more to be studied regarding the role of cartel organizations, and patriarchally derived impunity to understand the increasing phenomenon of femicide. Of course the paper faces many limitations such as unobservables (ineffectiveness of state judicial system for example) and cannot exactly study femicide because the data is not available yet. However, for future research this paper would suggest further exploring the connection that increase in criminal violence has with domestic violence, it would find more outcome variables to test impunity measure (such as arrests by gender), and it would create a map and trend visualization of findings.

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APPENDIX:

EFFECT OF CRIMINAL ORGANIZATION PRESENCE ON FEMICIDE RATES

	(1)	(2)	(3)	(4)
VARIABLES	fem_rate1	fem_rate1	male_rate1	male_rate1
VIOLENTMUN	41.06***	30.02***	11.64***	0.572
	(5.511)	(5.164)	(2.870)	(1.972)
Instatecapacity	-6.669***	0.377	-6.923***	0.0449
	(0.473)	(0.477)	(0.246)	(0.182)
2004.YEARREGIS	-0.425	-0.848	-0.361	-0.784
	(1.409)	(1.309)	(0.734)	(0.500)
2005.YEARREGIS	1.342	0.255	1.341*	0.253
	(1.410)	(1.310)	(0.734)	(0.500)
2006.YEARREGIS	2.798**	0.759	2.765***	0.744
	(1.416)	(1.317)	(0.737)	(0.503)
2007.YEARREGIS	1.974	-0.502	2.215***	-0.233
	(1.419)	(1.320)	(0.739)	(0.504)
2008.YEARREGIS	6.103***	2.133	6.527***	2.605***
	(1.434)	(1.337)	(0.747)	(0.510)
2009.YEARREGIS	11.29***	5.774***	11.51***	6.073***
	(1.457)	(1.361)	(0.759)	(0.520)
2010.YEARREGIS	9.189***	4.772***	9.442***	5.067***
	(1.440)	(1.343)	(0.750)	(0.513)
2011.YEARREGIS	14.14***	8.701***	14.90***	9.511***
	(1.456)	(1.360)	(0.758)	(0.519)
2012.YEARREGIS	16.39***	10.78***	17.09***	11.52***
	(1.459)	(1.363)	(0.760)	(0.521)
2013.YEARREGIS	17.06***	11.00***	17.74***	11.73***
	(1.468)	(1.374)	(0.765)	(0.525)
2014.YEARREGIS	16.84***	10.11***	17.14***	10.46***
	(1.480)	(1.386)	(0.771)	(0.530)

2015.YEARREGIS	16.82***	9.522***	17.03***	9.777***
	(1.492)	(1.400)	(0.777)	(0.535)
2016.YEARREGIS	16.70***	8.720***	17.31***	9.423***
	(1.507)	(1.416)	(0.785)	(0.541)
2017.YEARREGIS	19.94***	11.71***	20.49***	12.33***
	(1.513)	(1.423)	(0.788)	(0.543)
Constant	198.3***	44.37***	203.8***	51.64***
	(10.37)	(10.46)	(5.400)	(3.994)
Observations	36,263	36,263	36,263	36,263
R-squared	0.016	0.012	0.056	0.075
Number of MUNOCURR		571		571



VARSHA GANDIKOTA–NELLUTLA

# FLÂNEUSES MAP THE CITY

*Then and Now*

## INTRODUCTION

Cities are often painted as spectacles. Spectacles of opportunity, promise, and pleasure. They are also spaces of noise, violence, dust, and uncertainty. For women, the latter reading often takes center stage, with the city becoming a space of risk rather than safety. The promise of globalization is ever-present in these narratives: On the one hand, the city is supposedly dangerous, against which the private space of the home is constructed as a haven. On the other hand, images of the modern woman, say, in most developing countries, include seemingly cosmopolitan women visualized as professionals and consumers, actively occupying the global city.

In the Indian context, initiatives like the Blank Noise project, “Pinjra Tod” protests, the “Pink Chaddi” campaign, and the Slutwalks in some cities have raised important questions regarding the competition for access to public space (Phadke, 2007). Yet, one must ask what it means when Blank Noise invites women to fall asleep in public parks, or when Pinjra Tod demands that hostel curfews in Delhi be broken. “Often because the energies of the city public spaces are dispersed confusingly and unpredictably,” argues Shilpa Phadke, “it is actually possible for women to imagine loitering. To imagine slipping into the interstices of public spaces unnoticed and unremarked; left to forge one’s own connection, however tenuous, with the city. To subvert the desires of the city for regulation and order and to know that one is safe from recognition in the amorphous, anarchic city.” While the claim here is not that anonymously slipping into the city is the goal of exercising political agency, “it nonetheless is significant in its approximation of the pleasures of loitering in city public space” (Phadke, 2013.)

The category of woman encompasses a range of diverse identities that intersect with gender—class, religion, caste, age, educational status, physical ability, and in the case of this paper, the conditions of nineteenth century Paris and modern day Mumbai—to create very different experiences for women living in cities. However, there are important commonalities in the discourse of modernity and cities—a discussion of pleasure/danger and the normative ideals that such a dichotomy upholds might point to emancipatory solutions that are applicable to women from different backgrounds.

This paper first reviews the literature on the flâneur, from Charles Baudelaire to Walter Benjamin, within the context of theories of urbanization and modernity. The second sec-

tion attempts to address the question of the female flâneur using both gender theory and evidence from nineteenth century Europe. The last section brings flânerie to contemporary Mumbai and, using ethnographic accounts, attempts to examine what its implications might be for feminism, historiography, and more broadly, cities, citizenship, and belonging.

## THE FLÂNEUR IN THE METROPOLIS: BAUDELAIRE, BENJAMIN, SIMMEL

The crowd is his element, as the air is that of birds and water of fishes. His passion and his profession are to become one flesh with the crowd. For the perfect flâneur, for the passionate spectator, it is an immense joy to set up house in the heart of the multitude, amid the ebb and flow of movement, in the midst of the fugitive and the infinite.

Charles Baudelaire, “The Painter of Modern Life,” 1863

Baudelaire’s prose could seemingly be about modern-day people-watching, but here he writes of nineteenth century Paris, which experienced an explosion of spaces of pleasure and curiosity, and which created a new kind of public person, the flâneur—“with the leisure to wander, watch and browse” (Wilson, 1992: 93). So defined, the flâneur becomes central to studies of modernity and urbanization. He is both the subject of literature, the new occupant of the modern city, and himself an artist, journalist, and observer of the rapidly changing nineteenth-century European public sphere.

“The city in Baudelaire is marked by three main experiences; ephemerality, transience, and the chance encounter” (Parsons, 1999: 21). At first sight, the flâneur appears as a detached wanderer, curious about all the city has to offer, but responding with ambivalence. With Walter Benjamin, he is transformed into critic of modernity and capitalism. Benjamin writes of the way in which the flâneur-as-artist “goes botanizing on the asphalt” The flâneur is not apolitical, but he is not himself an actor. He watches, and he walks.<sup>1</sup>

Where Baudelaire presents the modern city as a site of investigation for his flâneur, Georg Simmel theorized how the anxieties of the modern city create new forms of social life and behavior. “There is perhaps no psychic phenomenon,” he writes, “which is so unconditionally reserved to the city as the blasé outlook” (Simmel, 1997: 14). But, for Benjamin, Graeme Gilloch argues, “the big city is not only a site of alienation and the diminution of experience. In envisioning the metropolis as a setting of cultural innovation and intellectual excitement, of electrifying encounters and erotic adventures, of intoxication and sophistication, Benjamin offers a differentiated perspective on the city that is sensitive to its delights and distractions” (Gilloch, 2013: 7). Gilloch argues that Benjamin acknowledges the city, or urban life, despite the shocks it holds, as the path to what might be understood as internationalism or cosmopolitanism. “Whereas the hypersensitive, creative individual in the city street reflects the fascinated, absorbed, wandering “flâneurs” of Baudelaire,—the self-protective, withdrawn, filtering, and ordering individual is comparable with a more detached and intellectual perspective, that Frisby identifies with Impressionism, as well as Simmel’s own theoretical stance, calling him a ‘sociological flâneur’” (Parsons, 1999: 31). “We can therefore speak of the reciprocity between the flâneur and city space, for the flâneur (re) produces and reinvents the city as text through his peripatetic practice, as Michel de Cer-

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1. Livingstone, Josephine. Lovia Gyarkye. “Death to the Flâneur.” March 27, 2017. *The New Republic*. <https://newrepublic.com/article/141623/death-flaneur>.

teau and Henri Lefebvre have theorized” (Boutin, 2012: 129).

Both the critics (and defenders) of modernity, argues Janet Wolff, “believed that urban existence took on an entirely different character around the middle of the nineteenth century.” While an exercise in dating is likely to be arbitrary and variable (Wolff too acknowledges this), this paper follows in Wolff’s footsteps of using this “period of accelerated urbanisation, coupled with the transformations in work, housing and social relations brought about by the rise of industrial capitalism, as the crucial years of the birth of ‘modernity’” (Wolff, 1985: 38.)

The flâneur, however, has many forms, and it is easy to conflate this figure with the rag-picker, the prostitute, or the dandy rendering “this intended agent of demystification” as “one of the mysteries of the modernist city” (Parsons, 1999: 3). It is important to remember, as Parsons argues, that “[o]nce an idle observer of the Parisian demi-monde, for contemporary theory [the flâneur] is an increasingly expansive figure who represents a variety of ‘wanderings’, in terms of ambulation, nationality, gender, race, class, and sexuality.” This paper, then, is less concerned with whether the flâneur is bourgeois or vagrant, authoritative or marginal, within or detached from the city crowd, masculine, feminine, or androgynous (Parsons, 1999: 4). My question is not: Does a female flâneur exist? Rather, while I examine whether history gives examples of female flâneurs, I then suppose that female flânerie does indeed exist. What, then, does it look like, and what might we make of the history of cities, literature of modernity, evolution of urban theory that is apparently not cognizant of this phenomenon? How might we rethink contemporary feminist movements who have the female flâneuse as their subject? “Jacqueline Rose warns in *States of Fantasy* that the marginal identity can imply ‘alternately exclusion from, or belonging to, -all possible worlds’, and she argues that although Woolf offered a vision of feminized migrancy which it is tempting to lift as a solution to the political ills [and personal dilemmas] of the contemporary world, ‘[y]ou can’t, even as a woman, just float off’” (Parsons, 1999: 14).

My attempt too in this paper is not to romanticize the position of the wanderer, either in the nineteenth-century metropolis or twenty-first century global city. Instead, seek to validate a place for women in the masculine defined city and thereby propose a gender consciousness for the city.

#### IN SEARCH OF THE FLÂNEUSE: REDIRECTING, RECOGNIZING, REIMAGINING

The flâneur, with his confident strides, and at ease in any crowd, is seemingly a bourgeois male. By the late nineteenth century, women’s access to the metropolis was expanding, both in terms of leisure and employment. The New Woman, writes Parsons, “the working girl, and the female shopper are all types of female presence associated with the city of modernity” (Parsons, 1999: 43). Scholars have attempted to answer the question “can there be a female flâneur, a flâneuse, and what might she look like?” in various ways: Scholars such as Anne Friedberg, Rachel Bowlby, Judith Walkowitz, and Erika Rappaport theorize the figure of the flâneuse while Janet Wolff, Griselda Pollock, and Keith Tester demonstrate her impossibility (Levy, 2001: 178).

The prostitute is a recurring figure in the literature and could well be seen as the figure of the public woman. But, the problem in nineteenth-century urban life, argues Wilson, “was whether every woman in the new, disordered world of the city—the public sphere of pavements, cafés and theatres—was not a public woman and thus a prostitute” (Wilson, 1992: 93). In the case of middle-class women, the development of the bourgeois suburb

served the purpose of a new “haven of privacy.” Wilson notes that “this was particularly marked in Britain, serving to ‘protect’ middle-class women from the rough-and-tumble of the urban street” (Wilson, 1992: 91). And these women were carefully guarded, even in a city like Paris, where there was no similar exodus to the suburbs. The very presence, Wilson argues, “of unattended—unowned—women constituted a threat both to male power and to male frailty” (Wilson, 1992: 93). Yet, women did crowd the cities. Prostitution became one of the leading symbols of the presence of women in the cities, and as Wilson notes, “a metaphor for the whole new regime of nineteenth-century urbanism.” “The metropolis is considered, both by Baudelaire and Benjamin, as a site of commodification. “Prostitution comes to symbolize commodification, mass production and the rise of the masses, all of which phenomena are linked” (Wilson, 1992: 105).

Attempts at answering the question of the *flâneuse* require a form of *flânerie* through history—“how was the *flâneur* defined in nineteenth century Paris?” This paper classifies these responses according to what they ask their reader to do: first, redirect their attention elsewhere, second, recognize what existed in ‘reality’ but missing in literature, and finally, as I laid out in my ambitions for this paper, reimagine ideas of *flânerie* to expand the horizons it might shed light on.

#### SITE OF INVESTIGATION: PUBLIC VS PRIVATE

So I had made for myself a redingote-guerite in heavy gray cloth, pants and vest to match. With a gray hat and large woollen cravat, I was a perfect first-year student. I can't express the pleasure my boots gave me: I would gladly have slept with them, as my brother did in his young age, when he got his first pair. With those little iron-shod heels, I was solid on the pavement. I flew from one end of Paris to the other. It seemed to me that I could go round the world. And then, my clothes feared nothing. I ran out in every kind of weather, I came home at every sort of hour, I sat in the pit at the theatre. No one paid attention to me, and no one guessed at my disguise ... No one knew me, no one looked at me, no one found fault with me; I was an atom lost in that immense crowd.

In 1831, when George Sand wanted to experience Paris life and to learn about the ideas and arts of her time, she dressed as a boy, to give herself the freedom she knew women could not share” (Wolff, 1985: 41).

Janet Wolff, in her original essay in 1985, insists that the literature on “modernity” was overly concerned with the public world of politics, work, and city life, areas, she argues, where women were either invisible or prohibited. She claims that the literature of modernity, describing the fleeting, anonymous, ephemeral encounters of life in the metropolis, mainly accounts for the experiences of men. (Wolff, 1985: 37) By the eighteenth century, Parsons notes, the public/private distinctions were becoming forceful features of cultural ideology. (Parsons, 1999: 19) Wolff too relies on the idea of the increasing segregation of the sexes around that separation. The influential writings of Baudelaire, Simmel, Benjamin and, more recently, Richard Sennett and Marshall Berman, she argues, “by equating the modern with the public, thus fail to describe women's experience of modernity.” In no uncertain terms, she declares, “There is no question of inventing the *flâneuse*: the essential point is that such a character was rendered impossible by the sexual divisions of the nineteenth

century” (Wolff, 1985: 45).

Griselda Pollock extended Wolff’s analysis to the field of art history, borrowing from film critic Laura Mulvey to apply the analytical construct of “the gaze,” which suggests that women, as subjects of the male gaze, could never be flâneurs themselves. Yet, in political terms, this approach is not useful. “The Lacanian room, or labyrinth, has no exit,” argues Elizabeth Wilson, “and the political goals of equality and justice become meaningless and irrelevant in the light of the gendered construction of the unconscious.” “Insofar as the analyses of Griselda Pollock and Janet Wolff conform to this theoretical framework in their work on women painters and the impossibility of the female flâneur, they are” Wilson concludes, “for all their virtues, over-deterministic and ahistorical” (Wilson, 2001: 92).

Wolff acknowledges writings about female city-dwellers. She notes that some of the most prominent categories were that of “the prostitute, the widow, the old lady, the lesbian, the murder victim, and the passing unknown women” (Wolff, 1985: 41) However, she contends that the perception of women who do participated in the public along with men were seen as mannish and masculine—she claims that this perhaps, “the displaced recognition of women’s overall exclusion from that world” (Wolff, 1985: 42). But, “women could escape ‘the Gaze’ if they were old or if they forwent the masquerade of womanliness,” argues Wilson, “[o]ld women and drably dressed women do become invisible, and in that invisibility—intended, whether consciously or not, as annihilation—there is a kind of negative freedom; but also a kind of social extinction.” For instance, “German graphic artist Jeanne Mammen in 1920s Berlin, small, nondescript, dressed in an old raincoat, wearing a beret over her short-cut hair, with a drawing pencil in one hand and a cigarette in the other ... Mammen enjoyed the freedom to be overlooked” (Wilson, 2001: 93). As we saw above, George Sand’s disguise made the life of the flâneur available to her; as she knew very well, she could not adopt the non-existent role of a flâneuse. Women could not stroll alone in the city. So, the tragic extreme of this logic, Wilson notes, “[a]t the point at which exclusion becomes a condition of survival, the ‘overlooked’ woman becomes a flâneuse” (Wilson, 2001: 94). While I acknowledge the fact that these women were forced to take on disguises is distressing, to deny the action of agentic energy is to not read such acts as resistance, which they resolutely were.

While the characterization of the private sphere as women’s primary domain might be questionable, many scholars have contended that the literature of modernity ignored it. This was still the period when, say, in England, more and more middle-class women were emerging into the public spaces of the city. In Laura Elkin’s reading too, the flâneur is a masculine figure, privileged, and an icon of leisure. But, in contrast to Wolff, Elkin suggests that a woman could be a spectator—“To suggest that there couldn’t be a female version of the flâneur is to limit the ways women have interacted with the city to the ways men have interacted with the city,” she writes (Elkin, 2016: 21). We should take seriously Wolff’s claim that “[t]his silence is not only detrimental to any understanding of the lives of the female sex; it obscures a crucial part of the lives of men, too, by abstracting one part of their experience and failing to explore the interrelation of public and private sphere” (Wolff, 1985: 44)—I shall address this in a later section. For now, working within an alternate feminist theoretical framework, we might point to women’s occupation of urban spaces in a consumer-oriented society as evidence of female flânerie. To allow for such a reading, we occupy a second position in our search for the flâneuse: to reappraise well-known images and discover alternative perspectives for viewing them.

READING THE FLÂNEUSE:  
AGAINST BADAUD<sup>2</sup> OR BOHEME<sup>3</sup>?

It is the gaze of the flâneur, whose way of life conceals behind a beneficent mirage, the anxiety of the future inhabitants of our metropolises. The flâneur seeks refuge in the crowd. The crowd is the veil through which the familiar city is transformed for the flâneur into phantasmagoria. This phantasmagoria, in which the city appears now as a landscape, now as a room, seems later to have inspired the decor of department stores, which thus put flânerie to work for profit. In any case, department stores are the last precincts of flânerie.

Benjamin, *the Arcades Project*, Expose of 1939

Although Benjamin notes that after Haussmannization, “[t]he inhabitants of the city no longer feel at home there; they start to become conscious of the inhuman character of the metropolis” (Benjamin, 1999: 23), Greg Thomas points notes that parks were considered to be “shining emblems of modernization” (Thomas, 2006: 36). Here, we consider the question of why some spaces were more sexually charged than others when it came to depicting women’s public presence. He performs a comparative analysis of Impressionist paintings by Édouard Manet, Berthe Morisot, and Mary Cassatt, only to discover that these parks were often represented from different vantage points. In particular, he notes the difference in how male and female painters represented leisure, as a public or private experience. For instance, he uses Manet’s *Concert in the Tuileries* to demonstrate how women were represented as public figures. Yet, this interpretation of Manet’s *Tuileries* is further complicated by Marni Kessler who points to the veil, worn by various women in the painting, as a tool to limit women’s experience of urban life and modernity: “[F]or the veil that was ostensibly a means of protecting the face from the filth of the construction also controlled how women experienced the city” (Kessler, 2006: 49). Kessler’s analysis makes it clear that the veil concealed masculine/bourgeois anxieties over potential mixing of classes. Yet, paradoxically, it is what made female flânerie possible—women could travel the city without risking their respectability. (I return to this idea of respectability and safety in the last section.)

More importantly, the department store became a new area for legitimate public appearance of middle-class women. For Benjamin, the flâneur met his demise with the rise of capitalism—“department stores are the last precincts of flânerie,” he wrote (Benjamin, 1999: 21). But, investigating the urban environment that these different women participated in reveals the department store as a potential space for flânerie. Ruth Iskin uses the poster and asks, “What are the consequences for the modernist narrative of repositioning the poster as integral, rather than marginal, to the avant-garde practices of the 1890s?” (Iskin, 2014: 41) Iskin argues that the flâneuse was empowered by posters portrayed women in urban

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2. Walter Benjamin: In the flâneur, the joy of watching is triumphant. It can concentrate on observation; the result is the amateur detective. Or it can stagnate in the gaper; then the flâneur has turned into the badaud.

3. Walter Benjamin: In the person of the flâneur, the intelligentsia becomes acquainted with the marketplace. It surrenders itself to the market, thinking merely to look around; but in fact it is already seeking a buyer. In this intermediate stage, in which it still has patrons but is starting to bend to the demands of the market (in the guise of the *feuilleton*), it constitutes the bohème. The uncertainty of its economic position corresponds to the ambiguity of its political function. The latter is manifest especially clearly in the figures of the professional conspirators, who are recruited from the bohème.

environments, even if their purpose was to shop for their household or families. Although consumerism is a central aspect of modernity, Wolff argues that the peculiar characteristics of 'the modern' under discussion—the fleeting, anonymous encounter and the purposeless strolling—do not apply to shopping, or to women's activities either as public signs of their husband's wealth or as consumers. She notes that central to the definition of the flâneur are "both the aimlessness of the strolling, and the reflectiveness of the gaze" (Wolff, 1985: 21). Like the arcades, the boulevard and the café, Wilson argues, "this was an environment half-public, half-private, and it was a space that women were able to inhabit comfortably" (Wilson, 1992: 101).

While Iskin's potential for flânerie is derived from the freedom to shop and move about the city, Aruna D'Souza counters this by asking why the Impressionists, especially, male artists avoided les grands magasins as a subject of their larger project of painting modern life. She argues that "the department store was a conflicted space for the containment of women, which produced anxieties in the hearts of bourgeois men who saw the potential safety such spaces offered, but also the possibility for a corruption of these safe environments at the hands of unsavory characters" (Warren, 2007). Writing about the new storefronts of the city, Anke Gleber notes, "[a]cross these enlarged screens, the flâneur can read the reflections of street life as a representation of modernity's transitory, fleeting sensations. The fascination that surrealism will derive from this modern intoxication with the image emerges from the enigmatic character of transitional spaces— the cryptic Paris arcades or the expanded spaces of light on the boulevard— that transgress the line between interior and exterior spaces" (Gleber, 1999: 35). Where D'Souza suggests that uneasiness about the effects of capitalism on bourgeois masculinity led the flâneur-artist to impose boundaries, both spatial and visual, between himself and the feminine world of shopping, (Warren, 2007), Gleber writes, "These streets, spaces, and windows range from media of observation in the realm of commodities to more indirect ways of communication in the reflections and images of—often female—pedestrians, who may themselves be observing the observer." (Gleber, 1999: 35).

"The problem centers around just what qualifies experiences or phenomena as definable in terms of gender distinctions. The 'spectacle' has been connected with the 'feminine'; presumably due to the idea of women in the nineteenth-century city as displaying themselves as objects of an erotic gaze (as prostitutes, performers, débutantes) and 'for sale'. Yet, in the same period, the crowd that consumes the city spectacle has also been defined as female (the desiring shopper) and enticed to spend. Rather than the female having no place in the city, male writers of the period seemed to emphasize the role of the feminine throughout it. It would almost seem that the intellectual male tried to define himself out of a society that was uncontrollable and thus abhorrent, both the product and the consumer of the commodity world being described as feminine" (Parsons, 1999: 38).

"[W]e are confronted with representations, and these are impossible to counter by means of material evidence," writes Wilson, "trapped as we are in 'the ultimate labyrinth-history'" (Wilson, 1992: 99). Given the contesting claims of the flâneur as a gendered concept and competing evidence of women's movements, we might next look at whether reimagining flânerie holds any answers.

## REIMAGINING FLÂNERIE

"There could never be a female flâneur," argues Wilson, for the reason that "the flâneur himself never really existed, being but an embodiment of the special blend of excitement,

tedium and horror aroused by many in the new metropolis, and the disintegrative effect of this on the masculine identity.” Wilson argues that in the city as labyrinth, the labyrinth has a specific sexual meaning of male impotence. This implies that the flâneur, as an embodiment of such a labyrinth, represented “not the triumph of masculine power, but its attenuation” (Wilson, 1992: 109). The flâneur represents masculinity as unstable, caught up in the violent dislocations that characterized urbanization. “And yet the routines of the flâneur are entirely monotonous, and Benjamin observes ominously: ‘For people as they are today there is only one radical novelty, and that is always the same: death. Petrified unrest is also the formula for the image of Baudelaire’s life, a life which knows no development’” (Wilson, 1992: 108).

Ting Chang undertakes a similar exercise and explores how connoisseurs and critics of French art dealt with feelings of loss, displacement, and disorientation. “The flâneur’s internal struggle between wanting to be immersed and wanting to escape everyday life found expression in travel logs, etchings, and in the collection of objets d’art. In her reconstruction of Théodore Duret, Emile Guimet, and Henri Cernuschi’s experiences in Asia, Chang argues that Parisian flâneurs abroad deployed writing and art collecting as strategies to counter a perceived crisis of masculinity. Chang extends Gretton’s reconceptualization of the flâneur by calling into question the very stability of the flâneur as a representational figure and fixed identity by the last quarter of the nineteenth century” (Felter-Kerley, 2010).

“Femininity” writes Wilson, “seems to have rested even more uneasily on working-class women.” “‘Their carelessness, their frivolity, their audacious impudence are tirelessly catalogued. These indomitable, intoxicated furies seem to fear nothing and nobody.’ Having in many cases almost no ‘private sphere’ to be confined to, they thronged the streets—this was one of the major threats to bourgeois order—and to read the journalism of the mid and late nineteenth century is to be struck by their presence rather than their absence.” (Wilson, 1992: 104)

Even critics in opposition to one another, like Wolff, Pollock, and Wilson, limit their discussion of the flâneur, argues Parsons, by focusing on his identity as a social phenomenon of a brief mid-nineteenth-century period. “They disregard the fact that the post-Benjaminian flâneur is more influentially a conceptual metaphor for urban observation and walking that extends even to the present day and the flâneur of de Certeau’s postmodern city.” If we take seriously the characteristics of flânerie, “adaptability, multiplicity, boundary-crossing, fluidity,” Parsons notes that the concept would be located within a well-established critical debate on masculine/ feminine art-forms. To resolve what might appear to be a flâneur/flâneuse debate, Parsons suggests that “flânerie parallels with the idea of the search, and in the abstract wandering in the city this search would seem to be not for place but for self or identity. Flânerie can thus be interpreted as an attempt to identify and place the self in the uncertain environment of modernity, what Dorothy Richardson has termed “pilgrimage,” and Virginia Woolf ‘street haunting.’” (Parsons, 1999: 41) We shall return to this idea later.

REVIVAL OF FLÂNERIE:  
WHY IS THE FLÂNEUSE STILL INVISIBLE?

For once I will keep my education aside  
And exercise my feet  
Through the chaos of the street  
For they have been rusted  
With aeons of inaction  
May be it's time for them to breathe  
May be it's time for the epoch to change  
Let me stroll a bit  
And watch what that can do

Yamini Krishna, PhD  
Department of Film Studies  
English and Foreign Languages University (EFLU)  
Hyderabad

FLÂNERIE AS RISK, RISK AS EMPOWERING

The figure of the flâneur himself displays curiosity, but attempts to study the flâneur only make the figure more mysterious and ambiguous. “Academic writers seem unsure, or disagree, whether the flâneur belongs to the past or still exists today. Some writers have celebrated the flâneur, others have seen this figure as merely a narcissist, a privileged bourgeois who functions to endorse and even celebrate the commodification of urban existence. To the first group, to observe the passing crowd, to loiter in shops and cafés, to explore forgotten corners of cities, is to uncover the secret of urban modernity, but to the second it merely reveals its meaningless banality” (Wilson, 2000: 90).

Feminist critics contend with dueling narratives: The first emphasizing the masculine nature of the city and the attendant passivity and victimization of women for whom the city was often hostile; the second glorifying accounts of individual women and stories that stand counter with their transgressive movements. For one thing, writes Wilson, “in practice the private sphere was—and is—also a masculine domain; although the Victorians characterized it as feminine, it was organized for the convenience, rest and recreation of men, not women, and it has been an important part of feminism to argue that the private sphere is the workplace of the woman” (Wilson, 1992: 98). In all the accounts encountered so far, there seem to be references to different kinds of risks to women in relation to public space: of potential physical assault, of damage to reputation when accessing public space against a normative order that defines women's proper place as being in the private spaces of the home, and of loss of opportunity should women choose not to access public space more than minimally.

In modern-day Mumbai, women are visible—in buses and local trains, in bazaars and shopping malls, in multinational offices as managers and corner shops as saleswomen. Yet, Shilpa Phadke writes, “it was not until we actually began counting women on the streets of Mumbai that we realized how few women there actually are, never more than 28 per cent at any given place or time” (Phadke, 2007: 1511).

The discourse of safety, often central to the presence of women in public space, is laid out in relation to the questions of risk discussed above. This discourse is gendered and warrants a discussion about the production of “respectability” that grants or restricts ac-

cess. Phadke notes that talking about safety “excludes an overt discussion of the anxieties attached to a mixing of classes, especially to any association between lower class men and middle class women” (Phadke, 2007: 1512).

Consider again, the arguments against the existence of a female *flâneur*: In the city of modernity, Wilson notes “female virtue and respectability were hard to preserve in this promiscuous environment” (Wilson, 1992: 91). In this sense, claiming a right to safety demands demonstrating respectability. In Mumbai, for instance, “this demonstration takes varied forms from the wearing of symbols of matrimony, to the presence of protective men and the carrying of bags and other parcels to illustrate purpose” (Phadke, 2007: 1512). This is a deliberate attempt to annihilate the image of “aimless strolling,” so central to the *flâneur*. Of course, this is not about real safety. Walking with men, fathers, husbands or brothers, merely marks women as unavailable. Yet, I am not making Veblen’s argument about bourgeois women, whose “conspicuous consumption” he viewed as “signs” for their husbands’ wealth (Veblen, 1925). Despite what their accessories might represent in symbolic terms, these women are actively engaged in the process of discovering ways to walk the streets with some level of comfort. But, Phadke uses the example of one young woman living in a predominantly Gujarati Jain building on Malabar Hill in south Mumbai, seemingly to warn us against romanticizing such actions, however agentive. “Her boyfriend used to drop her some distance from her building since her family did not know that she had a boyfriend. She would then negotiate the distance of about 100 meters on foot, however late it was at night. The discourse of sexual safety demanded that she value her reputation over actual safety. The insistence on sexual safety then actively contributes to not just reducing women’s access to public space but also to compromise their safety when they do access public space, by focusing more on women’s capacity to produce respectability rather than on their safety” (Phadke, 2007: 1512).

This focus on safety for women is misleading. “Statistics show that women are more likely to face violence inside their homes than outside,” argues Nivedita Menon, “while in public, it is men who face more actual violent behavior (from other men).” Yet, we see no advice for men against moving about in public. Phadke argues that we need to move beyond the struggle against violence and articulate women’s right to the city in terms of the quest for pleasure. From this perspective, Menon argues, “feminist politics must emphasize the agency of women, and demystify sexual violence as merely one of the many risks faced by people (as opposed to a unique and irreparable form of violence. It is in this context that the idea of the risk-taking subject has emerged in feminist thought, in opposition to the vulnerable subject” (Menon, 2012: 142).

We need to redefine our understanding of violence in relation to public space, Phadke argues, to see not sexual assault but the denial of access to public space as the worst possible outcome for women. It is quite apparent that any feminist project that frames women as perpetually at risk of attack is likely to fall prey to enforcement of “safe” behavior, whether by others or the women themselves. This attempt to legitimize risk-taking must, says Phadke, must be accompanied by putting pressure on the state to provide infrastructure so that women have the option to choose risk-taking behavior rather than having risk forced on them at every step. “The right to pleasure, by default, must include the right against violence, in the shape of infrastructure such as transport, street lighting, public toilets and policies that recognize people’s fundamental right to access public space. For instance, most women’s toilets close at 9pm, note Phadke, Ranade, and Khan, “sending the clear message that women are not expected to—and not supposed to—be out in public at night” (Phadke et al, 2013: 42). So when public spaces are designed for an abstract generic user, this user tends

to be male given a culture of imagining women at home.

While most of the literature on the flâneuse struggles to transcend the dichotomy between pleasure and danger, safety and risk, for women in cities, this dichotomy is worth exploring. Such an exploration depends on the comparison being made. In her work on Japanese electronic companies in Malaysia, Aihwa Ong notes how the diverging roles of young men and women are increasingly channeled, by educational and labor market pressures, toward conformity with corporate culture and capitalist discipline. So, she argues, “while village girls might be exploited and fired as soon as their keen young eyesight wanes, they are also modernized by factory work—abandoning their peasant sarongs for blue jeans and winning the right to choose their own husbands” (Ong, 2010).

Yes, cities were unfavorable to women. In fact, Parsons argues that “[t]he urban landscape of the late nineteenth and early twentieth centuries is even more variable, fleeting, and assaulting than that of the male flâneur of nineteenth-century Paris ...” (Parsons, 1999: 41). Yet, the undeniable truth is that women did traverse them, be in nineteenth century Paris or Mumbai today where women have greater access. This tension is key: the marginal position has always been one that has been denied historical agency, but manages to act anyway. “What the idea of ‘risk’ does in the feminist understanding is, it challenges the idea that women should live in a pervasive culture of fear, and rather, emphasizes that in their actual lives, women continuously surmount fear. The poorer and more marginal they are, the more they take inescapable risks without the luxury of thinking too much about it” (Menon, 2012: 143). If we consider modernity an ever-incomplete process, the truly reflective position is that of women. I am not making the claim that women’s subjectivity, is in any way, the most revealing to study marginality in the cities, rather that for all our obsession with the flâneur, “the perspective of the flâneuse is thus necessarily less leisured, as well as less assured, yet also more consciously adventurous” (Parsons, 1999: 42).

## EPISTEMOLOGY OF THE MARGINAL

In a thoughtful blogpost on the Delhi gang rape, Kamayani Sharma (2012) points out that as a middle-class young woman who has migrated to one of the metropolises, she has had to rely on strangers, men “to help me find accommodation in the least shady neighbourhoods, move into said accommodation, repair my lavatory, fix sockets and bring me home in their rickshaws and taxis at odd hours.” She points out that all of these men were “working class” and “less educated.” From the “train driver who scared off a drunken beggar hauling himself next to me on the last Churchgate-Virar, the rickshaw driver who asked me if I was sure about going alone down the dark path that led to my room or the tempowala-turned-friend who helped me bring home my refrigerator from the station after midnight for free.” This layered narrative complicates our understanding of the urban lower-class male.”

Quoted in Shilpa Phadke  
*Unfriendly Bodies, Hostile Cities:  
Reflections on Loitering and Gendered Public Space* (2013)

Flânerie’s prescriptions are not limited to feminism, but extend to questions of epistemology: For those interested in the nineteenth century flâneur, or indeed, any literature of modernity, “The figure of the flâneur,” argues Bijan Stephen, “the stroller, the passionate wanderer emblematic of nineteenth-century French literary culture—has always been

essentially timeless; he removes himself from the world while he stands astride its heart. Benjamin grounded the figure of the flâneur firmly within discourses of modernity and urbanization. “Since Benjamin, the academic establishment has used the flâneur as a vehicle for the examination of the conditions of modernity—urban life, alienation, class tensions, and the like.”<sup>4</sup>

It is not hard to see that the flâneuse might be more up to this task than Baudelaire’s dissociated flâneur. Wolff was concerned that the particular experience of ‘modernity’ was, for the most part, equated with experience in the public arena. This was not necessarily a bad thing. What is true of London, wrote Engels, “is true of Manchester, Birmingham, Leeds, is true of all great towns. Everywhere barbarous indifference, hard egotism on one hand, and nameless misery on the other, everywhere social warfare, every man’s house in a state of siege, everywhere reciprocal plundering under the protection of the law, and all so shameless, so openly avowed that one shrinks before the consequences of our social state as they manifest themselves here undisguised, and can only wonder that the whole crazy fabric still hangs together” (Engels, 1990). This accelerated growth, the spectacle of prosperity and poverty, and the privilege of suspicion, which Simmel writes we have “in the face of the elements of metropolitan life (which are constantly touching one another in fleeting contact)” marked the city as the site of the modern (Simmel, 1997: 15). This is of course, contestable, and there is much that can be said about locating modernity squarely within cities. But, let us flip the script. Instead of beginning with the idea of the flâneur in the metropolis, let us make the flâneuse our starting point.

Consider what was said about the city and its shocks: In contemporary cities today, planners are excited about cutting up the city into residential and commercial areas. This, argues Phadke, is detrimental to women’s mobility. Phadke’s research shows that women have more access to public space in mixed-use areas, where shops and business establishments are open late into the night, ensuring activity at all times. Moreover, when public space falls off the agenda in planning, what is left becomes increasingly privatized, policed and often fraught with risk. “Contrary to common-sense notions of urban “beautification,” clean lines and people-less streets do not equal comfort or safety for women, who often seem to prefer a degree of chaos, ambiguity and multiplicity to univalent notions of cleanliness and order” (Phadke et al., 2013: 45). As with aimlessness in the previous section, the anonymity of the crowd, which is so central to the flâneur’s movements, and that, which is painted as an obstacle for the woman, might in fact, be a source of liberation for women. Phadke notes that in Mumbai, in neighborhoods where people are less anonymous and more known to each other—especially neighborhoods of homogenous communities—the surveillance of women is more stringent. Women were more likely to retaliate to an act of sexual harassment in a neighborhood which was not their own. “Rather than empowering women, the presence of insiders (and the pressure to demonstrate respectability: “good women ignore sexual harassment”) actually prevents women from acting in their own defence” (Phadke, 2007: 1513).

“Heroism—for both sexes,” writes Wilson, “is in surviving the disorientating space, both labyrinthine and agoraphobic, of the metropolis, it lies in the ability to discern among the massed ranks of anonymity the outline of forms of beauty and individuality appropriate to urban life. The act of creating meaning, seemingly so arbitrary, becomes heroic in itself” (Wilson, 1992: 110). Menon responds, “isn’t a woman engaging in risky behavior every time

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4. Stephen, Bijan. “In Praise of the Flâneur.” [www.theparisreview.org](http://www.theparisreview.org). October 17, 2013. <https://www.theparisreview.org/blog/2013/10/17/in-praise-of-the-flaneur>.

she laughs loudly and unselfconsciously in public, loiters without intent, casually maps the world with her stride?” (Menon, 2012: 143). Perhaps, today then, it is her footsteps that mark the arc of history.

If women are kept out through narratives of safety and danger, slum dwellers are evicted on the rationale of rendering Mumbai a more attractive location for capital investment. Hawkers are cleared on grounds of “zoning.” Poor people and minorities, especially young men are also seen as a potential threat in public space and watched carefully (Phadke, 2007: 1515). Today, the ordering of a city is to rid its streets of unwanted populations, “good citizens are off the streets,” Mike Davis writes of Los Angeles, “enclaved in their high-security private consumption spheres; bad citizens are on the streets and therefore not engaged in legitimate business” (Davis, 1990: 253). In this sense, the exclusion of women from public space is linked critically to the exclusion of other marginal citizens.

Georg Simmel suggests that the metropolitan experience is also about strangeness. The stranger, like marginal we have addressed is always inside and outside. Consider the simple example of a seasonal worker who resides in the village for half the year and commutes to the city for the other half. Or the slum-dweller who lives in areas that are decidedly marked to not be part of the city. Uma Narayan asks us to reconcile with such insider-outsider politics by recognizing the ‘epistemic privilege of the oppressed.’ “The claim of ‘epistemic privilege,’” she writes, “amounts to claiming that members of an oppressed group have a more immediate, subtle and critical knowledge about the nature of their oppression than people who are non-members of the oppressed group” (Narayan, 1988: 35).

Let us bring the readings of the prostitute to Mumbai. “Alain Corbin has studied Parent-Duchâtelet’s work in other areas of hygiene, his investigations of slaughter houses, for example, and has drawn out the way in which his writings articulate a contradictory ideology of prostitution. In this ideology the prostitute’s body is putrefying, and infects the social body with corruption and death; yet at the same time it is a drain which siphons off that which would otherwise corrupt the whole of society. In order to effect this, bourgeois surveillance and regulation were to bring the brothel within a utilitarian regime of control” (Wilson, 1992: 92). “While non-respectable women are a source of contamination to public spaces, in relation to respectable women,” Phadke argues that they merely muddy the context. “The person(s) who are seen to pose the risk are men—of a certain class and occupation (or lack thereof). So, the idea of risk is used to control who occupies public space and visibility. Phadke argues that “between the “vagrant” man (read: lower class often unemployed male cast as migrant outsider)” and her central protagonist, “the middle class woman,” both are denied access to public space. Where the bourgeois woman is presented as a potential victim, the lower class man is presented as the potential danger. “This line of thinking casts both lower class men and all women as outsiders to public space,” Phadke notes, “and the anxieties attached to women’s presence are simultaneously expressions of the anxiety attendant upon the presence of the lower-class man” (Phadke, 2007: 1515).

## CONCLUSION

Even as Baudelaire characterized the flâneur as wandering through the streets, he saw the flâneur as participating in the city. In city experience and in theory, the flâneur combines sociological, anthropological, literary, and historical notions of the relationship between the individual and the greater populace. But, the flâneur has always been a myth. Baudelaire wrote: “To give complete reassurance to my conscience it must be supposed that all that I have to say of his strangely and mysteriously brilliant nature is more or less justly suggested

by the works in question—pure poetic hypothesis, conjecture, a labor of the imagination” (Baudelaire, 1983). Where the *flâneur* might be a myth, the *flâneuse* is a dream.

This *flâneuse* of the unrealized dream is, as a result, invisible today. “Imagine our streets full of women,” urges Why Loiter. “Break your cages, break hostel curfews,” shouts Pinjra Tod. “Meet to sleep, in parks and open fields,” calls Blank Noise. What a joy it is for women to occupy public space in cities like Delhi and Mumbai. “When public infrastructure disregards women’s particular needs it in effect renders women invisible in the city, de-legitimizing their right to be heard in the process of shaping the city.” Perhaps the binary of friendly and unfriendly cities is unhelpful and what we need is to imagine new ways of engaging both. “Spaces of transient strangers offer a strange kind of hope,” writes Phadke, “where day after day in the kind of visceral everyday practice that Michel de Certeau wrote of and the kind of implicit treating of strangers as already belonging to a larger cityscape that Michael Warner suggested, different kinds of people co-inhabit a space” (Phadke, 2013: 59).

It is important to ask for women’s presence on the streets as opposed to in privatized public spaces like malls. Using a comparative study of Mumbai and Singapore, Phadke demonstrates how even a merely traditional understanding of the public-private divide is politically unhelpful. She notices that no one loiters in Singapore. “As we walked down Orchard Road in Singapore, the undisputed queen of retail districts,” she writes, “it felt like the entire city seemed to draw on the texture of this mall-dotted road. Orchard Road symbolizes the life and pleasures of the city, and most people whom we asked what we should do in Singapore pointed us in its direction. It seemed to us then that in some ways the entire city had been rendered private.” Citizens were merely users/consumers, not co-owners.” In this new space where the illusion of public space is performed repetitively, it is argued the lines between public and private blur in places like malls, without affecting the reality that these are private spaces, controlled and under surveillance. And so it is that “[i]f at all one sees women obviously hanging out in Mumbai, it is only in the new spaces of consumption that one sees them performing masquerades of *flânerie* and loitering; window shopping and strolling along the gleaming vitrified floors enjoying the illusion of the pleasure of the public” (Phadke, 2013: 51). But, this does not stake a claim to women’s right to participate in the everyday politics of city life.

“For Arendt, political action takes place on the condition that the body appear,” writes Judith Butler, “I appear to others, and they appear to me, which means that some space between us allows each to appear” (Butler, 2015: 76). It is prudent to remind ourselves of Henri Lefebvre’s “right to the city”: “The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights” (Harvey, 2008: 23).

Especially in the case of women whose unpaid labor is supposed to remain necessary and hidden, Butler’s arguments holds profound significance: “when these laboring bodies emerge on the street, acting like citizens, they make a mimetic claim to citizenship that alters not only how they appear, but how the sphere of appearance works.” If public space represents what the city means for its citizens and what citizens mean to the city, indeed, “the sphere of appearance is both mobilized and disabled when an exploited and laboring class emerges on the street to announce itself and express its opposition to being the unseen condition of what appears as political” (Butler, 2015: 79). Perhaps, the overwhelming presence of *flâneuses* on the streets is itself an aesthetic revolt, whereby all citizens can stroll

through cities, rough and soft, and lay claim with their bodies and movements, seeking pleasure and taking risks.

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## PART II

### Violence Against Women and Women in Conflict



SARAH GORDON

# GOVERNING BY THE *HISBA*

*Interpreting and Enforcing the Moral Behavior of Women  
in the Islamic State of Iraq and Syria<sup>1</sup>*

## INTRODUCTION

“And let there be [arising] from you a nation inviting to [all that is] good, enjoying what is right and forbidding what is wrong, and those will be the successful.”

Surat Al Imran 104

In March of 2019, United States President Donald Trump declared that the feared terrorist group, the Islamic State of Iraq and Syria (ISIS) was “100% defeated” in Syria, pronouncing the end of the United States’ latest enemy in the war on terror. Immediate pushback against this claim ensued: pundits and scholars quickly pointed out that while most of the territorial assets of the radical Islamic group had been reclaimed by Syrian fighters supported by American forces, the ideology and followers of the group were still rampant. Separate reports from the Pentagon,<sup>2</sup> the United Nations,<sup>3</sup> and the Center for Strategic and International Studies<sup>4</sup> estimate that there were between 20,000 and 30,000 ISIS fighters still remaining in Iraq and Syria as of late 2018. Many of these former members of the ISIS government and militant forces continue to carry out terrorist attacks in the Levant,<sup>5</sup> while others attempt to reintegrate into Iraqi and Syrian societies as if their participation in a violent extremist group never occurred.<sup>6</sup> ISIS and its radical ideology are far from defeated, the authors of these reports insist, urging the United States leadership to avoid complacency and consider the Islamic State an ongoing threat to stability in the Middle East and the world.

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1. This paper is an adaptation based upon research conducted for my Junior Paper in the Department of Near Eastern Studies at Princeton University.

2. Office of the Inspector General. “Operation Inherent Resolve.” *Report to the United States Congress*, April-June 2018.

3. United Nations Secretary General. “Seventh report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat.” *United Nations Security Council*, 16 August 2018.

4. Markusen, Maxwell B. “The Islamic State and the Persistent Threat of Extremism in the Iraq.” *Center for Strategic and International Studies*, November 2018.

5. *Ibid.*, 4.

6. Taub, Ben. “Iraq’s Post-ISIS Campaign of Revenge.” *The New Yorker*, 24 December 2018.

The distinction between territorial and ideological defeat is important to understanding the power of terrorist groups, and ISIS in particular. When ISIS captured international attention in 2014, it posed a dual threat. Like Al Qaeda, it spread a violent Jihadi message that inspired supporters in the US, France, Belgium, Germany, and Australia to carry out attacks, as well as acts of terror directly committed by the group around the Middle East and North Africa. ISIS's threat transcended this global terrorist network, however, by also establishing a territorial hold in the Middle East. At its peak, it controlled an area the size of Great Britain and asserted a government structure over the population of 12 million that lived in regions of Iraq and Syria. ISIS extracted sizeable financial resources out of this territory through taxation of its citizens, oil revenue, and looting,<sup>7</sup> and sought to realize its vision for a new Islamic Caliphate governed by the fundamentalist Salafi ideals of purifying Islam and emulating what they believed society was like at the time of the Prophet Muhammad.<sup>8</sup> The threat of ISIS was thus of a dual nature: it not only threatened countries around the world by inciting acts of terrorism, but also had the advantage of a physical territory in which to enact an agenda of religious extremism.

One way ISIS implemented its fundamentalist ideology was in the form of its administrative government. By mid-June of 2014 it had begun distributing a document titled *Wathiqat al-Madina*, or Bill of the City, in the newly-conquered city of Mosul to declare its mission, beliefs, and the prescriptive laws in its domain. The twelve-article document, acquired by the George Washington University Project on Extremism, contains declarations such as "Our stance on tombs, shirk [polytheistic] shrines, and pagan sites, follows what Prophet Muhammed said: 'Do not leave a statue but obliterated or a tomb but effaced,'" "It is prohibited to consume and trade alcohol and [to] smoke [tobacco]," and also tells women to dress modestly and remain indoors whenever possible.<sup>9</sup> Many of ISIS's doctrines, in fact, focus upon monitoring the morality and behavior of women. By mid-July, ISIS had ordered clothing stores for women to stop selling their merchandise and distributed thousands of niqabs [full face and body covering] to be sold in place of the forbidden clothing.<sup>10</sup> The harsh punishments for breaking these laws were infamous, such as public floggings for being caught smoking or drinking, "fornicating," or keeping businesses open during prayer times.<sup>11</sup> These were early examples of ISIS's agenda of enforcing its moral and religious vision for gender relations and women's actions through its government in accordance with its fundamentalist interpretation of *shari'a* law.

These religious proscriptions were regularly imposed by a special morality and religious police force that ISIS formed called the *Diwan al-Hisba*, or Bureau of the *Hisba*. This force was named after a medieval Islamic concept called the *hisba*,<sup>12</sup> which refers to the duty of each Muslim to command good and forbid evil.<sup>13</sup> The force implemented ISIS's religious laws by patrolling ISIS-held cities and punishing immoral acts they saw as they happened,

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7. Clarke, Colin "ISIS's New Plan to Get Rich and Wreak Havoc." *Foreign Policy*, October 10, 2014.

8. Bunzel, Cole. "From Paper State to Caliphate: The Ideology of the Islamic State." *Brookings*, March 2015.

9. Al-Aqeedi, Rasha. "Hisba in Mosul: Systemic Oppression in the Name of Virtue." *Project on Extremism*, George Washington University, Feb 2016, ? 5.

10. *Ibid.*, 6.

11. *Ibid.*, 8-9.

12. In this paper, I will be use '*hisba*' in the lowercase to refer to the theological concept, and '*Hisba*' with an uppercase to refer to the *Hisba* as the proper name of ISIS's religious police force.

13. Cahen, Cl., Talbi, M., Mantran, R., Lambton, A.K.S., and Bazmee Ansari, A.S. '*Hisba*'. In *Encyclopaedia of Islam*, Second Edition, edited by Bearman et al. Accessed January 13, 2019.

rather than progressing through the process of a judicial system. In particular, the *Diwan al-Hisba* implemented laws to regulate the bodies and behavior of women residing in ISIS territories, as well as interactions between the sexes. The *Diwan al-Hisba* was an important aspect of ISIS's administrative capabilities in its territory, and was one of its means of establishing its vision of an Islamic Caliphate in the Middle East. This religious police force, while central to the governance of ISIS, did not emerge out of nowhere, but was founded on a set of Islamic moral principles and models of religious governance that date back to the period of the Abbasid caliphate, if not earlier.

This paper will seek to add to existing scholarship by examining the confluence between ISIS and the *hisba*, and how the *hisba* was used to legislate the morality of women. It welds the historiography conducted on the *hisba's* execution in other eras and its theological roots in religious doctrines. Methodologically, this paper relies upon the modern administrative documents recovered from ISIS's territory which reveal how ISIS's government understood the *hisba's* commandment and institutionalized it within its own bureaucratic structures to control the behavior of women. Many of the sources I rely upon have not been translated, parsed, or utilized in prior research, in part due to the recent proximity of the ISIS era. In this way, my research covers new ground by following the evolution of the *hisba's* role in government until the present day, and studying ISIS not only as the latest version of a global terrorist network, but also as a government in its own right that managed to administer a Salafi vision in Iraq and Syria. This paper also goes beyond earlier scholarship by concluding the political consequences of integrating the *hisba* into governmental administration, which illustrates how the *hisba* furthered ISIS's aims not just as a group with an extremist ideology regarding gender, but also as a modern state including women.

In this paper, by comparing the *hisba's* role in Abbasid and Saudi societies to its function in ISIS's government, I will explore the history of the *hisba* as a doctrine for enforcing the public morality of women and analyze how ISIS understood the *hisba* in theory and implemented it in practice. I will start by examining the definition of the *hisba* in formative Islamic texts as well as how that understanding evolved through historical *hisba* implementations, and will demonstrate how ISIS's understanding of the *hisba* both conformed with and diverged from this historical definition. Next, I will analyze historical and contemporary examples of how the *hisba* was actually put into practice to monitor the behavior of women, focusing specifically upon which crimes were included within its commandment. Ultimately, I argue that ISIS chose to continue and expand the historical legacy of the *hisba* for two reasons: to maintain coercive control over the behavior of women in its territory, and as a performative self-branding as an authentic Islamic State upholding morality in regard to gender.

## LITERATURE REVIEW

Considerable scholarly attention has been paid to the phenomenon of ISIS over the past five years, with the majority of the research concentrated on the terrorist group's violent global acts and its extremist ideology. Some of the most comprehensive works on ISIS include William McCant's *The ISIS Apocalypse: The History, Strategy, and Doomsday Vision of the Islamic State* and Joby Warrick's *Black Flags: The Rise of ISIS*. These books focus primarily on the history of the group's rise to power and influence around the world. Some other papers produced by think-tanks begin to hone in on how ISIS organized and ran its government within the territory it held. The Institute for the Study of War published a 50-page overview of ISIS governance which surveyed each bureau and discussed some of the functions

of each section of government. The impressive research that underlies these works lays a foundation for the study of ISIS as an administrative body, and sheds light upon how the group's ideology motivates and guides its actions around the world and in its own territory.

Journalistic institutions like the *New York Times* have narrowed their focus in the past year to study the administration of ISIS as an actual state, including its bureaucracy. Most prominently, journalist Rukmini Callimachi recovered from previously held ISIS territories thousands of bureaucratic documents. These "ISIS Files" shed light upon how ISIS managed tax collection, criminal justice, and supplies manufacturing, and Callimachi focuses on ISIS more as a government than as a religious movement.<sup>14</sup> Aymenn Jawad al-Tamimi, a British scholar on ISIS, has also collected and published many of ISIS's administrative documents from the *Diwan al-Hisba* on his blog, which is heavily relied upon in this paper and is an excellent resource from which to view primary sources directly written by ISIS members that help reveal what life was like on the ground for ISIS citizens. These works have directed some public attention to the potential that government documents hold to unlock insights into ISIS's rule of law and paint a more holistic picture of the activities of the terrorist group outside of its international attacks.

When it comes to the concept of the *hisba*, relatively little scholarship exists about the doctrine to begin with. The foremost work on the Islamic concept was produced by Professor Michael Cook, whose book *Commanding Right and Forbidding Wrong in Islamic Thought* is a holistic survey of how the *hisba* was conceived in various sects of Islam. Other articles by Dr. Abbas Hamdani, Roy Mottahedeh and Kristin Stilt have looked at the implementation of moral police forces based on the concepts of the *hisba* throughout history. Such papers lay a groundwork for examining what is written about the *hisba* in theological texts and how the term has been interpreted and realized by Muslims in the past. These authors skillfully analyze how the religious concept leaves important questions unanswered and how past regimes have filled in the gaps of the *hisba's* definition to function within their governments.

In terms of understanding the relationship between women and ISIS, most people are familiar with the dichotomous role women play in the ISIS phenomenon. Women have both perpetrated terrorist attacks around the world in the name of the Islamic State, and also have been victimized by the group in the Levant. From Tashfeen Malik, a woman who participated in the San Bernardino attack, to Hayat Boumedienne, a female conspirator in the Charlie Hebdo attacks, the media has been fascinated with women who murder in the name of jihad and defy traditional gender roles.<sup>15</sup> On the other end of the spectrum, it is common knowledge that ISIS has enacted widespread campaigns of sex slavery. Particular sexual violence has been perpetrated against women in the Yazidi minority, which has gained increased attention since the rise of ISIS.<sup>16</sup> Women in ISIS are known to the public primarily as radicals and victims, but are rarely studied as civilians affected by ISIS's government.

Despite the groundwork laid by these scholars and journalists, a significant deficiency in research remains in regards to research conducted into ISIS's use of the *hisba*. The books tracking the history of ISIS do not substantially examine the structure of the group within

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14. Callimachi, Rukmini. "The ISIS Files: When Terrorists Run City Hall," *The New York Times*, April 4, 2018.

15. Huckerby, Jayne. "When Women Become Terrorists." *The New York Times*, Jan. 2015. Web. 31 Mar. 2016.

16. Strasser, Fred. "ISIS Makes Sex Slavery Key Tactic of Terrorism." *The United States Institute of Peace*, 6 Oct 2016. Web.

the Levant. Such an analysis would be revelatory, considering the sizable amount of land and resources it was able to capture and govern compared to other terrorist groups like Al Qaeda. Meanwhile, the *New York Times* has not yet made its “ISIS Files” publicly available, nor published any in-depth analysis on ISIS’s systematic creation of an administration that could perform these functions. For example, while the article discussing the “ISIS Files” mentioned what Rukmini Callimachi called a “feared morality police” named the *Hisba* and cited one document bearing this force’s logo, it did not examine the formation of this department or its theological roots. From a gendered perspective, there has been no substantial research conducted on the role that gender plays in dialogue surrounding the *hisba* and how the rules governing women are actually justified and enacted. Finally, the scholars who specifically research the *hisba* do not extend their historical and theological analyses of the commandment to its modern day iterations. Overlooking the roles that the *hisba* and gender have played in groups like ISIS hampers a thorough understanding of the group’s ideology and political impact on Iraq and Syria.

### THE DEVELOPMENT OF THE DEFINITION OF THE *HISBA*

The *hisba* is a concept in medieval Islamic law and ethics elucidating the obligation required of every Muslim to promote good and combat evil.<sup>17</sup> It relates to the moral duty described in Islam as *al-amr bi’l-ma’ruf wa’l-nahy ‘an al-munkar*, which literally translates as “commanding right and forbidding wrong.”<sup>18</sup> This requirement originates in the Qur’an when God calls for a community of believers who carry out this doctrine, originally stated as “Let there be one community of you, calling to good, and commanding right and forbidding wrong; those are the prosperers” (3:104).<sup>19</sup> Michael Cook points out in his work *Commanding Right and Forbidding Wrong in Islamic Thought* that the Qur’an itself is fairly unclear as to whom this duty applies (as in who is to enforce it) and upon whom it is to be applied. Some verses claim that the *hisba* applies to the community of the Prophet Muhammad’s followers as a whole who are expected to police themselves. Others, however, state that it is the duty of specific individuals to carry out this duty and apply it to others. No verse elaborates upon which specific individuals the *hisba* should be used against, however verses 5:79 and 7:163 use similar Qur’anic vocabulary to suggest that the *hisba* should be performed by members of the community upon one another.<sup>20</sup>

The explanations of the meaning of the *hisba* commandments in the Qur’an vary greatly among the legal schools of Islam, and often raise more questions than they answer. Without specification in the holy texts as to what creating a community that commands good and forbids evil looks like in practice, religious leaders throughout history have had interpretive latitude to conceive of the duty in ways that were politically convenient. The crimes included by the *hisba* could be defined by the social climate in which the rules of the *hisba* are implemented. Understanding the ambiguities surrounding the *hisba* in foundational Muslim texts will help explain the various ways enforcement has been discharged throughout history.

The Abbasid Caliphate was an era when the understanding of what was mandated by the *hisba* transformed. Before the late 9th century, the *hisba* was not enforced by the Islamic

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17. Cahen et al. ‘Hisba’, *Encyclopaedia of Islam*.

18. Cook, Michael. *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge: Cambridge University Press, 2001. xi.

19. *Ibid.*, 13.

20. *Ibid.*, 14-7.

government. It was at that point in history when the Abbasids Islamized many public institutions, that a job called the *muhtasib* was created.<sup>21</sup> The *muhtasib* was given the responsibility of enforcing public morality as defined by the rulers of the Caliphate. Prior to this government position, the term *muhtasib* had only been used to describe an individual who practiced the virtues of the *hisba* within himself, regulating his own morality. The creation of the *muhtasib* shifted the practice of the *hisba* to being proactive, where the morals and behavior of others were enforced by an external arbiter.<sup>22</sup> This was a moment when the *hisba's* meaning was defined by political leaders when it was put into practice. Since the guidelines regarding to whom the *hisba* applied were never strictly enumerated, the role transitioned from being a duty one performed upon oneself to become one that the government could use to enforce the moral behavior of its citizens.

In order to compare ISIS's version of a *hisba*-enforcing police system in practice, it is valuable to compare its theoretical and theological vision of the *hisba* to those of earlier exegetes and scholars. An analysis of ISIS's interpretation of the moral duty can be attempted through an examination of materials published by the group that discuss the concept of the *hisba*. The reliability of such sources, however, comes with a major caveat: unlike the internal documents of ISIS discussed later in this paper, publications distributed through various ISIS media outlets were meant to be seen by the outside world, and thus can feed into the narrative that ISIS wishes outsiders to believe. Document collector Aymenn Jawad Al-Tamimi wrote a blog post entitled "Guide to Islamic State Document Hoaxes" which discusses how ISIS publications reliably focus upon the "implementation of Islamic justice" and create the impression of ideal conditions and theological coherence within the state.<sup>23</sup> However, there is still value in understanding what ISIS leaders and propagandists write about the *hisba* and its role in the ideal Islamic State. My research on ISIS's understanding of the *hisba* relies upon several documents obtained thanks to ISIS scholar Cole Bunzel, including a textbook for *shari'a* students produced by ISIS, an article on the *hisba* in ISIS's weekly newsletter *al-Naba'*, and an article by a prominent ISIS supporter comparing the *hisba* of the Islamic State to the *hisba* of Saudi Arabia. I additionally relied upon a movie produced by ISIS's media agency, "Al Furqan." While these propaganda sources represent a curated presentation of ISIS's teachings, and do not provide a comprehensive understanding of ISIS's interpretation of the *hisba*, they are a starting point to begin to compare ISIS's *hisba* force to those of previous Islamic states.

Through these documents, one can get a sense for how ISIS supporters viewed the various facets of the *hisba* doctrine. Like most exegetes who seek to examine the specifications of the duty of the *hisba*, the ISIS texts rely upon the Qur'anic verse 3:104, the prototypical line where God commands the Muslims to create a community that commands good and forbids wrong. The texts also justify the idea that the *hisba* must be proactively enforced rather than passively and individually observed. The *shari'a* handbook and *al-Naba'* both cite a *hadith* related by Abu Sa'id al-Khudri purporting that the Prophet commanded followers to eliminate evil by "changing it with his hand," "with his tongue," or merely "with his heart."<sup>24</sup> This *hadith* creates a clear hierarchy in which actively punishing and changing the immoral actions of others is superior to simply knowing in one's heart what good and evil are. The ISIS publications also illuminate to whom ISIS believed the *hisba* should be

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21. *Ibid.*, 93.

22. *Ibid.*

23. Al-Tamimi, Aymenn Jawad. "Guide to Islamic State Document Hoaxes." *Jihadology*, Dec 24, 2015.

24. "Al-Hisba fi'l-Islam." *al-Naba'*, Nov 30, 2015.

applied. The article “al-Hisba fi’l-Islam” in Al-Naba’ states that this was a duty that applied equally to each Muslim: “[the *hisba*] was not restricted to a certain establishment or group among the Muslims, but rather it is obligatory upon each Muslim for all the evidence of the necessity of the issue of commanding good and forbidding wrong.”<sup>25</sup> This commandment suggests ISIS’s view of the *hisba* is as a proactive and collective doctrine rather than a quality of an individual group. These definitions of the *hisba* would naturally be important ideas to establish in order to enable the ISIS government to intervene to affect the behavior and lives of its population.

ISIS propaganda also emphasizes the importance of the *hisba* as a stabilizing force in society. The video from Al-Furqan warns of what would happen without the promotion of the *hisba*: “In the absence of the promotion of virtue and forbidding what is wrong, corruption prevails in the land, and the ungodly overpowers and injustice prevails, and virtue becomes evil and evil becomes virtue.”<sup>26</sup> The author of the al-Naba’ article makes a similar comparison about the central importance of the *hisba* to a Muslim society, writing that “the *hisba* is the lifeboat carrying the *ummah* to escape from the deluge of the depths of sins and desires and misguidance and suspicions.”<sup>27</sup> *Hisba* officers were thus seen as the safeguard to societal order that classifies right and wrong, in some ways literally defining and commanding the proper behavior that unites citizens into one culture. The *hisba* was perceived as a mechanism for solidifying a community of Muslims and helping it survive in the world, not just on the individual level of morality, but also on the sociopolitical scale of religious uniformity and state success.

Propagandist interviews with ISIS members who enforce the *hisba* demonstrate the belief that performing the *hisba* places them in conversation with earlier Muslim societies. In the Al-Furqan Media video, the filmmaker speaks to a *Hisba* officer who states that:

The promotion of virtue and the prevention of vice was the way of the prophets and messengers, and the truthful counselors, and the platform of the righteous and the mentors. It was a known thing, and a necessary rule, and an obligatory creed, whether in the name of the *hisba* or another name such as ordering the promotion of virtue and prevention of vice.

These references to the earlier Caliphates and the figures that Muslims seek to emulate show a desire to replicate the moral forces of previous Islamic states and the feeling of being part of something much larger than the current nation and era. When ISIS evoked respected Islamic States from the past, it demonstrated a historical awareness of the *hisba*’s past and also positioned itself as the heir to this legacy through the continuation of the *hisba* and the enforcement of morality in society.

Another exegetical question raised by the *hisba* which was first answered by the Abbasids was whether the *hisba* applied solely to public affairs, or whether it could extend into the private sphere. When writing about the duties of the *muhtasib* in a section of his book *Ihya’ ‘Ulum al-Din* [The Revival of the Religious Sciences], the tenth-century Islamic theologian and jurist al-Ghazali explored the limits between public and private morality. In al-Ghazali’s opinion, there existed a private sphere into which the *muhtasib* could not intrude. If someone committed a moral wrong within their own home, for instance, the

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25. Ibid.

26. “al-Furqan Media presents a new video message...”

27. “Al-Hisba fi’l-Islam.” *Al-Naba’*, Nov 30, 2015.

*muhtasib* could not try to gain information about it and punish them for it because the crime was not *zahir*, or manifest.<sup>28</sup> Even if the *muhtasib* suspected someone was carrying a bottle of wine beneath their cloak in public, for instance, they could not take action unless it was readily apparent that they were carrying alcohol, suggesting that a person could “carry his privacy with him” even when in a public sphere.<sup>29</sup> However, this was only the case if that private immorality was completely concealed: if someone was playing musical instruments in their own home and the noise carried outside, the *muhtasib* could then enter and destroy the instruments.<sup>30</sup> Abbasid jurist Al-Mawardi provided other examples of when a private space could be invaded by a morality enforcer. While al-Mawardi commanded *muhtasibs* not to spy, he also said that if a “trustworthy man informs the *muhtasib* that a man has gone to be alone with a woman to fornicate, or with a man in order to kill him, then in such circumstances he may spy on him ... lest some forbidden or prohibited act should occur which might have been avoided.”<sup>31</sup> While the creation of the role of the *muhtasib* publicized the enforcement of the *hisba*, legal scholars like al-Mawardi and al-Ghazali imposed these limitations upon the authority of moral enforcers to differentiate between public and private behavior.

The established guidelines around public versus private spheres of society from the Abbasid era are challenged by the implementation of ISIS's *hisba* forces. The Vice News documentary showing the inner workings of ISIS shed some light on how ISIS viewed the distinction between public and private morality. A *hisba* officer interviewed in the documentary was shown going about his duties in the streets, correcting those who were obviously committing wrongs, but also challenged the interviewer to find a single person in Raqqa who had alcohol hidden within their house, because “we get reports on that.”<sup>32</sup> The acceptability of relying upon informants to enforce otherwise unseen immorality in private shows a divergence from the earlier iteration of the Abbasid *muhtasib*, where intervention was only permitted if there were external signs of immorality. Not only did the *hisba* bureau of ISIS care about how its citizens behaved behind closed doors, but it had the agency to correct that behavior even if it was not publicly apparent. ISIS paradoxically combined its model of a pre-modern Islamic State with its capacities as a modern centralized state with surveillance powers in both public and private realms in order to enforce its vision for an Islamic government.

When the transformation of the meaning of the *hisba* is examined, one sees that ISIS interpreted and expanded the mandate of the *hisba* in a way that emphasized the *hisba*'s importance to an Islamic State. The exegetical discussions of how ISIS conceived of the *hisba* as a theological doctrine attributed incredible power to the commandment. The *hisba* is described by ISIS as foundational to a moral society, and the terrorist government chose to continue the Abbasid's delegation of its responsibility to an external monitor like the *muhtasib*, instead of leaving it to women and citizens at large to maintain their own morality. ISIS not only continues the exegetical interpretation of the *hisba* from the Abbasid era, but it also explicitly ties its institutionalization of the *hisba* to earlier Caliphates and emphasizes the centrality of the *hisba* to these societies' success. This prioritization is explained by the desire to extend the historical legacy of transformative Islamic states like the Abbasids

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28. al-Ghazali. *Ihya' 'Ulum al-Din*. Vol. 2. Beirut: al-Maktaba al-'Asriyya, 1996. 437.

29. Mottahedeh, Roy P and Kristen Stilt. “Public and Private as Viewed through the Work of the Muhtasib.” *Social Research: An International Quarterly*. Volume 70, Number 3, Fall 2003, p 738.

30. al-Ghazali. 438.

31. al-Mawardi 353.

32. “The Islamic State.” *Vice News*.

to their new Caliphate. Such a move lends legitimacy both to the theological mandate of ISIS and also to ISIS's assertion of a supposedly moral government over the women in its territory. In these ways, ISIS's discussion of the assertion of the *hisba* over the women in its territory positions its government as an authentic and moral Islamic State.

The importance allocated to the *hisba* through ISIS's exegesis of the commandment also justified its strict enforcement of the public morality of women. If the *hisba* was understood as an essential component of a moral Islamic society, then ISIS could exert dominating control over its civilians, and in particular over women, in the name of enforcing a necessary duty. ISIS's divergence from the Abbasid restriction of the *hisba* to public areas also feeds into the compulsive desire of the group to intimately control its women. Meanwhile, ISIS's choice to enforce the *hisba* even within private spheres shows a deliberate effort to expand government supervisory power beyond the typical limits of public space and into the realm of the house, or that of women. This reversal of the understanding of the *hisba's* reach allocated the power of private surveillance to the *hisba's* enforcers. It also meant that ISIS's government could intrude into activities it disagreed with that were taking place behind closed doors. ISIS's coercive control over the behavior of its female citizens was thus made more commanding and omnipresent through its manipulation of the definitional ambiguities left by foundational religious texts.

#### THE EVOLUTION OF CRIMES WITHIN THE JURISDICTION OF THE *HISBA*

Beyond the changes to the meaning of the *hisba* throughout history, the development of how the *hisba* was implemented in practice in regards to women also begs analysis and explanation. An examination of how the *hisba* should be enforced begins with the question of what the duty to "command good and forbid evil" means. Throughout the Abbasid institution of the *muhtasib*, a later religious police force in Saudi Arabia, and the ISIS *Hisba* bureau, many of the religious and moral crimes of women within the domain of the *hisba* retained continuity, as will be described in this section. Under ISIS rule, the separation of the sexes and the regulated behavior of women were continually enforced, a decision which tied the extremist government to earlier Caliphates in terms of gender roles and also asserted a pre-modern legal system over its female residents.

##### *Crimes Historically Prohibited by the Hisba*

Such a discussion of what crimes are prohibited by the *hisba* requires a normative understanding of what "good" and "evil" are in Islamic law. Pre-modern Islamic exegetes applied significant effort to clarify the boundaries of the *hisba* in this respect. The eighth-century exegete Muqatil ibn Sulayman strongly associated "commanding right" with furthering the belief in *tawhid*, or the monotheist oneness of God, and "forbidding wrong" with banishing polytheism. Other textual interpreters took a broader approach, such as the ninth-century Persian scholar al-Tabari who posited that the call to promote good referred to the enforcement of everything commanded by God and the Prophet, and the forbidding of wrong meant everything which they had denounced. This more general view of the *hisba* would include forbidding other activities criticized by the Prophet in Islamic tradition, such as drinking alcohol and illicit sexual behavior.<sup>33</sup>

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33. Ibid., 23-4.

The 10th century Medieval Islamic Jurist al-Mawardi sought to specify what classified as “commanding good” in his chapter on the *hisba* within the book *al-Ahkam al-Sultaniyya*. Al-Mawardi distinguished three kinds of commanding good: protecting the rights of God, protecting the rights of individuals, and the confluence of those two. Enforcing the rights of God, according to al-Mawardi, included mandating Friday prayer, participating in the *adhan* (call to prayer), and regulating purification practices.<sup>34</sup> Individual rights, meanwhile, included rebuilding dilapidated mosques, ensuring pure water supplies, and assisting lost travelers.<sup>35</sup> The overlap that al-Mawardi defined between the rights of man and those of God are some of the most interesting moral and social norms to examine, such as the guardianship of women, the childcare required from fathers, and the treatment of slaves, orphans, and stray animals.<sup>36</sup> Al-Mawardi also used this tripartite division of responsibility to define which evils are forbidden: Eating during Ramadan and not paying the *zakat* tax were violations of God’s rights,<sup>37</sup> trespassing and wage theft were violations of individual rights,<sup>38</sup> and abusing animals and slaves was forbidden as a violation of both divine and individual rights.<sup>39</sup> Framing “good” and “evil” in terms of crimes against facets of Islamic society was al-Mawardi’s method of answering this question of the *hisba*’s enforcement.

When the Abbasids created the role of the *muhtasib*, the crimes that the position was charged with punishing show how “right” and “wrong” were defined during that era. The *muhtasib* and his officials supervised communal attendance of religious prayer, the adherence to *shari’a* law in public, and treatment of the *dhimmis* (non-Muslims living under Muslim protection).<sup>40</sup> Another duty of the *muhtasib* in Abbasid society was to monitor the separation of the sexes. Privacy was privileged and treated in a special manner when it came to the behavior of women, according to a 14th-century author known as Ibn al-Ukhuwwah, an Egyptian who wrote a manual on the *hisba* and the behavior of the *muhtasib*. Building upon the conception of public and private as discussed in the previous section, al-Ukhuwwah assumed that women carried a sphere of privacy with them wherever they went. Thus, public areas took on the elements of a private home when women entered them.<sup>41</sup> Al-Ukhuwwah argued that men in markets could not look at women outside of commercial transactions, because that would be the equivalent of an invasion of personal space. Similarly, men could not go to areas where groups of women are gathered because those areas have the characteristics of a private space, and the *muhtasib* should punish those who impinge upon those locations.<sup>42</sup> Al-Ukhuwwah thus reinforces those concepts of public and private in Islamic law, and puts the onus upon the *muhtasib* to monitor the privacy that follows women outside of the house and thus justifies the separation of the sexes.

A religious police force from contemporary history also centralized their understanding of the crimes prohibited by the *hisba* around al-Mawardi’s ideas of crimes against God and al-Ukhuwwah’s focus on gender segregation. The Committee to Promote Virtue and

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34. Al-Mawardi, Abu’l Hasan. *al-Ahkam al-Sultaniyya*. Trans. Dr. Asadullah Yate. Ta-Ha Publishers, London. Kasmullah.com. 341-4.

35. Ibid., 344-6.

36. Ibid., 346.

37. Ibid., 348.

38. Ibid., 357.

39. Ibid., 359.

40. Cahen. Web.

41. Mottahedeh 742.

42. Ibn al-Ukhuwwah, Muhammad b. Muhammad b. Ahmad al-Qurashi. *Kitab Ma’alim al-Qurba fi Ahkam al-Hisba*. Cairo: al-Hay’a al-Misriyya, 1976. 82-3.

Prevent Vice (CPVPV) of Saudi Arabia was the most recent example of a morality police before ISIS created the *Diwan al-Hisba*, the first iteration of which was created in Mecca in 1926, when a committee was announced with the duty of enforcing collective prayer and preventing “foul language.”<sup>43</sup> In 1928 a handbook was published by Saudi politician ‘Abd al-Wahhab Mazhar which made clear that it was the duty of local officials to uphold the segregation of the sexes and the prohibitions on smoking and drinking, formalizing the government’s role as a morality police.<sup>44</sup> The committee spread from Mecca to the rest of the Saudi territories, and by the late 20th century state-run religious police forces operated in regional and local committees that were committed to enforcing Islamic and Wahhabi ideology.<sup>45</sup> When a 1980 law formally established the CPVPV, it was codified as “guiding and advising people to observe the religious duties prescribed by Islamic *Shari`a*, and to prevent committing [acts] proscribed and prohibited [by *Shari`a*], or adopting bad habits and traditions or taboo [sic] heresies.”<sup>46</sup> Saudi Arabia thus established a religious police force that succeeded those of earlier Islamic States like the Abbasid Caliphate through a state-run religious police system.

One of the benefits of looking at a modern institution like the CPVPV is that there are statistics available which reveal the priorities of a religious police force and how it enacts its agenda. The focus of the CPVPV was disproportionately centered on ritual purity, suggesting that it is foremost a force focused on implementation of religious rituals rather than the enforcement of public morality. A study conducted by Nabil Mouline, a senior researcher in The French National Centre for Scientific Research, showed that between 1993-2008 75% of the cases handled by the CPVPV regarded ritual violations, compared to 22% relating to public morality, 1% for alcohol, 0.7% for drug usage, and 1% for printed material.<sup>47</sup> The majority of these ritual violations were related to the neglect of one or more of the daily prayers. The 22% of violations regarding public morality mostly revolved around regulating interactions and abuses between genders, such as prostitution, adultery, sexual harassment, rape, improper dress, and homosexuality.<sup>48</sup> These statistics give a sense of the most common priorities and responsibilities of a religious police in the modern Middle East, and show that the practical duty of the *hisba* most often involves commanding the good of religious adherence, with a smaller focus on moral deviations.

The incidents for which the CPVPV was most notorious, however, regarded the treatment of women. Most infamously, in 2002 the CPVPV caused the death of 15 girls during a school fire by preventing those who were not properly dressed from leaving the building.<sup>49</sup> This was the first time that the force faced widespread condemnation from the Saudi public for the deadly measures it would take to enforce *shari`a* law. Since then, some Saudi Arabians have raised questions about the legitimacy of the supposed crimes the CPVPV punishes, and the methods used to inflict consequences upon violators. The lack of consensus around what constitutes a violation, in addition to the irregularity and severity of punish-

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43. Ibid., 184.

44. Ibid., 185-6.

45. Ibid., 187-8.

46. “Saudi Arabia 2012 International Religious Freedom Report.” US Department of State. 5.

47. Mouline, Nabil, and Ethan S. Rundell. “Religious Authority in Practice: The Promotion of Virtue and the Prevention of Vice.” In *The Clerics of Islam: Religious Authority and Political Power in Saudi Arabia*, 203-34. Yale University Press, 2014. 227.

48. Ibid., 228-9.

49. “The Saudi Police ‘Stopped’ Fire Rescue.” *BBC News*, March 15, 2002.

ment is of serious concern to human rights organizations today,<sup>50</sup> and reveals the difficulties of translating an autonomous medieval institution like the *muhtasib* to a modern world concerned with accountability and normative standards and procedures of action. In recent years, in part due to international backlash, the Saudi government has reduced the power of the CPVPV. In 2016, the CPVPV was stripped of its power to conduct arrests, was instead instructed to “carry out the duties of encouraging virtue and forbidding vice by advising kindly and gently,” and was ordered to report violations to the traditional police force.<sup>51</sup> The control of the government over the CPVPV and the awareness of the public perception of such religious police forces demonstrates a facet of the softening trend in Saudi society.

ISIS's *Hisba* force filled the void left by the CPVPV, which feeds into ISIS's desire to use the *hisba* to legitimize its rule. As Saudi Arabia and other majority-Muslim nations were starting to reform their societies to become more palatable to the international community, in part by eliminating religious police forces, ISIS rose to power and positioned itself as a more authentic version of an Islamic State through its adherence to these moral institutions. ISIS branded itself as a successor to the pre-modern Islamic States that would transcend nations like Saudi Arabia and ritually purify its society and enforce Salafi gender roles with measures like the *hisba*.

### *Crimes Punished by ISIS's Diwan al-Hisba*

ISIS's classification of crimes under the *hisba* in many ways continued the precedents set by the Abbasids and Saudis. Quantitative records for what types of crimes could be punished were systematically recorded in regional *hisba* offices. A video interviewing *Hisba* officers in their headquarters show that offenses were meticulously recorded and turned into graphs and charts to separate the citations by type of violation. The *Hisba* office of Raqqa claimed that they documented over 470 offenses in their first month. The types of violations mirror how the CPVPV distinguished different kinds of crimes. The office claimed that religious issues were the primary type of crime with 326 cases within a month, followed by moral issues including separation of the sexes with 82 cases, 55 cases of smoking cigarettes, 3 cases of alcohol consumption, 7 cases of drug possession, and 5 cases of “insulting Allah” which were apparently the most serious as they were referred to a court for further prosecution.<sup>52</sup> At the end of every week, the tables they made were sent to an ISIS “Islamic board” which received reports from each province to keep track of the moral conditions of the society, to see if crimes are decreasing, and to evaluate whether the mission of the *hisba* to promote morality was efficient.<sup>53</sup> Such statistics are a sampling of the categorization of crimes which fell under the jurisdiction of the *Diwan al-Hisba*.

Propaganda videos produced by ISIS highlighting the work of the *Hisba* record the general duties of *Hisba* officers, including the wide-ranging crimes they punished. A propaganda video released in May 2014 by ISIS's media organization Al-Furqan, entitled “The Best Ummah,” showed the *hisba* force searching the markets for anyone not attending Friday prayers, stopping people from selling goods during the time of prayer, removing shrines

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50. “Commission for the Promotion of Virtue and the Prevention of Vice.” *Americans for Democracy and Human Rights in Bahrain*.

51. “Saudi Arabia Strips Religious Police of Arresting Power.” *Al Jazeera*, April 14, 2016.

52. “al-Furqan Media presents a new video message from the Islamic State of Iraq and al-Sham: “The Best Ummah,” *Jihadology*, May 28, 2014,

53. “al-Furqan Media presents a new video message from the Islamic State of Iraq and al-Sham: “The Best Ummah,” *Jihadology*, May 28, 2014,

they viewed as polytheistic (including detonating a Shi'a tomb), telling shop owners not to display underwear in their windows, destroying the belongings of "sorcerers," and raiding drug dens. The Al-Furqan video also states that "one of the duties assigned to the men of the *Hisba* is the care and maintenance of privacy, and stopping the bold ones (*al-jarii'in*) from professing disobedience."<sup>54</sup> This wide range of responsibilities reflects the variant nature of the *hisba* as both a religious police force monitoring ritual adherence and as an enforcer of morality, a parallel to the roles of the *muhtasib* and the CPVPV.

Citations recovered from ISIS territory illuminate the specific types of crimes that the *hisba* prohibited and punished. In Raqqa, the *hisba* forbade women from traveling without a *mahram*, or close male relative.<sup>55</sup> The slaughter of sacrificial animals before the 'Id al-Adha prayer or the mixing of the genders during the holiday were banned.<sup>56</sup> The *Hisba* announced it could punish anyone who was engaging in commerce during the Friday prayers.<sup>57</sup> Detailed attention was given to how people in ISIS territories dressed, and a notice distributed in Nineveh Province banned "tight garments, transparent ones, and ornamented ones."<sup>58</sup> Another broad memo criminalized "pigeon-keeping above the roofs of houses," because the *Hisba* force declared that such a practice enabled "harming one's Muslim and Muslim women neighbors" and "wasting time."<sup>59</sup> Such prohibitions demonstrate the wide range of crimes that the *Hisba* condemned, transcending the more common legislation of gender relations, ritual purity, and public morality to actually outlawing hobbies like pigeon keeping that, while not immoral in itself, could lead to these moral crimes. The *Hisba* force was conferred with a preventative duty around morality, where they were not merely remedial *post facto* punishers, but proactive moral proponents.

Much of the work on the *hisba* related to monitoring the dress and behavior of women. An infamous subdivision of the *Hisba* was the women's team, a force of women who could track and punish offenses by women without the constraints placed upon interactions between the different sexes. Female members of the team, called the al-Khansa' Brigade, were housed in separate facilities from the *Hisba* forces to maintain gender segregation, but were allowed to carry weapons and drive cars unlike other women in ISIS territory. These women were responsible for tracking gendered violations of *shari'a*, including wearing perfume, nursing infants in public, and monitoring dress code. They policed women in ways male *Hisba* officers could not, getting close enough to local women to smell alcohol on their breath, entering schools for girls, and inspecting female dress for hidden weapons.<sup>60</sup> The existence of an all-women police force within the *Diwan al-Hisba* shows the awareness within ISIS that the *Hisba* force had to follow its own rules around the separation of the sexes to maintain its legitimacy, and also reflects the priority of control over the bodies and behavior

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54. "al-Furqan Media presents a new video message..."

55. "Specimen M: On Movement of Women and the Garages: Raqqa Province." *Archive of Islamic State Administrative Documents*, trans. Aymenn Jawad al-Tamimi,

56. "Specimen 1G: Warning against certain customs on Eid al-Adha: Hasakah Province." *Archive of Islamic State Administrative Documents*, trans. Aymenn Jawad al-Tamimi. October 2014.

57. "Specimen 2I: Prayer of the Congregation: Fallujah Province." *Archive of Islamic State Administrative Documents*, trans. Aymenn Jawad al-Tamimi. December 2014.

58. "Specimen 2Z: On selling prohibited garments, Ninawa province." *Archive of Islamic State Administrative Documents*, trans. Aymenn Jawad al-Tamimi. July 2014.

59. "Specimen 3T: Prohibition on pigeon-keeping on roofs of houses, Euphrates Province." *Archive of Islamic State Administrative Documents*, trans. Aymenn Jawad al-Tamimi. February 2015.

60. Al-Tamimi, Aymenn Jawad. "The Internal Structure of the Islamic State's *Hisba* Apparatus." *Middle East Center for Reporting and Analysis*, Jun 1, 2018.

of women to enforce public morality.

Many of ISIS's religious laws enforced on the streets by the *Hisba* were specific to men, however. Under ISIS rule, men could no longer shave their beards and had to wear trousers that were shorter than their ankles, as men did in the time of the Prophet. A pamphlet recovered by *The New York Times*' "ISIS Files" called "The Sanctity of Men's Garments" instructed men about the exact hemline their pants should reach, pinpointing the spot on a diagram of a leg. It cites an example from the *hadith* in which the Prophet scolded a follower whose garments were too long. The same pamphlet included the duty of men to adhere to proper religious dress alongside women, complaining that "What Muslims are plagued with nowadays is that men wear their clothes long and women wear their clothes short!"<sup>61</sup> Another statement from the *Hisba* prohibiting the shaving of beards expressed the Salafist desire to "return under the authority of the Islamic State to the state of affairs to which the first community adhered: men with their beards, women with their hijabs."<sup>62</sup> The parallel focus upon men's appearance and dress by the *Hisba* shows that the control of ISIS subjects' bodies was not uniquely concentrated upon women, but was similarly applied to ensuring that men adhered to the prescribed appearance that ISIS deemed proper in an Islamic State.

The types of crimes that ISIS chose to enforce under the jurisdiction of *Hisba* fed into ISIS's desire to tightly control societal behavior. Many daily issues, from the way people dressed, the hobbies they took part in, the interactions between the sexes, to the religion they practiced was strictly monitored. Not only did the *Hisba* directly intervene into any deviations from permitted behavior and thus immediately correct and control the actions of women, but they also maintained detailed records that reported the occurrences of immorality within the provinces to ISIS' central government, as demonstrated by the statistics kept by regional offices which were transmitted up the chain of command. ISIS's focus upon the crimes of the *Hisba* thus was strategic for dominating surveillance of women. ISIS had the power to create the rules for what was moral, and thus legal, and what was immoral, and thus illegal. This would give the government the power quell any disobedience or disregard to ISIS' laws, and ISIS leaders would always have a system for gathering intelligence of any problematic or rebellious areas of ISIS territory. Any actions by women which could threaten ISIS' regime could thus be classified as a violation and targeted by the hands-on *Hisba* officers.

## CONCLUSION

A study of ISIS's theoretical evaluation of the *hisba* combined with an examination of how the terrorist group implemented the *hisba* to enforce public morality, and particularly that of women, in its own territory demonstrates that ISIS drew substantial inspiration from earlier iterations of Islamic States like the Abbasid Caliphate and the contemporary nation of Saudi Arabia. It relied upon the same idea of individual and societal moral accountability to an external body. In the execution of ISIS's *Diwan al-Hisba*, however, the scope of the religious police force transcended both of its predecessors. In contrast to the Abbasids, it broke down the barriers of individual privacy to establish a "Big Brother"-esque supervisory capacity that was responsible for societal morality of women both in public and private domains.

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61. Callimachi, Rukmini. "The ISIS Files: When Terrorists Run City Hall," *The New York Times*, April 4, 2018.

62. "Specimen 6J: Prohibition on Shaving Beards" *Archive of Islamic State Administrative Documents*, trans. Aymenn Jawad al-Tamimi. June 20, 2015.

ISIS took a religious idea from the Qur'an encouraging Muslims to embrace the good and shun the evil in themselves and society, and manipulated it to justify a repressive force. The ambiguity left in the Qur'an and *hadith* about how the *hisba* should be properly implemented in society permitted states like ISIS throughout history to interpret and design their own *hisba* forces as they deemed to be politically convenient. In the cases of the Abbasids, Saudis, and ISIS, organizations regarding the *hisba* emerged during times of institutional Islamization, where the success of an Islamic society was viewed as dependent upon the moral behavior and religious adherence of its population, especially women. This meant that each of these societies could designate to whom the *hisba* applied and what the terms of good and evil implied. While many of the religious laws were drawn directly from the Qur'an, many others responded to practical conditions and affairs involving the economic and political stability of the state. Thus, the religious police could be shrouded in the semblance of morality and legitimacy while in reality carrying out the political aims of a nation's government. This legal and religious concept of the *hisba* was thus malleable enough to lend religious credibility to repressive institutions and autocratic states.

ISIS presents an example of an Islamic state with a pre-modern vision using modern means to enforce its ideal government. Out of all of the aspects of Islamic governance that ISIS could have chosen to institutionalize, ISIS focused significant efforts and concentrated meaningful power upon the specific concept of the *hisba*. The obsessive manner in which ISIS tried to implement the practice of the *hisba* begs the question of why they would prioritize this aspect of Islamic law. To understand why ISIS converged its powers and ideology upon the *hisba*, it is useful to examine two consequences of the *Hisba* police force: the impact that the *Hisba* force had on the lives of women living under ISIS' control and the effect that the *Hisba* bureau had upon the perception of ISIS both by its population and the outside world.

First, the implementation of the *Hisba* religious police was a practical step ISIS took to cement its grip upon the actions of women living in its territory. The presence and threat of the *Hisba* in ISIS-held cities allowed ISIS to spread its moral writ not just in legal writings and propaganda, but also by having a group of officers in the streets to monitor women's conformance with ISIS doctrine. The political implications of this level of authority are profound. The powers allocated to the *Hisba* allowed it to act independently and to interact directly with local women to modify behavior as it was occurring. Such a force allowed ISIS to intimately control the actions of its female civilians and impose a level of surveillance and compulsory conduct that permitted the government to control the actions and bodies of Islamic State resident women. One can imagine the sense of supervision and power present in an ISIS city under the watch of the *Hisba*, which could act as a local arm of the repression of the larger ISIS government.

Beyond this pragmatic reality of the *hisba's* utility in controlling women, the *Hisba* force also strengthened ISIS' perception as an authentic Islamic State. As religious police forces in Saudi Arabia lost their power as a result of international disapproval, ISIS entrenched its own moral legislation without regard for what its enemies believed. The widespread presence of the *Diwan al-Hisba* and the substantial investment in its implementation to control women shows the value of the *hisba* in establishing ISIS's political legitimacy and religious authority among Muslim supporters. In order to gain the support of fundamentalist Muslims that it would need to reconstitute the *ummah*, ISIS emphasized its adherence to pre-modern Islamic concepts like the *hisba*. One can see the extent to which they advertised the *Hisba* force throughout various propaganda outlets such as al-Furqan, interviews with

Vice News, and in publications like *Al-Naba*. ISIS showcased their revival of a moral police force rooted in *shari'a* law, in contrast to the impure, secular world outside ISIS borders where supposedly corrupt rulers were diminishing the power of moral institutions like the *Hisba*. ISIS thus branded itself as the most authentic existing Islamic State, taking part in a self-presentation of strict adherence to Islam. In this way, the *Hisba* was just as performative as it was practical, signaling to the outside world that ISIS was continuing the governance legacy of the earlier Caliphates who legislated the behavior of women. The *Hisba* force undergirded ISIS's political claims to legitimacy through performative monitoring and punishment of women, transforming the implementation of ISIS's religious doctrine into a geopolitical self-promoting marketing tool.

The *hisba* is just one aspect of how ISIS built an Islamic State in the Levant by translating religious concepts into governing bodies that control female residents. As greater access is gained to administrative documents emerging from the Middle East following the fall of ISIS's territorial hold, further research should be conducted to understand how ISIS conceived of the confluence between religion, gender, and government, how it maintained control over its women, and how it enforced its Salafist vision through its administration. Without an understanding of the branches of a terrorist government that execute its will, such as the *Hisba* in the case of ISIS, little can be understood about the political aims of future states governed by radical Islamism, and the realities for women who live in their territories.

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ANANYA AGUSTIN MALHOTRA

# A VIOLENT PEACE

*A Critical Analysis of UN Peacekeeping in Haiti<sup>1</sup>*

## INTRODUCTION

Haiti, the first country in the Western Hemisphere to abolish slavery,<sup>2</sup> has been the site of protest and political dynamism dating back to its founding as the first successful slave revolution in the world in 1789, when it obtained its independence from France through organized revolt. After decades of violence, political turmoil, and immense inequality, however, it is far from independent; for almost thirty years, it has been the site of three official UN peacekeeping missions: The United Nations Mission on Haiti (UNMIH, 1994-1996), the United Nations Stabilization Mission in Haiti (MINUSTAH, 2004-2017), and the United Nations Mission for Justice Support in Haiti (MINUJUSTH, 2017-2019). After UNMIH's mandate to return democracy to Haiti and MINUSTAH's multidimensional stabilization mandate, MINUJUSTH was deployed in April 2017 to serve as Haiti's final peacekeeping operation, with a mandate for rule of law, human rights, and police reform. Under UNSCR 2466, MINUJUSTH's mandate was extended for a final period of six months until 15 October 2019, after which it will be replaced by an integrated UN presence with a special political mission.<sup>3</sup>

This essay theorizes UN peacekeeping in Haiti as a continuation of empire in what contemporary international relations theorists conceive of as a “post-Westphalian” world. UN peace operations, part of the liberal peace project taken up by the United Nations, draws upon a legacy of Western colonialism in its gendered and racialized dimensions, most visible in the case of Haiti, a nation of profound relevance for understanding colonial

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1. This paper is an adaptation of research conducted for my Junior Paper in the Woodrow Wilson School at Princeton University in Ambassador Daniel Kurtzer's Task Force, UN Peacekeeping and Peace Operations: Successes, Failures, Challenges, and a term paper for the course Modern Caribbean History, taught by Professor Reena Goldthree in Spring 2019. I am grateful to the Liechtenstein Institute on Self Determination's program on Gender in the Global Community, and in particular, to Drs. Barbara Buckinx and Beth English for allowing me the space to encounter and engage with new kinds of scholarship for the first time in creative and expansive ways.

2. Nick Nesbitt, “Haiti, the Monstrous Anomaly,” in *The Idea of Haiti: Rethinking Crisis and Development* (Minneapolis: University of Minnesota Press, 2013), 3.

3. “United Nations Security Council Resolution 2466 (2019)” (United Nations Security Council, April 12, 2019), [https://undocs.org/S/RES/2466\(2019\)](https://undocs.org/S/RES/2466(2019)).

and postcolonial modes of statebuilding. This essay takes a postcolonial and a feminist critical theoretical approach to the roles of patriarchy and empire in peace operations and security discourses. This article asserts that to do so provides a key insight into the institutionalization of the liberal peace project's gendered and racialized discourses through the practices of peacebuilding and the ambitions of liberal intervention to build states from outside. The process of contemporary statebuilding in Haiti is one which relies upon and perpetuates colonial conceptions of Haiti, and more broadly, the Global South where peacekeeping happens, as the racialized and gendered "Other."

Postcolonial and feminist interpretations of international relations in the "post-Westphalian" world have analyzed the ways in which hierarchy, power, and hegemony continue to create "differentiated modes of sovereignty and reproduce domination in the international sphere."<sup>4</sup> To expose the gendered dynamics of power and hierarchy is to elucidate the inequalities inherent to the lived realities of women and girls in countries under peacekeeping. The prevalence of sexual violence against native women and children in the peacekeeping project, for example, relies upon conceptions of exploitable native women and youth operating under a much larger neo-colonial world order. The foundational work of feminist scholars of international relations like Cynthia Enloe and postcolonial international relations theorists like Balakrishnan Rajagopal drive the work here. Postcolonial and feminist analyses of international relations study the framings of politics and the institutions of the state and the international system, as well as the discourses which perpetuate and reproduce these institutions.<sup>5</sup>

Postcolonial studies and feminist IR studies have also contributed much to critical analysis of the role of international institutions like the United Nations, the International Monetary Fund, and the World Bank, the driving forces behind the liberal peace project, in perpetuating structures of international hierarchy and power. An existing body of critical scholarship articulates the ways in which peacekeeping depends on a top-down approach, orchestrated from the outside. As stated by Vivienne Jabri, the problem is located 'out there' to be solved by Northern and Western knowledge, in a system of power in which local knowledge—of language, history, or culture—is marginalized.<sup>6</sup> The conceptual frameworks underpinning the liberal peace project, most of which depend on mainstream international relations and security studies, elide the remnants of empire and patriarchy in the Westphalian nation-state system underpinning mainstream international relations studies. As such, the peacekeeping project locks non-European people into a "world not of their making" and profoundly disadvantages their knowledge and their ambitions towards self-determination.<sup>7</sup>

While this essay draws on the analysis of former works which analyze the discourses of gender and framing of gender,<sup>8</sup> this essay goes beyond discourse to incorporate historical

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4. Adom Getachew, *Worldmaking after Empire*, 2019, 34, <http://dx.doi.org/10.23943/princeton/9780691179155.001.0001>.

5. Gillian Youngs, "Feminist International Relations: A Contradiction in Terms? Or: Why Women and Gender Are Essential to Understanding the World 'We' Live in \*," *International Affairs* 80, no. 1 (January 2004): 76, <https://doi.org/10.1111/j.1468-2346.2004.00367.x>.

6. Vivienne Jabri, "Peacebuilding, the Local and the International: A Colonial or a Postcolonial Rationality?," *Peacebuilding* 1, no. 1 (March 2013): 14–15, <https://doi.org/10.1080/21647259.2013.756253>.

7. Phillip Darby, "Rolling Back the Frontiers of Empire: Practising the Postcolonial," *International Peacekeeping* 16, no. 5 (November 2009): 704, <https://doi.org/10.1080/13533310903303347>.

8. Heidi Hudson, "A Double-Edged Sword of Peace? Reflections on the Tension between Repre-

analysis, tracing the through-lines of empire in Haiti perpetuated and reproduced in the contemporary peace project. More directly, this essay situates the work of scholars of military masculinities who have argued against the use of soldiers and soldiering practices to create (or “keep”) peace<sup>9</sup> within the historical context of Haitian histories of foreign domination, examining the ways in which the reproduction of patriarchal and colonial dynamics from histories of military occupation resurface in the contemporary liberal peace project. This mode of historicizing discourses and practices of peacekeeping in the ‘long view’ of empire draws on work by Philip Cunliffe, who highlights the ways in which comparisons to empire are taken up in earnest by condoners of the liberal peace project who support the *mission civilisatrice* of the task of statebuilding.<sup>10</sup> The comparison between the liberal peace project to colonialism is then not a scholarly innovation in itself; rather, this paper takes up the project of illustrating the continuities of historical violence inherent to this system of continued world order. This paper explores Haiti as a case study, in which the role of a continuation of model of empire which is profoundly gendered.

### *Peacekeeping in Haiti: The Western Tradition of Empire*

Peacekeeping in Haiti draws on the gendered and racialized scripts and legacies of French colonialism in Haiti and US occupation. This work has been explored by historians of the Caribbean who assert that “no proper analysis of gender-based violence and women’s violence in [Haiti] is possible without an understanding of its traumatic history.”<sup>11</sup> As such, national trauma characterizes the “encounters between Haitian society and Western interventionist actors (France and the United States)” which constitute “part of the social terrain in which MINUSTAH operates.”<sup>12</sup> The position of this essay goes further to assert that models of peacekeeping rely on the same frameworks of imperialism and patriarchy which dominated the first occupations. UN peacekeeping today is controlled and dominated by the interests of the UN security council, in large measure by its permanent block of three Western states: the United States, France, and the United Kingdom,<sup>13</sup> all three of which maintain clear, direct and recent histories of empire in the Caribbean.

French imperialism and slavery in the French colony of Saint Domingue rested upon deeply gendered violence. Women between fourteen and sixty years of age were sent to Saint Domingue ports and separated from their families, branded with irons, and forced to work extremely grueling labor, vulnerable to rape and sexual abuse by masters and slave drivers,<sup>14</sup>

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sensation and Protection in Gendering Liberal Peacebuilding,” *International Peacekeeping* 19, no. 4 (August 2012): 443–60, <https://doi.org/10.1080/13533312.2012.709753>.

9. Claire Duncanson, “Forces for Good? Narratives of Military Masculinity in Peacekeeping Operations,” *International Feminist Journal of Politics* 11, no. 1 (March 2009): 63–80, <https://doi.org/10.1080/14616740802567808>.

10. Philip Cunliffe, “Still the Spectre at the Feast: Comparisons between Peacekeeping and Imperialism in Peacekeeping Studies Today,” *International Peacekeeping* 19, no. 4 (August 2012): 426–42, <https://doi.org/10.1080/13533312.2012.709751>.

11. Benedetta Faedi Duramy, *Gender and Violence in Haiti: Women’s Path from Victims to Agents* (New Brunswick, New Jersey: Rutgers University Press, 2014), 18.

12. Marta Fernández Moreno, Carlos Chagas Vianna Braga, and Maíra Siman Gomes, “Trapped Between Many Worlds: A Post-Colonial Perspective on the UN Mission in Haiti (MINUSTAH),” *International Peacekeeping* 19, no. 3 (June 2012): 377–78, <https://doi.org/10.1080/13533312.2012.696389>.

13. Cunliffe, “Still the Spectre at the Feast,” 432.

14. Faedi Duramy, *Gender and Violence in Haiti*, 19.

creating an entire class of mixed-race children, known as *gens de couleur*, confirming the widespread and systematic sexual assault of girls and women. The extreme violence inflicted upon Haitian slaves by French plantation owners included indiscriminate rape and killing, torture including the sewing of lips together, castration, breast mutilation, and ignition of the anus stuffed with gun-powder.<sup>15</sup> Enslaved people suffered other kinds of unspeakable violence, including being crucified, burned alive in large cauldrons, or drowned in weighted sacks in the Saint Domingue bays.<sup>16</sup>

In the aftermath of the Haitian revolution, the newly independent Haiti, born from slave revolt against French slaveowners led by Jean Jacques Dessalines and Toussaint l'Ouverture, faced severe political ostracism by the international community and was forced to remain commercially indebted to and dependent on its former colonizer through the form of paying deep indemnities to France for declaring independence and thereby denying France the profits from its most lucrative colony, catalyzing its perpetual indebtedness.<sup>17</sup> As the state consolidated its control, urban elites in the government marginalized the rural majority from political life.<sup>18</sup> This division between the elite and the peasants who undergirded the Haitian agrarian economy was exacerbated during the US military occupation of Haiti from 1915 to 1934 and would culminate later in the Duvalier regime of the late 20<sup>th</sup> century,<sup>19</sup> seen as an authoritarian 'solution' for the country's deep structural issues leftover from its history of layered occupations.

US occupation rested on a profound contempt of nonwhite people's ability to self-govern: President Woodrow Wilson stated that the interventions in Haiti and the Dominican Republic were not for the American good, but for the good of "the people living" there who were "incapable of governing themselves."<sup>20</sup> It was this underlying discourse of benevolent paternalism, which rested upon a fundamentally anti-Black ideology that viewed nonwhite people as inferior and denied Black agency and personhood, which motivated occupation. Wilson also stated that "the Negro as a race, when left alone, is incapable of self-advancement" and that it was the US's duty to teach Haitians and Dominicans "how to govern themselves,"<sup>21</sup> articulating the anti-Black aspirations of American violence in Haiti to recreate the world of slavery. John H. Allen, the former manager of the BNRH in Port-au-Prince, articulated this precise sentiment in his characterization of Haiti as "truly a virgin territory ready for the white man's guiding mind to help it get back to the conditions existing when, as history tell us, Haiti was the richest of all of the colonies of France."<sup>22</sup>

To justify intervention, just as the international community would in 1993 to send in UNMIH, the first peacekeeping mission in Haiti, the US invented a state of political chaos and disorder in Haiti which was not only hypocritical, after the Civil War and

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15. Ibid.

16. Faedi Duramy, *Gender and Violence in Haiti*, 20.

17. Michel-Rolph Trouillot, *Haiti, State against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990), 50.

18. Ibid., 16.

19. Trouillot highlights two key legacies of the US occupation on state formation in Haiti relevant to the story of peacekeeping: (1) the promotion of an intense economic and political centralization which exacerbated the urban-rural divide and (2) the creation and bolstering of the Haitian army, both of which played an important role in the rise and consolidation of the Duvalier regime which 'formalized the crisis', turning instability into a chronic characteristic of Haitian politics and life. Ibid., 103-105.

20. García-Peña, *The Borders of Dominicanidad*, 74.

21. Ibid., 75.

22. Hudson, *Bankers and Empire*, 114.

Lincoln's assassination, but which was also a directly racialized consequence of a state led by Black people: William Jennings Bryan, Wilson's secretary of state during the time of the occupation, betrayed his own racist judgments about the validity of Haiti's fundamental existence and culture, stating, "Think of it! N\*\*\*\*\* speaking French."<sup>23</sup> In both contexts, the Marines who were sent to facilitate this occupation were the primary tool of this violence as an explicit part of a racist exploitative project: many of the Marines were deliberately "rough, uncouth, and uneducated, and a great number of them from the South" and thus were "violently steeped in racial prejudice."<sup>24</sup> In Haiti, blackness thus functioned as the dividing line, an indicator of the absence of civilization and order in the logic of the US occupation which viewed Haitians as immutably Black and thus inferior: a color line unable to be crossed by any endeavoring towards "civility."

Occupation in Haiti was profoundly gendered. Officers and enlisted soldiers participated in raping adult women and girls, sometimes taking women as sex slaves.<sup>25</sup> As reported by Reverend S.E. Churchstone-Lord, American pastor of the African Methodist Episcopal Church in Port-au-Prince, in May 1920, "in one night alone in the 'Bisquet' section of Port-au-Prince nine little girls from 8 to 12 died from the raping of American soldiers," drawing stark comparison to the contemporary child prostitution rings run by MINUSTAH peacekeepers in Haiti.<sup>26</sup> *Corvée* labor, the forced labor of Haitian men, undergirded the advancements in communication and transportation infrastructure that the US 'benevolently' granted Haiti, while serving a more practical purpose of maintaining US control through surveillance of and transportation through rural regions and control of Caco insurrection, mirroring the task of UN peacekeeping in Haiti for 'capacity-building' and 'development.'<sup>27</sup> The Occupation forces seized every able-bodied Haitian man and forced them to work on this road project in lieu of paying road taxes, while those who refused to work or attempted to escape were tortured, jailed, or shot.<sup>28</sup>

This intimate disciplining of the Haitian male and female body through a system of forced labor, under the threat of lash and gun, and of rape and seizure, explicitly drew upon former legacies of slavery with which southern Marine men would have been familiar, and rested upon conceptions of Blackness as immutable, exploitable, and backwards. Among others, the fact that *corvée* labor simultaneously represented a "modernizing" attempt to update Haiti's infrastructure, while depending on the material recreation of slave gangs to do so, exposes the inconsistencies and paradoxes of imperialism inherent both to US justifications and tactics used in Haiti. In fact, this was not a benign or neutral project of highway construction; it explicitly served the purpose of nullifying any threat of peasant revolt.<sup>29</sup>

Postcolonial feminist analysis informs the ways in which discourses are shaped by hegemony and power. In the case of peacekeeping, the liberal peace project, like the civilizing mission of colonial occupation before it, relies on the same discourse which represents the native woman as otherized and available for violence. As Captain Craig

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23. Hudson, *Bankers and Empire*, 16.

24. James Weldon Johnson, "Self-Determining Haiti," 1920, 17.

25. Mary A. Renda, *Taking Haiti: Military Occupation and the Culture of US Imperialism, 1915-1940* (Chapel Hill: University of North Carolina Press, 2001), 163.

26. Renda, 163; Corinna Csáky, "No One to Turn To: The under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers" (London, UK: Save the Children UK, 2008).

27. James Weldon Johnson, "Self-Determining Haiti," 13.

28. Hudson, *Bankers and Empire*, 109.

29. *Ibid.*

of the US Marines noted during occupation, “rape, I believe, implies a lack of consent. I never heard of a case where consent was lacking in Haiti’s black belt.”<sup>30</sup> As articulated by Mary Renda’s foundational history *Taking Haiti: Military Occupation and the Culture of US Imperialism, 1915-1940*, Haiti in the American colonial imagination was racialized and gendered, relying upon “an exotic Haiti figured largely in terms of race and sexuality.”<sup>31</sup> Renda writes of the Marines’ perceptions of Haitian women:

Marines’ “perceptions” of Haitian gender disorder were convenient indeed for men who wanted to prove their masculinity by dominating women. As we have seen, US marines raped and sexually harassed Haitian women during their tenure in the Caribbean. Other marines deplored such behavior, holding their uniform (and their humanity) above it. Together, however, those who sexually violated Haitian women and those who did not colluded in a collective project: the discursive construction of Haitian women as exotic and promiscuous.<sup>32</sup>

The environment of sexual violence inflicted upon a native population by an occupying force relies upon the same perceptions of Haitian women as intrinsically sexualized. Americans’ repeated deprecation of Haitian women, like those of UN peacekeepers, relied upon structures of global and structural power elided by contemporary theories of international relations and the liberal peace project. Paul Higate and Marsha Henry, two leading scholars on militarized masculinities in peacekeeping, concluded after studying masculinities of peacekeeping in missions in the DRC and Sierra Leone, that peacekeepers conceived of themselves in three ways: (1) as “natural men” legitimately involved with local women, (2) as victims of local women’s predatory advances, and/or (3) as disciplined men who worked to avoid a multitude of sexual “temptations.”<sup>33</sup> All of these masculinities relied on orientalist conceptions of native women and local femininities, the very same which drove rape and assault of local Haitian women in US Occupation.

## PEACEKEEPING AND A LEGACY OF OCCUPATION

As a result of the legacy of power concentrated in the urban economic and political elite by US Occupation, Haiti witnessed great unrest and numerous presidents between 1934 and 1957, as the Haitian army played “kingmaker” for years, ultimately manifesting in the dictatorship of Francois Duvalier (“Papa Doc”) from 1957 to 1971, and his son, Jean-Claude Duvalier (“Baby Doc”) from 1971 to 1986.<sup>34</sup> The Duvalierist dictatorships, characterized by terror and arbitrary rule by paramilitaries and *chefs de section* (rural police), ended in 1986 with the popular movement known as Fanmi Lavalas, which overthrew them and elected a priest named Jean-Bertrand Aristide who had risen to fame through his critiques of Duvalierism, the elite, and the United States.<sup>35</sup> Aristide was inaugurated as the first

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30. Renda, *Taking Haiti*, 163.

31. Renda, 231.

32. Renda, 234.

33. Paul Higate and Marsha Henry, “Engendering (In)Security in Peace Support Operations,” *Security Dialogue* 35, no. 4 (2004): 489.

34. Eirin Mobekk, *UN Peace Operations: Lessons from Haiti, 1994-2016*, Cass Series on Peacekeeping (London; New York: Routledge, Taylor and Francis Group, 2017), 16.

35. Justin Podur and William I. Robinson, *Haiti’s New Dictatorship: The Coup, the Earthquake and the UN Occupation* (London, 2012), 1; Mobekk, *UN Peace Operations*, 17.

democratically elected president of Haiti in years on February 7, 1991.<sup>36</sup>

The democratic zeal of Aristide's election, however, was short-lived: although Haiti now finally had a president who enjoyed unprecedented popular support and represented a hope of new life after years of terror, the architecture of Duvalierist military rule remained; in the words of Haitian historian Laurent DuBois, "the dictator was gone, but his general and his tactics were still in place."<sup>37</sup> Tension between democratic forces and Duvalierists in the army and elite increased, and eight months after Aristide's election, the military enacted a coup against Aristide in September 1991, to begin a three-year-long period characterized by rule through massacre, disappearances, torture, rape, and brutal repression of Fanmi Lavalas and its supporters.<sup>38</sup> While this rendered the military deeply unpopular, prompting demands from Haitians to dissolve the army, the international community believed it necessary to keep an armed force in Haiti, in part to serve as a counterweight to Aristide's 'radical' tendencies.<sup>39</sup> The United Nations thus organized the Governor's Island agreement in 1993 between Aristide and the military junta, stating that Aristide could be returned to power with the aid of the UN Mission in Haiti, under UNSCR 940, and that sanctions would be lifted, the army would be reformed, and the coup-makers would be granted amnesty.<sup>40</sup> *The United Nations Mission in Haiti (UNMIH) and the Multinational Interim Force (MIF)*

Therefore, the UN Mission in Haiti (UNMIH) was deployed in 1993 under a US-led mission named Operation *Uphold Democracy*, through which Aristide was escorted by US troops back to Haiti in 1994 with the sanction of the UN, and UNMIH mentored Aristide's creation of the *Police Nationale d'Haiti* (PNH), a new national police force.<sup>41</sup> These 'new' peace operations—like UNMIH, MINUSTAH and later, MINUJUSTH—thus explicitly act as a contemporary version of the old *mission civilisatrice*, the belief that Western powers had a duty to improve people overseas, translated today as "capacity building" and "good governance" in an effort to build states and state institutions like security and justice institutions.<sup>42</sup>

However, as tensions mounted between Aristide, the United States, and France, former members of the disbanded Haitian army also created the so-called 'rebel army', a paramilitary group known as the National Revolutionary Front for the Liberation of Haiti (FRAPH), funded partially by the United States' CIA.<sup>43</sup> Aristide, in response, began to fund other private gangs (later known as *chimères*) to support his government, as the state's own security institutions were now corrupted by criminal networks and ex-FADH members.<sup>44</sup> Many of these gang members, driven by opportunism rather than political ideology, would

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36. Mobekk, *UN Peace Operations*, 17.

37. Laurent Dubois, *Haiti: The Aftershocks of History*, 1st ed. (New York: Metropolitan Books, 2012), 360–61.

38. Podur and Robinson, *Haiti's New Dictatorship*, 18.

39. Eirin Mobekk, "International Involvement in Restructuring and Creating Security Forces: The Case of Haiti," *Small Wars and Insurgencies* 12, no. 3 (September 2001): 98, <https://doi.org/10.1080/714005396>.

40. *Ibid.*, 98; Podur and Robinson, *Haiti's New Dictatorship*, 19.

41. Dubois, *Haiti*, 363.

42. Fernández Moreno, Braga, and Gomes, "Trapped Between Many Worlds," 378.

43. Robert Muggah, "The Political Economy of Statebuilding in Haiti: Informal Resistance to Security-First State-Building," in *Political Economy of Statebuilding: Power after Peace*, 1st ed. (New York: Routledge, 2013), 296.

44. James Cockayne, "Winning Haiti's Protection Competition: Organized Crime and Peace Operations Past, Present and Future," *International Peacekeeping* 16, no. 1 (February 2009): 81, <https://doi.org/10.1080/13533310802485476>.

ultimately turn against him to join former militaries supported by the Haitian business elite, who would overthrow Aristide in a second coup in 2004.<sup>45</sup>

Aristide's support for pro-Lavalas gangs forced him to face the consequences of his actions. His second election in 2001, which marked another period of instability, was widely contested due to its 10 percent turnout, and his opponents now included a broad swath of Haitian society, including the business elite, working and middle class, civil society, students, and former allies.<sup>46</sup> In February 2004, in a second coup against Aristide, which was perceived by most Haitians as also orchestrated by the United States, Aristide was flown away to exile in the Central African Republic.<sup>47</sup> The same day, UNSC Resolution 1529 (2004) was passed to deploy a US-, Canadian-, and French-led Multinational Interim Force (MIF) under Chapter VII to "stabilize" the nation between February and June 2004, recalling explicitly Wilson's insistence on the necessity for US Marine Occupation.<sup>48</sup> The MIF was extremely unpopular, notorious for Marines' raids of the homes of Lavalas activists and Aristide-supporting neighborhoods in Port-au-Prince in which dozens were killed per raid, including small children and elderly women.<sup>49</sup> To follow the MIF, which was only stationed for three months, the UNSC deployed the United Nations Stabilization Mission in Haiti, or MINUSTAH.<sup>50</sup>

MINUSTAH followed the MIF as a multidimensional 'Stabilization Mission' with an extensive Chapter VII mandate for its military component to restore a secure and stable environment, develop security and justice institutions, and promote the political process, in contrast to UNMIH's relatively limited mandate and rules of engagement.<sup>51</sup> MINUSTAH, which would remain in Haiti for thirteen years, was intervening in a situation unstructured by any peace agreement, with no civil war or conflict between two parties to resolve. Importantly, it was perceived by Haitians as just another occupation, mandated by a US-authored Security Council Resolution and a Marine-led military intervention after the US-brokered exit of President Aristide.<sup>52</sup> Particularly as a result of its heavy-handed military strategy, MINUSTAH would retain its reputation as an occupier, with its outsize use of force and the sexual assault and cholera scandals which violated the rights of those the mission was sent to protect.

MINUSTAH pursued a heavy-handed and violent military strategy between 2004 and 2006.<sup>53</sup> MINUSTAH's 'disarm or die' tactics were widely criticized by Haitians for resulting in the shootings of dozens of unarmed citizens, including children.<sup>54</sup> For example, in

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45. *Ibid.*, 78-80.

46. Dubois, *Haiti*, 365.

47. The US states that Aristide resigned and left Haiti willingly; Aristide claims that he was forcibly kidnapped and escorted out of the country by US security detail. *Ibid.*, 364.

48. Podur and Robinson, *Haiti's New Dictatorship*, 56.

49. Podur and Robinson, 60.

50. "United Nations Security Council Resolution 1542 (2004)" (United Nations Security Council, April 30, 2004), <http://unscr.com/en/resolutions/doc/1542>.

51. *Ibid.*

52. Todd Howland, "Peacekeeping and Conformity with Human Rights Law: How MINUSTAH Falls Short in Haiti," *International Peacekeeping* 13, no. 4 (December 2006): 468, <https://doi.org/10.1080/13533310600988671>.

53. Harvard Law Student Advocates for Human Rights and Centro de Justiça Global, "Keeping the Peace in Haiti? An Assessment of the United Nations Stabilization Mission in Haiti Using Compliance with Its Prescribed Mandate as a Barometer for Success" (Cambridge, MA: Harvard Law School, March 2005), 46.

54. Muggah, "The Political Economy of Statebuilding in Haiti: Informal Resistance to Security-First

Operation *Iron Fist* in July 2005, MINUSTAH used 22,7000 rounds of ammunition and left up to 23 bystanders dead, provoking the UN Special Rapporteur on Extra-Judicial and Summary Executions, Philip Alston, to speak out against the disproportionality of the operations.<sup>55</sup> Because these were sometimes in conjunction with the PNH in low-income, pro-Lavalas neighborhoods like Cité Soleil and Bel-Air, and were not directed at ex-military and anti-Lavalas gangs, they contributed to the perception that MINUSTAH was biased against Lavalas and perpetuated uneven justice.<sup>56</sup>

### *Disarmament, Demobilization, and Reintegration*

MINUSTAH's popularity began to improve only when MINUSTAH responded to the demands of civil society and worked to understand and reconfigure their military strategy to attempt to address the true nature of the violence. When it became clear that the main agents of political violence were not true rebel forces or insurgents but rather, more akin to opportunistic street gangs, MINUSTAH, in collaboration with Brazilian NGO *Viva Rio*, adapted its DDR strategy to the nontraditional peacekeeping environment, centered not around any civil war or traditional two-party conflict. Without a common 'enemy' or program when Aristide was gone in 2004, the "rebel forces" fragmented to reveal themselves to be nothing more than slum gangs composed of young men in their late twenties.<sup>57</sup> MINUSTAH's mandate to disarm, demobilize, and reintegrate "all armed groups"—a definition usually reserved for parties to a civil war—thus did not apply to the case of Haiti, an unconventional armed conflict where the armed groups were extremely varied and included OPs, *baz armés* (criminal gangs), *zenglendos* (petty criminals), ex-army (FADH), former paramilitaries (FRAPH), organized criminal groups, private security companies, civilians, and politicians, embedded into local communities and enjoying robust support.<sup>58</sup> In a vacuum of legitimate security, middle and upper classes in Haiti relied on private security companies, while the urban slums were controlled by gang violence.<sup>59</sup>

While MINUSTAH's adapted DDR approach addressed the symptoms of economic insecurity and incentives underlying gang membership, peacekeeping as a tool lacks the conceptual framework and material capability to dislodge the underlying structures of power, inequality and economic incentive or to fundamentally rupture the connection between gangs and Haiti's political elite. In this case, the operation failed to note that reintegration was contingent upon Haitian political and economic reform, as extreme unemployment plagued former gang members who attempted to try to find jobs which would take them even with their criminal background; many returned to violence.<sup>60</sup>

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State-Building," 298.

55. Cockayne, "Winning Haiti's Protection Competition," 87.

56. Harvard Law Student Advocates for Human Rights and Centro de Justiça Global, "Keeping the Peace in Haiti? An Assessment of the United Nations Stabilization Mission in Haiti Using Compliance with Its Prescribed Mandate as a Barometer for Success," 44.

57. Cockayne, "Winning Haiti's Protection Competition," 83.

58. Robert Muggah, *Securing Haiti's Transition: Reviewing Human Insecurity and the Prospects for Disarmament, Demobilization, and Reintegration*, Small Arms Survey Occasional Paper 14, 5 (Geneva: Small Arms Survey, 2005).

59. Cockayne, "Winning Haiti's Protection Competition," 78.

60. Moritz Schuberth, "Disarmament, Demobilization and Reintegration in Unconventional Settings: The Case of MINUSTAH's Community Violence Reduction," *International Peacekeeping* 24, no.

Moreover, twenty-five of the participants in DDR or their family members were killed by their gang leaders in retaliation for disloyalty, and former gang members who were young when they joined were in urgent need of counseling and psychological support.<sup>61</sup> This reveals another key lesson about multidimensional stabilization missions like MINUSTAH in nontraditional peacekeeping environments: peacekeeping cannot “statebuild,” especially not without mobilizing national political will to address the roots of the political and economic insecurity. Peacekeeping must be *one part* of a holistic strategy to build sustainable security and must be finely calibrated with the strategies of other UN agencies, the UN country team, or a UN political mission in order to successfully sew the ground for Haitian political infrastructure and organic reform from below.

*MINUSTAH's Insecure Spaces:  
Cholera and Sexual Abuse and Exploitation*

To take a postcolonial and feminist lens also reveal and highlight the complexities, contradictions, and tensions inherent to peacekeeping as a project of international regulation or statebuilding, evident in the issue of sexual assault and the ways in which the United Nations has pre-empted the critique of neo-colonialism.<sup>62</sup> The growing attention to sexual exploitation and abuse by MINUSTAH soldiers further eroded the mission's legitimacy. There were 115 allegations of sexual abuse and exploitation against MINUSTAH soldiers between 2007 and 2018, with 75 of them occurring after the earthquake.<sup>63</sup> Several high-profile incidents concerning children provoked the most outrage. In particular, in November 2007, 111 soldiers and 3 officers from MINUSTAH's Sri Lankan troop were repatriated due to allegations of widespread child prostitution in which minors were coerced into sex by peacekeepers for as little as 100 gourdes (\$2.50 USD) to use for school,<sup>64</sup> and in July 2011, one peacekeeper filmed three others raping a high schooler inside a base barracks.<sup>65</sup> In January 2012, three peacekeepers were court martialed and repatriated to serve one-year sentences in their home country for sexually assaulting a 14-year old. In August 2010, a 16-year old boy was found hanging from a tree inside a UN Peacekeepers' base with wire around his neck; it was later found that the child had earned small fees by doing services, including, reportedly sexual activities, to pay for school.<sup>66</sup> Despite the fact that several other had heard the boy's screams from within the base, the death was ruled a suicide. In September 2013, an 18-year-old woman was pulled over by a Sri Lankan peacekeeper who

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3 (May 27, 2017): 420, <https://doi.org/10.1080/13533312.2016.1277145>.

61. Schuberth, “Disarmament, Demobilization and Reintegration in Unconventional Settings,” 420.

62. Footnote: As Adom Getachew points out in *Worldmaking After Empire*, this work at the United Nations is the result of hard-fought battles by anticolonial nationalists who worked to reimagine the United Nations as a platform of anticolonial worldmaking.

63. “Sexual Exploitation and Abuse,” Conduct in UN Field Missions, January 23, 2017, <https://conduct.unmissions.org/sea-overview>.

64. “Haiti's Renewal of MINUSTAH's Mandate in Violation of the Human Rights of the Haitian People,” Twelfth Session of the Working Group on the UPR Human Rights Council (Bri Kouri Nouvèl Gaye, Mennonite Central Committee Haiti, Let Haiti Live, UnityAyiti, October 3, 2011).

65. Athena R. Kolbe, “It's Not a Gift When It Comes with Price': A Qualitative Study of Transactional Sex between UN Peacekeepers and Haitian Citizens,” *Stability: International Journal of Security and Development* 4, no. 1 (August 20, 2015): 3, <https://doi.org/10.5334/sta.gf>.

66. Melanie O'Brien, *Criminalising Peacekeepers: Modernising National Approaches to Sexual Exploitation and Abuse*, 2018, 3.

she says choked and raped her on an isolated road.<sup>67</sup> In November 2007, 114 out of 950 Sri Lankan peacekeepers were repatriated before local authorities investigated accusations of sexual violence which included rape and molestation of children as young as 7. Three officers oversaw a brothel where children were receiving small sums of money, candy or food, and cell phones in exchange for sex.<sup>68</sup>

UN advocacy surrounding what they call “SEA” (“sexual exploitation and assault”) centers on documenting and exposing the crime and calling on the governments of troop-contributing countries to condemn the violence. Despite growing attention to sexual assault and exploitation in peacekeeping missions and the UN’s “zero tolerance policy” on sexual exploitation and assault, neither practical measures nor substantive aid have followed the discourses, damaging the mission’s legitimacy and reinforcing the sentiment the sentiment that the protection of human rights can be a low priority in vulnerable post-conflict settings, even by those who are sent by a mandate to uphold and represent these norms.<sup>69</sup> For example, one Haitian woman who attempted to call MINUSTAH’s reporting hotline several times in the presence of interviewers and was hung up on, told to call back, or was left unanswered.<sup>70</sup> Other Haitian women indicated that the present initiatives are too weak: there were language barriers, difficulties reporting, and a widespread conviction that peacekeepers would be protected and survivors would not be believed.<sup>71</sup> Through sexual violence, disproportionate use of force, and finally, the introduction of and failure to protect against cholera severely compromised MINUSTAH’s integrity and legitimacy and solidified its perception as a successor to a legacy of occupation in Haiti. With such an expansive mandate to protect Haitians’ safety, security, human rights, the fact that troops have done precisely the opposite in repeated incidents demonstrate wide gaps in accountability and legitimacy.

The critical legal geography by Nicole Reiz and Shannon O’Lear highlights how the Status of Forces Agreement (SOFA), under which UN peacekeepers are deployed by the United Nations Security Council (UNSC) and through which troop-contributing countries retain jurisdiction over their troops, creates a legal space in which victims of sexual assault and their home countries are marginalized from justice.<sup>72</sup> The logic of international security dominates the Status of Forces Agreement, which masks the inherent dimensions of oppression and creates a space of legal dissonance in which processes of justice do not require the inclusion of survivors, their home state, or even the United Nations, silencing and marginalizing the voices of survivor and the foreign nation.<sup>73</sup>

The longest-standing UN mission to Haiti, MINUSTAH, was heralded as innovative for its use of majority-Latin American military component. Beyond the fact that it is largely countries of the Global South which need the funding peacekeeping provides, the Security Council favors a Global South-led mission in order to avoid the inevitable perception of

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67. Ibid.

68. Csáky, “No One to Turn To: The under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers,” 5.

69. Ibid., 2.

70. O’Brien, *Criminalising Peacekeepers*, 4.

71. Kolbe, “It’s Not a Gift When It Comes with Price,” 19.

72. Nicole Reiz and Shannon O’Lear, “Spaces of Violence and (In)Justice in Haiti: A Critical Legal Geography Perspective on Rape, UN Peacekeeping, and the United Nations Status of Forces Agreement,” *Territory, Politics, Governance* 4, no. 4 (October 2016): 453–71, <https://doi.org/10.1080/21622671.2015.1114963>.

73. Schubert, “Disarmament, Demobilization and Reintegration in Unconventional Settings,” 455.

neo-colonialism through the delegation of the implementation of peacekeeping processes from New York to regional or postcolonial states.<sup>74</sup>

Masculinity theorists highlight that while the role of masculinities in sexual violence plays a significant role as they do in other studies of war in violence, relying too much on masculinities to explain sexual exploitation strips male peacekeepers of their individual agencies, presents masculinity as homogenized, and elides the socio-structural context of violence.<sup>75</sup> For example, it shrouds the effects it bears repeating that this violence cannot be attributed to militarization of normal war or violence: MINUSTAH was deployed not in the case of any civil war or conflict.

## CHOLERA

Bodily coercion, domination, surveillance, and exploitation remain peacekeeping's predominant tools and technologies of regulation. The cholera epidemic signified one of the most traumatizing ways that MINUSTAH lost legitimacy in an explicit comparison to colonialism in 2010 following the earthquake. Before October 2010, there had been no recorded cases of cholera in Haiti for over a century of the island's history.<sup>76</sup> In October 2010, however, Haitian farmers witnessed material from septic tanks at the Nepalese Peacekeeping base overflowing into a tributary to the most important river in Haiti which provides water to 1.5 million Haitian people.<sup>77</sup> Between October and December 2010, 3,500 people had died, and by the end of 2013, 9,000 people have died in what is one of the deadliest cholera outbreaks in the world and which still demands greater attention today, under MINUJUSTH.<sup>78</sup>

After the initial outbreak, however, the UN and the international community failed to (1) take necessary steps to contain or eradicate the cholera outbreak, (2) assume responsibility, or (3) provide a remedy to individuals affected. Despite the mission's mandate to improve national infrastructure and protect human rights, the UN failed to invest in any large-scale improvement of Haitian sanitation and water systems and actively fought against mass vaccinations in Haiti following the outbreak, citing cost, logistical challenges, and limited supplies.<sup>79</sup> The UN then denied any responsibility and failed to provide a remedy to those affected by the outbreak.<sup>80</sup> In 2016, the UN Special Rapporteur on Extreme Poverty and Human Rights delivered a statement to the UN General Assembly about the UN's responsibility for introducing cholera to Haiti in which he characterized the UN's approach as "morally unconscionable and legally indefensible," emphasizing that the UN's neglect reinforced the common perception that UN peace operations can "trample with impunity on the rights of those being protected" and thus jeopardized the organization's

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74. Fernández Moreno, Braga, and Gomes, "Trapped Between Many Worlds," 382.

75. Higate and Henry, "Engendering (In)Security in Peace Support Operations."

76. Rosa Freedman and Nicolas Lemay-Hebert, "'Jistis Ak Reparasyon Pou Tout Viktim Kolera MINUSTAH': The United Nations and the Right to Health in Haiti," *Leiden Journal of International Law* 28, no. 03 (September 2015): 508, <https://doi.org/10.1017/S0922156515000278>.

77. *Ibid.*, 509.

78. Freedman and Lemay-Hebert, 508–9.

79. *Ibid.*, 511. Public health experts had strongly recommended that vaccination could have saved lives in the first two years. Vaccinations were finally implemented two years after the outbreak, and the results have been "overwhelmingly positive."

80. *Ibid.*, 512.

credibility and immunity.<sup>81</sup>

The outbreak provoked immense UN-directed outrage in Haiti, as in November 2010, MINUSTAH forces were barricaded by Haitian protesters who had built roadblocks made of the coffins of Haitians who had died from cholera, as accusations reverberated nationally of the UN presence as a national “ill,” as an occupation, and as another source of Haitians’ suffering.<sup>82</sup> Protests against the peacekeepers’ responsibility for the cholera outbreak also made reference to other violent acts committed by MINUSTAH soldiers, including sexual abuse. In this way, the outbreak was not perceived as an isolated, unfortunate or random incident, but rather, the latest thread in the already tense narrative of the relationship between Haitian people and MINUSTAH in the context of a country with intense and deep notions of self and freedom free from imperialism. Following the earthquake in January of the same year, the increase in MINUSTAH military presence, and the sexual violence, this outbreak transformed outrage into action.<sup>83</sup>

In this context, closing MINUSTAH was an overtly political decision. Faced with pressure to cut costs and increased scrutiny about the efficacy of peacekeeping operations, the security council decided in 2016 to withdraw MINUSTAH to demonstrate both the performance of a peacekeeping mission and its ability to close.<sup>84</sup> The Security Council and DPKO planners believed it was essential to completely rebrand peacekeeping in Haiti after the sexual exploitation and cholera scandals: as one member-state representative stated, “It was visceral—cholera was attached to MINUSTAH. We needed to rebrand with fresher ideas and to change the focus of the mandate.”<sup>85</sup> In the same vein, the choice to remove the military component from the new mandate signified, as one Security Council member representative stated, a visible demonstration that “there was no longer a need for blue helmets.”<sup>86</sup> This change, however, is not always perceptible to Haitians, who see MINUJUSTH as the same as MINUSTAH: staff members stated that “The population does not see a difference” and that “MINUSTAH was ended to make a political point. [It] could have done the same thing as MINUJUSTH.”<sup>87</sup> Any militarized mission, regardless of its name, suffers from its perception as another occupier in Haiti’s legacies of exploitation and occupation.

Just as politics in New York dominated the decision to close MINUSTAH, so too did it dictate MINUJUSTH’s Chapter VII mandate, a mandate for peacekeeping which

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81. Philip Alston, “Statement by Professor Philip Alston, Special Rapporteur on Extreme Poverty and Human Rights UN Responsibility for the Introduction of Cholera into Haiti,” accessed March 23, 2019, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20794&LangID=E>.

82. Kyrstin Mallon Andrews, “Protest in the Time of Cholera: Disease and the Metaphors of Health and Politics,” *Canadian Journal of Latin American and Caribbean Studies / Revue Canadienne Des Études Latino-Américaines et Caraïbes* 40, no. 1 (January 2, 2015): 64, <https://doi.org/10.1080/08263663.2015.1031493>.

83. *Ibid.*, 70.

84. On top of France’s desire to terminate the mission beginning in 2015 because of its new focus on Mali and the Central African Republic, MINUSTAH’s closing also represents the first effort by the United States to significantly reduce the peacekeeping budget and for other council members to compromise with their calls to reduce the UN’s footprint in the field. Namie Di Razza, “Mission in Transition: Planning for the End of UN Peacekeeping in Haiti” (International Peace Institute, December 2018), 22.

85. *Ibid.*, 22.

86. *Ibid.*

87. Di Razza, 37.

explicitly denies the host country's sovereignty and does not require the host country's consent. France and the United States opposed using mission funding to fight cholera and supported opening a new mission because it was easier to advocate for excluding cholera from a new mandate than to remove it from an existing mandate.<sup>88</sup> Haitian representatives stated at every stage of negotiations that both the Haitian government and civil society desired the new mission to have a Chapter VI mandate, believing a Chapter VII mandate to be unnecessary, since the situation in Haiti was no longer a threat to peace or international security and thus would fit under Chapter VI.<sup>89</sup> In contrast, however, the other Security Council members felt it necessary to maintain a Chapter VII mandate against the host country's consent, to empower the police units to use all necessary means in order to "avoid situations where the mission could do something and would not" as an "added layer of protection."<sup>90</sup>

While MINUJUSTH's mandate is not as extensive as MINUSTAH's, justice system reform and human rights reform are endeavors which could have been accomplished by a special political mission. This signifies that the UN may not have learned the key lesson from MINUSTAH that international state-building through a peacekeeping mission cannot replace national political will. As was revealed throughout each of the missions in Haiti, it is not a lack of capacity for self-rule that rendered Haiti unstable; rather, it is a lack of political will on the part of elites. As one Haitian resident, Lamathe Lormier, states,

"All that foreign interest, all that foreign money. Have the levels of poverty and misery changed? And even right now, today, we have a foreign army—the UN—in Haiti. This is another occupation. The people call the UN *tourista*. It means that they are here like tourists who have little interest in what goes on here. They are supposed to be keeping the peace, but the United Nations, the United States, or any other foreign country can't come here and fix our problems. The solutions are going to be Haitian or there won't be any solutions."<sup>91</sup>

For a politically rebranded mission, MINUSTAH failed to substantively redress the issues which made MINUSTAH the most unpopular; namely, cholera and sexual violence. Cholera in MINUJUSTH is relegated to the preamble and not the mandate, cast off as the responsibility of the UN Country Team and not MINUJUSTH, because of the result of the negotiations of the mandate. On the issue of sexual violence, while most of the Secretary General's reports state that 'no new allegations have been made since the previous report', this may simply reflect the failure of adequate reporting mechanisms, since there is no indication of new or improved mechanisms for reporting or accountability since MINUSTAH's departure. This thus demands a comprehensive criminal accountability structure to define, prohibit, and punish interpersonal violence in peacekeeping, which can

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88. Russia and China also questioned the necessity of another peacekeeping presence, but were mollified by the highlighted exit strategy. "Haiti, April 2017 Monthly Forecast: Security Council Report," accessed May 4, 2019, [https://www.securitycouncilreport.org/monthly-forecast/2017-04/haiti\\_11.php](https://www.securitycouncilreport.org/monthly-forecast/2017-04/haiti_11.php); Di Razza, "Mission in Transition: Planning for the End of UN Peacekeeping in Haiti," 23.

89. UN Security Council, "Haïti: Le Conseil de Sécurité Dresse, « à Une Ombre Majeure » Près, Un Bilan Positif de La MINUSTAH, Remplacée Par Une Mission Réduite d'appui à La Justice," Meeting Coverage CS/13026, October 12, 2017.

90. Di Razza, "Mission in Transition: Planning for the End of UN Peacekeeping in Haiti," 23.

91. Peter Orner, Evan Lyon, and Voice of Witness (Organization), eds., *Lavil: Life, Love, and Death in Port-Au-Prince*, Voice of Witness (London; New York: Verso Books, 2017), 94.

serve as a textual basis to refer to in future mandates.

## THE NEW INTERNATIONAL REGIME OF “GENDER MAINSTREAMING”: UNSCR 1325 ON WOMEN, PEACE, AND SECURITY

Security Resolution 1325 purports to have changed the agenda on gender in peacekeeping. Because it recognizes the impact of violence against women and sexual abuse in conflict, as well as the need for gender sensitive training in peacekeeping operations, as well as the need for ‘gender perspectives’ to be taken into account in DDR processes, it has seeming potential to subvert the hierarchy of patriarchy intrinsic to the international order. Since UNSCR 1325 refers to the role of women in peacekeeping, research has predominantly focused on discussing to what extent the addition of women to peacekeeping missions can change deployments: indeed, most of the literature focuses on how to implement rather than to question the Resolution its resultant narratives. It has been argued that gender-mainstreaming practices reinforce traditional and essentialized conceptions of women as victims and inherently peaceful, while not interrogating masculinity and femininity as they manifest in peacekeeping missions. Scholars of masculinity have argued that rather than arguing in favor for an increase in women in peacekeeping, that research should focus on whether and how gender composition interacts with the feminization or masculinization of work settings.<sup>92</sup>

Peacekeeping in Haiti, from the original *Operation Uphold Democracy*, to the outsized violence, sexual exploitation, and cholera of MINUSTAH, and the saving face of the Chapter VII mandate of MINUJUSTH, relied on a colonial script of domination, orientalism, anti-blackness, and deeply misogynistic conceptions of native womanhood which underpins the larger project of the liberal peace. It is only by drawing upon history, feminist and postcolonial analyses of the discourses underpinning the frameworks of peacemaking and security, and the realities of peacekeeping, the decisions behind each mission’s mandates, that the multidimensional and interconnected legacies of power and hegemony are exposed.

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# PART III

## Policy and Political Leadership



KATHERINE POWELL

# GENDER AND CONSTITUTIONAL LAW

*Understanding the Historical Development  
of Gender Inequality in Ghana*

## INTRODUCTION

In 1957, Ghana became the first decolonized nation in West Africa, having declared itself a Republic free of Britain. Compared to some other liberation struggles, the transition was relatively peaceful—still, it signified a major shift in the political, economic, and social spheres of a nation that contains the Akan, Ga, and Gurma peoples, seventy-five distinct languages, and 28.8 million people<sup>1</sup>—about 49.4% of these people are female.<sup>2</sup>

The central questions of this study are: how does a free Ghana transition from a revolutionary idea into an actual sovereign state? And, at the moment of becoming a nation-state, how is gender conceived in the new Republic? To this end, I analyze the writing and speeches of Ghana's first president and revolutionary ideologue, Kwame Nkrumah. I also close read the four constitutions published in 1960, 1969, 1979 and 1992. . Given that the independent nation was established in 1957—and women had a significant role to play in the independence struggle—I explore the question of how a country founded on African liberation ideology came to exclude women in its conception and development, and how that power imbalance continues today.<sup>3</sup>

Moving from the early years of the nation into the latter 20th and early 21st century, I analyze interviews conducted by Ghanaian researchers on the lived experiences of women in Ghana living in rural and urban communities. Their work provides a glimpse into how women imagine gendered power relations and the lasting effects of patriarchy on the development of women in Ghana.

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1. J. Fage, D.J. Maier, E.A. Boateng, O. Davies, "Ghana," *Encyclopedia Britannica*, <https://www.britannica.com/place/Ghana> ; "Ghana," The World Bank Data (2017), <https://data.worldbank.org/country/ghana>

2. Organisation for Economic Co-operation and Development, *Atlas of Gender and Development: How Social Norms Affect Gender Equality in non-OECD Countries*, (Paris: OECD Publishing, 2010), 226.

3. The UN Women Global Database on Violence Against Women ranks Ghana 131<sup>st</sup> on the Gender Inequality Index Rank and 59<sup>th</sup> on the Global Gender Gap Index Rank. <http://evaw-global-database.unwomen.org/en/countries/africa/ghana>

Concerning framework, it is important to note that Euro-American academic feminist theory will probably not serve this topic well. Many African scholars have pointed out the inadequacy of Western feminist critiques to wholly understand the nuance of gender and its interaction with socio-political life on the continent. Even a strong foundation in Black American feminist/womanist theory is not apt to comprehend concepts of continental African feminism and womanism.

Of course, it should be noted that not all women take issue with gender imbalances in Ghana's leadership—as in other nations, there is no monolithic feminist movement in Ghana.<sup>4</sup> But still, intersectional or African feminisms are *not* antithetical to African women's politics, because many women do organize around issues of political gender equality. Also, even if women don't consider themselves "feminists" in the traditional (white and Western) sense, they do realize that men having more power than them *directly* affects their material reality. The Women's Manifesto for Ghana was published as late as 2004, and initiated by the ABANTU for Development, an international women's NGO.<sup>5</sup> It lays out in eleven chapters the challenges facing Ghanaian women and possible solutions. It "is a political document... set[ting] out critical issues of concern to women in Ghana and mak[ing] demands for addressing them."<sup>6</sup> Clearly, the existence of such a document is evidence that women in Ghana are organizing around issues of gender equality and seeking to redesign the sociopolitical organization of a nation-state that has ignored their needs since its inception.

To that end, I center the primary texts to illuminate how women actually living *in Ghana* conceive of gender and power. As much as possible, I focus on the writing of African academics, given that they understand the cultural, social, and political context of Ghana in itself—and not Ghana as compared to other "developed" Western nations. That said, some of the researchers whose work I have read move between Ghana and the US and so have a view of gender and feminist theory that is similarly transnational.

My goal in this paper is to parse why these things happen--indeed, not to take gender inequality at face value or just assume it is the natural progression of things. Considering that the state was established in 1957-1958 with an emphasis on the right to self-governance, it is useful to ask why women relegated to second-class status in Ghana. I argue that the development of a Ghanaian state in which gender equality was not a central concern of the government was not a "natural" one. Women were an integral part of the early stages of Ghanaian statecraft. Instead, gender inequality was the production of several successive governments and their constitutions intersecting with traditional gender concepts. Both disregarded the struggle of women in the name of nationalism. It is crucial to acknowledge the historical development of the current gender inequality in Ghana at the state level to understand how the government might approach the problem.

Even in the beginning of the struggle for independence from the British colonizers, women were involved in the movement for Ghanaian sovereignty. One of the icons of the Ghanaian liberation struggle is Yaa Asantewaa, queen mother of Edweso in the early twentieth century. Historian Harcourt Fuller writes:

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4. For an analysis of approaches to generation differences in feminism(s) of Ghana, see: Sylvia Bawa, "'Feminists make too much noise!': generational differences and ambivalence in feminist development politics in Ghana," *Canadian Journal of African Studies / Revue canadienne des études africaines*, 52:1, 1-17, DOI: 10.1080/00083968.2018.1462720.

5. The Coalition on the Women's Manifesto for Ghana, "The Women's Manifesto for Ghana," (Ghana: FES, 2004), ii.

6. Women's Manifesto, i.

“Yaa Asantewaa was more than an “ordinary” woman. She was a Queen Mother from the Asona Royal Court of Ejisu who wielded tremendous sociocultural, spiritual, and political power among her people. And when the sovereignty of Asante was challenged, she demonstrated courage, resolve, and resilience in the face of overwhelming British military might. Ghanaian nationalists insisted that the virtues of Yaa Asantewaa were to be emulated by modern Ghanaian citizens. History is important to nation-building and nationalism because it can remind the nation about the sacrifices that certain historical characters had to make to get the nation to where it is today, and the examples that must be taken by “ordinary” citizens from such personages in order to move the nation to the next stage of its development.”<sup>7</sup>

A full treatment of Asantewaa’s war against the British (1901) is outside the scope of this paper. However, her story is relevant for two reasons: Asantewaa is proof of early liberation movements with *women* at the helm; she becomes a female figure representing the (violent) struggle for freedom from colonial rule—she is cast as a royal mother-of-nation figure.<sup>8</sup>

When Ghana was officially declared independent, Kwame Nkrumah—the most famous independence-era leader—celebrated women’s role in the struggle for independence. Standing outside the steps of the Assembly of Ghana, Nkrumah delivered a speech to the millions of newly liberated citizens. He said, “And yet again I want to take the opportunity to thank the chiefs and people of this country, the youth, the farmers, the women who have so nobly fought and won this battle.”<sup>9</sup> Women are a special (celebrated) class of Ghanaians here. They are the last mentioned before Nkrumah remarks on the struggle necessary for independence. He draws a direct connection between women and the fight for freedom.

Nkrumah goes on to say, “.. we can prove to the world that when the African is given a chance *he* can show the world that *he* is somebody! ... That new African is ready to fight *his* own battles and show that after all, the black *man* is capable of managing *his* own affairs.”<sup>10</sup> After thanking women for the work they’ve contributed, Nkrumah moves to a new understanding of the “African” which seems to be masculinist in nature. This is debatable; it might be anachronistic to ask that he use gender-neutral or inclusive language and Nkrumah could be using man to mean human. However, it’s interesting that he pivots from recognition of women for their specific work in the movement to a vision of the “new African” that is (linguistically) male.

It is crucial to recognize that women were foundational in the crafting of the nation at its beginning, as it moved away from the colonial rule of the British. The question becomes, then, why a nation founded in part by women, whose premier leader placed an emphasis on women’s role in the struggle for independence, does not have explicitly pro-woman legislation and is still considered by many women (as late as 2011)<sup>11</sup> to be an uneven playing

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7. Harcourt Fuller, “Commemorating an African Queen: Ghanaian Nationalism, the African Diaspora, and the Public Memory of Nana Yaa Asantewaa, 1952-2009,” *African Arts*: 47:4 (2014), 70.

8. Fuller, “Commemorating an African Queen;” 64.

9. “Ghana is Free Forever’ Kwame Nkrumah’s speech at independence,” last modified 2 March 2007, [http://www.bbc.co.uk/worldservice/focusonafrika/news/story/2007/02/070129\\_ghana50\\_independence\\_speech.shtml](http://www.bbc.co.uk/worldservice/focusonafrika/news/story/2007/02/070129_ghana50_independence_speech.shtml)

10. “Ghana is Free Forever,” my own emphasis.

11. M.A. Sossou, “We Do Not Enjoy Equal Political Rights: Ghanaian Women’s Perceptions on Political Participation in Ghana” *SAGE Open*. Volume 1. Issue 1, 16 May 2011. 1-9

field.

Hannah Kudjoe serves as a case study to better understand the history of women in Ghana's politics, and how they are relegated to the background of the socio-political sphere. She was "... arguably *the* leading woman nationalist in post-World War II Ghana, and certainly the first to assume a prominent and sustained public role in the struggle for independence."<sup>12</sup> In 1957, she founded the All-African Women's League.<sup>13</sup> Even then, she and other female political activists were viewed with apprehension. It is telling that Tawia Adamafo, a confidante of Nkrumah's in the early 1960s, viewed the women's organizations Kudjoe had a hand in organizing suspiciously. As Allman does in her article "The Disappearing of Hannah Kudjoe," this section needs to be quoted at length.

We foresaw a situation where this NCGW [National Council of Ghana Women] would grow so monolithic and powerful that the party could lose control of it. The ratio of women voters to men then was about three or more to one and the position could well arise, where Ghana would be ruled by a woman President and an all-women cabinet and the principal secretaries and Regional Commissioners were all women and men would be relegated to the back room! It would be disastrous for Ghana, for, I could see men being ridden like horses! A male tyrant could be twisted round a woman's little finger. An Amazonian tyrant could only probably be subdued by a battery of artillery!<sup>14</sup>

This quote is illustrative because it shows that at least a segment of men in Ghana's independence movement did not think of women as their competent political equals—even though they were involved in movement from its beginnings. Also, it's noteworthy that they were actually afraid of the voting power that women could wield if they so chose. This illustrates a point made clear in Hannah Kudjoe's historical absence as a nationalist icon, interviews with contemporary Ghanaian women, and the absence of a significant portion of women in politics until the late 1990s and early 2000s. It may seem obvious, but it bears being said explicitly: the main impediment to women's socio-cultural, educational, economic, and political equality in Ghana is men's prejudice; more plainly, patriarchal concepts of power and a "woman's place" in the political world prevent Ghanaian women from taking their rightful place as co-designers of the state they live in.

## WOMEN'S PERSPECTIVES

Pivoting, then, to women's perceptions of political participation and economic, education, and social inequality in Ghana, I want to emphasize that this analysis distances itself from Western feminist readings of African politics. Of course, I realize that I stand in an academic tradition of Euro- and American-centric feminist discourse. However, as the following sources prove, women in Ghana, *across* socioeconomic class, levels of educational attainment, and ethno-linguistic group identify a *significant* issue with how women are (not) represented in Ghanaian politics—despite the lofty language of the 1992 Constitution. Consequently, women suffer across all strata of Ghanaian society. The UN Women Global Database on Violence Against Women reports that Ghana ranks one hundred thirty-first

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12. Jean Allman, "The Disappearing of Hannah Kudjoe: Nationalism, Feminism, and the Tyrannies of History," *Journal of Women's History*, Volume 21, Number 3, Fall 2009, 15.

13. Allman, "Hannah Kudjoe," 17.

14. Allman, "Hannah Kudjoe," 26

on the Gender Inequality Index and fifty-ninth on the Global Gender Gap Index.<sup>15</sup>

The claim of “traditionalism” is one that appears throughout the literature. For me, it raises the question of why Ghana *in particular* suffers from an extremely pronounced gender inequality when most modern-day nation-states are based in patriarchal notions of power. I will not be doing a full analysis of the development of global gender power imbalances and how they develop separate from or in tandem with each other. A longer study might parse this question -- and ask how the West, with its eyes on the “backwards” social organization of African nations, has contributed to social inequality globally by enforcing colonial and neo-colonial power relations between itself and “the global South.”

A common thread of the scholarship on gender inequality is the limited access women have to decision-making roles at *all* levels in Ghanaian politics, from small rural community councils, to larger municipal structures, to the national government. In a study of two rural communities (Dupong and Djogbe) in Ghana, Service Opare both assesses the issue of women’s local participation in important decision-making processes and thinks of possible solutions. She identifies several constraints for women’s political participation: their role as domestic caretakers means that they are kept from important meetings, because they are keeping house or taking care of small children; wage inequality and the denial of business opportunities restricts women’s economic freedoms; and disparities in educational attainment. She writes, “Women’s exclusion from decision making processes in Ghana does not only result in a failure by the society to tap their accumulated resource use and management experiences but constitutes a violation of their fundamental human right since Ghana’s 1992 constitution prohibits unequal treatment on the basis of personality characteristics such as gender (OfeiAboagye, 2004).”<sup>16</sup>

For help understanding local decision-making imbalances in Dupong and Djogbe, Opare’s findings are below:

**Table 1. Participation of males and females in community decision making**

NO.	SUBJECT/PERCENTAGE OF RESPONDENTS	DOGBE		DUPONG	
		% of Males	% of Females	% of Males	% of Females
1.	Attended meetings	80	52	86	64
2.	Asked at least one question at meetings	76	26	80	32
3.	Stayed at meetings till end of discussions	80	22	82	24
4.	Contacted any leader to discuss community issues	56	16	44	12
5.	Assisted in implementation of community decisions / plans / programs	74	24	88	30

Source: Fieldwork 2008.

15. UN Women, “Global Database on Violence Against Women, Ghana,” 2016, <http://evaw-global-database.unwomen.org/fr/countries/africa/ghana#7>

16. S. Opare, “Transforming Gender Imbalances in Decision Making in Ghana: Voices from Rural Dwellers,” *Current Politics and Economics of Africa; Hauppauge Vol. 8, Iss. 3.* (2015): 358.

This connects directly to the aim of this paper, which seeks to analyze why a country that outlines gender equality as a major focus in its Constitution creates significant gender inequalities. Opare's research is also especially relevant because the emphasis on women's inclusion in decision making is usually studied most critically at the *national* level. Though women in Accra definitely face discrimination and are kept from political leadership, economic and educational opportunities, they also are concentrated in a relatively wealthy area of the nation and are more likely to have more capital or education themselves (as compared to women living in rural areas).

To further understand how relative privilege (i.e. living in urban areas, higher levels of educational status), Marie-Antoinette Sossou interviewed 68 women across socio-economic and regional background. This is useful because it allows us to see how -- even with acknowledging social stratification based on class, education, and region in Ghana -- *all* women suffer from distinct power imbalances. She writes, "According to most of the participants, they experienced gender inequality and discrimination even in the political parties they belong to as members<sup>17</sup> ... An outstanding feature of these participants' insight is the admission of their low political participation as women in Ghana and this admission did not significantly differ by education, income, and social class."<sup>18</sup>

Sossou's work is also significant because it contains direct quotes from the women themselves, allowing outside scholars to understand how Ghanaian women understand and vocalize their own experiences. An anonymous participant is quoted saying, "Our situation is difficult because of our entrenched traditional beliefs and norms. The traditional notion is that men are the heads and this notion is working through every sphere of life and including the political sphere."<sup>19</sup>

## CONSTITUTIONAL REVIEW

Here, I want to review the iterations of the constitution: the full Constitutions in 1960, 1969, 1979 and finally 1992 (and the most recent revision in 1996).<sup>20</sup> It is also crucial to mention that Ghana went through a tumultuous period of power shifts—and several military coups—from the 1960s to 1980s.<sup>21</sup> Manuh and Anyidoho write that economic stagnation led to social precarity for women. "Urban workers (mostly male) ... complained of low wages... and resented the women they perceived to have outflanked them in the pursuit of wealth."<sup>22</sup>

Then again, most governments experience some level of instability, and this raises the question of whether governments experiencing difficult transitions post-Independence

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17. M.A. Sossou, "We Do Not Enjoy Equal Political Rights: Ghanaian Women's Perceptions on Political Participation in Ghana," SAGE Open Journal, 2011, 4.

18. Sossou, "We Do Not Enjoy Equal Rights," 6.

19. Sossou, "We Do Not Enjoy Equal Rights," 5.

20. The 1957 Constitution was a mostly provisional act for the new Republic.

21. Most sources cite military regimes in 1966, 1972, 1975, and 1979. See: Maxwell Owusu, "Rebellion, Revolution, and Tradition: Reinterpreting Coups in Ghana," *Comparative Studies in Society and History*, Vol. 31, No. 2 (Apr., 1989), p 372-397. Eboe Hutchful, "A tale of two regimes: imperialism, the military and class in Ghana," *Review of African Political Economy*, 6:14 (1979), 36-55.

22. Manuh and Anyidoho, "To Beijing and Back: Reflections on the Influence of the Beijing Conference on Popular Notions of Women's Empowerment in Ghana," *IDS Bulletin*, Volume 46, Number 4, July 2015, 22.

*necessarily* mean that women get written off as secondary citizens. This paper is not an in-depth study of shifts in women's political participation and status during times of internal conflict, but that is one direction that further study might take.

In my constitutional review, I am most curious about the language surrounding gender, especially concerning political, economic, and educational equality between women and men. I'm interested in how each version of Ghana's vision of itself as a state talks about things like: women in leadership roles and their advancement as independent citizens. I read what is and *is not* written in the Ghanaian constitution, with a focus on how women are conceived of as citizens and what steps are taken to assure that they have equal access to the benefits of Ghanaian citizenship.

The first constitution was written in 1960 and amended in 1964.<sup>23</sup> Section I, Art. I assures no distinction of "sex, race, religion or political belief ..."<sup>24</sup> Besides that, there is no mention of women's rights, particular provisions for women or children, or how else to ensure gender equality in Ghana. Here, what's not written in the Constitution is just as important as what is present. The foundational legal text of the new state of Ghana—in 1960 and again in 1964—had no particular language about improving women's socioeconomic, political, and educational prospects. It would be difficult to improve women's standing in Ghanaian society without an honest reckoning with their place within it upon independence.

The 1969 Constitution of the Republic of Ghana contains six articles relevant to this study: four under the heading "Liberty of the Individual: Fundamental Human Rights," and one each under "Representation of the People" and "Chieftaincy and Local Government."

Article 12 concerns rights and freedoms of Ghanaian citizens. It guarantees that *everyone* in Ghana is entitled to the same rights as other citizens, "whatever his race, place of origin, political opinions, colour, creed or sex..."<sup>25</sup> The next article is very telling about how women are considered in their position as citizens. I will quote it directly here, to preserve the original language:

The family being the unit of society, Parliament shall enact such laws as will ensure,  
a) the right of women and children to such special care and assistance as are necessary for the maintenance of their health, safety, development, and well-being...

The contrast between the two is illuminating. Article 12 has no special provisions for women's citizenship rights, which is interesting considering the (well-documented by 1969) knowledge that women suffer under patriarchal power structures. Article 13 gives women special attention because of their roles as *mothers*, not just because they are citizens of Ghana and so deserve the full-fledged rights of any other person (the claim made in article 12). By close-reading this article, it would appear that the most important contribution women make to Ghanaian society is in their capacity to bear children.

Article 25 is an anti-discrimination clause. It reads: "... no law shall make any provision that is discriminatory either of itself or in its effect; article 28 provides an avenue for Ghanaian citizens to appeal to the High Court of Justice if they feel their rights have been infringed upon. Still, there is no legislation that expressly condemns gender inequality

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23. Republic of Ghana, "Constitution of the Republic of Ghana (1960 as amended 1964)," Accessed at: [https://heinonline.org/HOL/Page?collection=cowandhandle=hein.cow/conatio0001anddid=227andmen\\_tab=srchresult](https://heinonline.org/HOL/Page?collection=cowandhandle=hein.cow/conatio0001anddid=227andmen_tab=srchresult)

24. Constitution of the Republic of Ghana (1960 as amended 1964), 213.

25. Constitution of the Republic of Ghana, 1969, 9. Accessed at SOAS, University of London.

in Ghanaian society, or provides necessary steps to ensure gender equality in the nation. In Articles 157 and 158, the process of electing Local Council members is laid out. Again, there is no legislation to ensure significant representation of women in the local councils.

The 1979 Constitution<sup>26</sup> retains much of the language from Art. 12 of the 1969 document—namely, that people cannot be discriminated against for protected statuses.

Arts. 7 and 8 do attempt to outline how Ghana can insure integration of and equal opportunity for all citizens, though they don't contain language on how to promote women's rights specifically. The government should manage the national economy "... to secure the maximum welfare, freedom and happiness of every citizen of Ghana on the basis of social justice and equality of opportunity..."<sup>27</sup>

Art. 32 invokes women's status as mothers as a reason for extra protection. It reads "Where assistance, special care and facilities necessary for the maintenance, safety, and development of a woman as a *mother*... shall be available to all *mothers* without discrimination."<sup>28</sup> Section E of this same article reads, "... the protection and advancement of the family as the unit of society are safeguarded." Of course, the point to understand here is that the Constitution provides special measures for women only after they have produced children, begging the question of special provisions for women who don't have or want children. Indeed, it seems that women's value in Ghanaian society is still deeply entangled with their reproductivity, not with their inherent value as citizens of the Republic.

Still, some affirmative action-type measures are taken to assure women are represented in important decision making roles in Ghana. Art. 164 establishes a Prisons Service Council and dictates how the members are chosen, "one of whom at least shall be a woman."<sup>29</sup> Similarly, Art. 192 establishes a Press Commission, setting aside at least one seat for a woman.<sup>30</sup>

The 1992 Constitution (amended in 1996) is widely considered a landmark in the legislation of Ghana.<sup>31</sup> There is a section dedicated specifically to women's rights (Art. 27). There is a special provision for women before and after childbirth, including a promise of paid leave from work. Furthermore, it declares: "Facilities shall be provided for the care of children below school-going age to enable women, who have the traditional care for children, realise their full potential." This connects to a point made by Opare in "Transforming Gender Imbalances in Decision Making in Ghana: Voices from Urban Dwellers" -- many women still find that household and childcare duties prevent them from participating in local councils.<sup>32</sup> Article 27, the "Women's Rights" clause goes further than those in previous years. Rather than making child-bearing and rearing the sole focus, it also includes a protection to ensure that women are guaranteed "equal rights to training and promotion without any impediments from any person." The phrase "any person" is ambiguous. However, it might suggest the legislators' awareness that some of the most stringent opposition to women moving into professional and political spheres comes from family or community members.

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26. Republic of Ghana, "Constitution of the Republic of Ghana," 1979, Arts. 7 and 9. Accessed online: [https://heinonline.org/HOL/Page?collection=cowandhandle=hein.cow/zzgh0003&andid=4&andmen\\_tab=srchresults](https://heinonline.org/HOL/Page?collection=cowandhandle=hein.cow/zzgh0003&andid=4&andmen_tab=srchresults)

27. Constitution of the Republic of Ghana, 1979, 9.

28. Constitution of the Republic of Ghana, 1979, 35. Emphasis mine.

29. Constitution of the Republic of Ghana, 1979, 120.

30. Constitution of the Republic of Ghana, 1979, 146.

31. It seems semantic, but one interesting change is the shift in the language from "sex" to "gender."

32. Opare, "Transforming Gender Imbalances," 354. This article was published in 2015.

Art. 35 says Ghana should strive to “achieve reasonable regional and gender balance in recruitment and appointment to public office.” Art. 36 provides that “in particular, the State shall take all necessary steps so as to ensure the full integration of women into the mainstream of the economic development of Ghana.”

The 1992 Constitution provides the most explicit legislation about decreasing economic and educational disparities between women and men in Ghana. Still, without specific language as to how this can be achieved—or how women can become more involved in the decision-making processes of the nation—the question becomes how effective implementation can be.

Still, Ghanaian legal scholar Appiah writes “Despite the presence of a framework found to be satisfactory, the 2011 Constitution Review Commission and the 2012 White Paper on the Constitution Review Commission’s Report, nonetheless supported the need for an Affirmative Action Bill to provide the necessary detail for effective actions to achieve gender equality.”<sup>33</sup>

## CONCLUSION

The purpose of this analysis is to better understand how Ghana conceives of itself as a state and imagines women’s place within the Republic. From my research, it is clear that the Ghanaian government has taken important steps legislatively to ensure equal rights for all citizens. Inequalities still persist, though, leaving us to question how the laws can be either be revised or implemented more successfully. Significantly, my argument pivots on the fact that Ghana is not *unique* in its patriarchal social structures. Sossou writes:

The attainment of full political participation of women in Ghana is more beyond mere tokenism and political party nominations. It is important to explore the issues surrounding the ideology of gender relations and power relations. The various institutions and structures, such as the family, the educational system, the religious institutions as well as the social, economic, legal, and political structures in the society must undergo major structural transformation that will stop reproducing unequal power and gender relations... it also entails both male and female coming to accept the legitimacy of women in positions of power.<sup>34</sup>

Sossou emphasizes that Ghanaian men play an important role in shifting rhetoric around “a woman’s place” in society, and should take an active role in dismantling patriarchal power imbalances. Similarly, the Women’s Manifesto states that it is meant for all citizens, male and female, “who can identify with its demands.”<sup>35</sup> Ghanaian women—since long before independence, as exemplified by Asantewaa—have been redefining what it means to be self-determining citizens. Still, if meaningful change is to be made, Ghanaian men need to confront the ways that they hinder progress.

The less-than-ideal position of women in Ghana socially, economically, and politically is due to a specific history of political instability, in which gender issues were considered less important than national unity. Furthermore, the fact that the legislation designed to improve life for women in Ghana leans so heavily on the image of “mothers of the nation”

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33. E.M. Appiah, “Affirmative Action, Gender Equality, and Increased Participation for Women, Which Way for Ghana?\*” *Statute Law Review*, 2015, Vol. 36, No. 3, 273.

34. Sossou, “We Do Not Enjoy Equal Political Rights,” 8.

35. The Coalition on The Women’s Manifesto for Ghana, “The Women’s Manifesto for Ghana,” 85.

impedes progress. Women's advancement as citizens of and participants in the nation is inextricably tied with their reproductive capacity. Further study might analyze how affirmative action reforms can improve women's social, economic, and political prospects in the nation. I think it sufficient to say, though, that none of these measures will be wholly successful until women are considered inherently full citizens—not because they are wives, mothers, or caretakers, but because they are agents in the building of Ghana themselves.

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JENNIFER K. JOHNSON

# Gender Mainstreaming and the US Department of Defense

*A Policy Implementation Evaluation*

## LIST OF ABBREVIATIONS

CEDAW: Convention on the Elimination of all forms of Discrimination Against Women  
COCOM: Combatant Command  
USAFRICOM: United States Africa Command  
USCENTCOM: United States Central Command  
USEUCOM: United States European Command  
USINDOPACOM: United States Indo-Pacific Command  
USSOUTHCOM: United States Southern Command  
DOD: United States Department of Defense  
FET: Female Engagement Team  
MOS: Military Occupational Specialty  
NAP: National Action Plan  
NSS: National Security Strategy  
OGC: Operational Gender Advisor Course  
PKSOI: Peacekeeping and Stability Operations Institute  
PME: Professional Military Education  
PMESII: Political, Military, Economic, Social, Infrastructural, and Informational  
SWOT: Strengths, Weaknesses, Opportunities, and Threats  
TRADOC: Training and Doctrine  
UNSCR 1325: United Nations Security Council Resolution on Women, Peace, and Security  
WPS: Women, Peace, and Security

## INTRODUCTION

The Women, Peace, and Security (WPS) agenda began around the end of the cold war period, as part of a broader movement towards the infusion of gender perspectives in international relations (Blanchard, 2003). By 2000, WPS was solidified as a global mandate,

with the unanimous passage of UN Security Council Resolution 1325 in October 2000. Informed by scholarship and activism as diverse as feminist and queer theory; decolonization and Third World movements; critical theory approaches; ethnographic research; as well as histories of violence, identity, and injustice—the construction and definition of the tenants of WPS remain contested. Generally, gender security and WPS is often associated with the ‘human security’ literature, which aims to shift the focus of international relations from states to the individual or community level (Booth, 2005). In sum, the WPS agenda “constructs a link between social (gender) change and political (conflict) transformation in mainstream international policy” (Pratt and Richter-Devroe, 2011). UNSCR 1325 includes four pillars of implementation: (1) prevention of gender-based violence, (2) protection of women and girls from violence and human rights abuse, (3) increased participation and representation of women in all levels of decision-making, (4) consideration of the needs of women and girls in relief and recovery.

Like other international norms, the WPS agenda means different things to different people and in different contexts. Some interpret WPS as singularly about diversity in security and peace domains, also known as the “add women and stir” argument (Cohn, Kinsella, and Gibbins, 2004). Others connect it to a feminist project to deemphasize patriarchal norms and policies, as well as hegemonic political and security apparatuses (Tickner, 1992). Indeed, “feminist literature has demonstrated the existence of gender bias within many of the core concepts within the field: security, the state, violence, and war” (Sjoberg, 2009, 196). Some embrace the ‘women as peace builders’ argument, while others have expressed concern about the use of essentialist narratives (Hudson and Goetz, 2014, 338). Some look critically on UNSCR 1325 and the ways in which it portrays women as victims (Shepherd, 2011), while others optimistically see the Resolution as the beginning of policy change. Many practitioners emphasize ‘gender mainstreaming’ as the essence of WPS, defined by the United Nations as “a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes ... so that women and men benefit equally and inequality is not perpetuated.”

Indeed, Krook and True (2012, 105) contend that “norms diffuse precisely because—rather than despite the fact that—they may encompass different meanings, fit in with a variety of contexts, and be subject to framing by diverse actors.” This is certainly the case with WPS, as advocates, practitioners, and scholars strongly disagree about the definitions, strategies, and goals of infusing gender perspectives into issues of international peace and security.

This evaluation takes a look at the progression of WPS implementation in the US, specifically within the Department of Defense (DOD). Robust studies have already been undertaken relating to WPS implementation in institutions of US diplomacy and development (Hudson and Leidl, 2015) in addition to non-US military and international organizations (Egnell and Alam 2019). However, the dearth of evidence and evaluation on how the DOD, specifically, has implemented the WPS agenda limits the ability to analyze US implementation throughout all instruments of foreign policy. This evaluation builds from previous analyses of WPS implementation in defense and security organizations, in order to contextualize the sustained difficulties behind the practice of integrating gender perspectives in this sector. Sources for this report include public affairs statements, op-eds, as well as semi-structured interviews with DOD WPS managers, instructors, and policy experts in addition to consultants, all primarily located within the Joint Staff and Combatant Commands. The views presented do not necessarily represent the views of the DOD or its

components, but rather personal observations as a result of significant work in this field.

Section I assesses the diffusion of WPS norms from the international stage into US national security policymaking. A brief history of US policy and policymaking related to gender mainstreaming situates the analysis in its domestic political context. This section also explores tensions amongst scholars, advocates, and practitioners over the use and role of gender for the purposes of military efficiency. Section II evaluates WPS implementation at the DOD from 2000 to present. This section explores the outcomes of each wave of implementation, from the Executive Order and the US National Action Plan to the recent Women, Peace, and Security Act. Interviews with key leaders within the DOD illuminate both the challenges and tensions of implementation. This section analyzes advances in training and education, personnel and doctrine, as well as institutional leadership. Finally, Section III summarizes key challenges and offers tailored policy recommendations. Finding opportunities for both immediate practical changes as well as long-term transformation, this section aims to suggest practical ideas for further mainstreaming that take into account, rather than minimize, the complexities of the WPS agenda.

## SECTION I WOMEN, PEACE, AND SECURITY IN CONTEXT

### *Formal Inclusion of WPS in US National Security Policy*

The unanimous passage of UNSCR 1325 in October 2000 follows Finnemore and Sikkink's (1998) theory of norm emergence. Growing discussion and proselytism through NGOs, civil society, and academic scholarship about the untold perspectives of women in conflict and international politics precluded the resolution (Hill et al., 2003). Additionally, the UN hosted four World Conferences on Women (1975, 1980, 1985, and 1995), while member states agreed to passage of both the Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Declaration on the Elimination of Violence Against Women (1993). The 1995 Beijing Conference, in particular, with speeches by US First Lady Hillary Clinton, Nobel laureate Aung San Suu Kyi, and Mother Teresa, received considerable attention and produced a detailed action plan for sustained progress. Additionally, international conflicts in the late 1990s, especially the civil wars in the former Yugoslavia and in Rwanda, drew renewed attention to the widespread use of sexual and gender-based violence as tools of war. President of the UN Security Council, Bangladeshi Amb. Anwarul Chowdhury, too provided a critical leadership role in pushing for the Resolution within the Council. Prominent advocates and activists, especially in the Third World, framed the issue in new ways by interpreting and calling attention to their lived experiences and the intersections between gender and other oppressive structures (Gibbins, 2011).

Within the United States context, in the nearly twenty years since the passage of UNSCR 1325, the second stage—a norm cascade—has been gradual. Prior to 2000, there were some elements of WPS that were raised in national discourse. US Representative Bella Abzug (D-NY) pioneered the Women's Foreign Policy Council in 1987 and advocated for “a restructuring of [US] foreign policy process to include the views, needs, and participation of women” (Abzug, quoted in Garner, 2012, 126). Gender considerations first made an appearance in President Clinton's National Security Strategies (NSS) from 1994–2001, especially relating to the US's failure to ratify CEDAW as well as the promotion of gender perspectives in development and the inclusion of women in ‘oppressed groups.’ Garner (2013, 1) argues that the Clinton administration “interjected feminist aims ‘into the mainstream

of American foreign policy” through advocates like First Lady Hillary Clinton, Secretary of State Madeline Albright, and senior coordinator of the Office of International Women’s Issues Theresa Loar, as well as through programs like the Vital Voices initiative which sought to elevate the voice of women in foreign policy conversations.

The Bush administration too regularly included references to gender perspectives in foreign policy. However, the terrorist attacks on September 11th, 2001 and the resulting Global War on Terror guided much of the Bush administration’s foreign policy objectives. Despite the passage of UNSCR in 2000, there were few sustained connections made between gender perspectives and counterterrorism at the operational or tactical level. Yet, part of the political goals following the US invasion of Afghanistan and Iraq included the promotion of women’s rights. The 2006 NSS did “affirm the inherent dignity and worth of women, and support vigorously their full participation in all aspects of society” and argue that human trafficking is “a form of modern-day slavery” (7).

President Obama increased the number of references to WPS in the 2010 NSS, calling for the US to “prevent violence against women and girls, especially in conflict zones,” “[support] women’s equal access to justice and their participation in the political process,” and “[combat] human trafficking” (38). The 2015 NSS too included WPS references, however, often through the lens of “youth and women,” a fraught connection for feminist scholars (Enloe 2014). The 2017 NSS, under President Trump, continued Obama era references to youth and women, as well as calls for political inclusion and rights.

Overall, the waxing and waning of nominal attention to gender perspectives in foreign policy documents under Republican and Democratic presidents contributed to a perception that the agenda was politically motivated. Indeed, WPS was often seen through the lens of the domestic “culture wars” of the 1990s and 2000s. Initiatives under Democratic presidents were often criticized for being feminist or anti-family, particular the programs related to global family planning. Republican policies, in turn, were not regularly interpreted kindly by feminist scholars or activists.

Some criticized the “misuse” of the WPS agenda in the Afghanistan and Iraq wars, alleging that the Bush administration appropriated the discourse to legitimize military violence, reproduced colonial tropes of masculine protectionism, and resurrected Afghan/Iraqi patriarchy (Kahn, 2008). To be sure, this criticism largely holds for Clinton and Obama era foreign policies as well—yet criticism was particularly prominent during the Bush administration. Other feminists strongly supported the wars, lauding how US generals “went off about the role of women in this effort and how imperative it was that women were now in every level of the Air Force and Navy” (Lerner 2001).

Beyond the formal foreign policy strategic documents, UNSCR 1325 and its successor resolutions call for each country to develop a National Action Plan and work to implement the principles of prevention, protection, and participation into their national bureaucracies. Since 2000, in the United States only one national security agency has established a new department: the Office of Global Women’s Issues at the Department of State, formalized in 2009 but a holdover from more informal offices in the Clinton and Bush administrations. The US National Action Plan (NAP) was introduced in 2011 and updated in 2016, both via Executive Order under President Obama. The policy effect and implementation of the NAP, along with the recent Women, Peace, and Security Act, passed by Congress and signed by President Trump in 2017, will be discussed at length in Section II.

Because the US NAP was not an act of Congress and the Executive Action could be interpreted by public servants as limited or temporary in scope, diffusion of gender perspectives into US national security policymaking institutions received limited attention. Indeed, in spite of its salience in global governance since the 1970s, WPS does not enjoy widespread understanding within the US national security community.

A 2016 study by New America found that the majority of policymakers they talked with had a negative connection with the phrase ‘Women, Peace, and Security,’ with one commenting that gender and security “sounds like apples and oranges to me” (Hurlbert and Weingarten, pt. 1). The study also found that gender considerations are overwhelmingly considered irrelevant to issues of conflict resolution, countering violent extremism, and regional stability. Rather, according to policymakers, gender perspectives are most salient to issues related to global health and education. This is an interesting finding, because it demonstrates that the WPS agenda remains associated with partisan politics and is interpreted through a heuristic of assigning “women’s issues” to domestic affairs. A follow-up study by New America in 2018 (Hurlbert et al.) replicated their findings from two years prior and discovered no new progress over the course of two years. Many national security policymakers reacted negatively to WPS elements, with one respondent “delighted to say [that they] do not know [what gender mainstreaming is]” (pt. 1).

Within the policymaking community, many are not inclined to see the DOD as a leader for gender mainstreaming. In each of the New America studies on attitudes towards WPS and gender perspectives within the national security apparatus, the Department of Defense is identified as the worst offender. The Defense Department is “unilaterally” seen by senior interagency policymakers as “the least likely policymaking organization to consider gender as a relevant factor” (Hurlbert and Weingarten, 2016, pt. 1) and regularly classified as one of the two main “roadblocks” to gender mainstreaming (Hurlbert et al, 2018, pt. 1) Many see the Defense Department as a male-dominated organization, with a formable internal culture and mindset focused on kinetic operations and functional imperatives. To be sure, the New America study identified widespread misperceptions among *all* policymakers concerning WPS, which could explain potential response bias correlated with also devaluing the applicability of gender to operations and combat effectiveness more generally.

On the opposite side, those who have worked closely with the US military contend that progress on gender mainstreaming has the greatest potential in the Defense Department. Rosa Brooks, who served as Counselor to Under Secretary of Defense for Policy Michele Flournoy from 2009-2011, writes that officers in Iraq and Afghanistan had already seen the utility of engaging women—“[they] got it; [gender] was not a hard sell” (Hudson and Leidl, 2015, 208). In particular, the creation of the Female Engagement Teams (FETs) in the 10th Mountain Division in Kandahar, Afghanistan was heralded as an *ad hoc* innovation that received considerable positive attention (both within and outside the DOD) and demonstrated the operational advantage of gender perspectives in combat and intelligence (Oppermann, 2019). Moreover, the FET teams were created before the NAP, and without any politicized imperative or policy guidance.

### *Gender and the Military: A Catch-22?*

Tensions regarding WPS and the military are not just internal to US policymaking circles, however. Much of the academic community responsible for pioneering the foremost WPS

research cautions against the cooptation of their work to advance military efficiency. Many military strategists, in turn, reject changes to traditional approaches to state-centric security and remain skeptical about the connection between gender and security. Egnell et al (2014, 23) describe this dynamic as a “zero sum” paralysis whereby “gender perspectives and traditional military values are seen as diametrically opposed” by both poles. Generally, feminist scholars and military theorists often see few overlaps between the goals of gender equality and military effectiveness, posing a key challenge to WPS inclusion in security and defense organizations.

In particular, on one hand, some scholars and advocates of WPS see a disconnect between a “feminist discourse’ which seeks ‘gender equality’ as its ultimate goal ... and a ‘neoliberal discourse’ which identifies efficiency and market-driven economic growth as normative goods” (Reeves, 2012, e. 349; True, 2003). They fear that gender mainstreaming will sanitize gender security and instead morph it into a sterilized bureaucratic tool. Reeves (2012, 356) contends that gender advisors are placed in a “double movement of empowerment and co-optation of feminist knowledge” whereby they must reframe key arguments in traditional ways in order to achieve buy-in. There is a strong contention against connecting gender and operational effectiveness, especially from anti-militarism scholars. One exclaimed rather succinctly in a meeting, “Look, we are not just trying to make war safe for women!” (C. Weiss, quoted in Cohn, 2003, 14). They see WPS implementation as a method to marginalize anti-militarism feminism, making their desired transformation fundamentally not possible (Pratt and Richter-Devroe, 2011). Likewise, some point out examples of when military organizations obstructed human rights, ignored violations, or themselves enacted gendered violence (particularly the use of rape as a tool of war). They look to the recent examples of the Iraq and Afghanistan wars, when concern for women’s rights were incorporated into the political justification for intervention, occupation, and sustained military presence. “The United States shouldn’t even think about trying to assist women through its foreign policy, for it is incapable of helping them because of its foreign policy” summarizes Hudson and Leidl (2015, 185). Fundamentally, many WPS scholars and advocates maintain that gender equality should be an end in itself, and reject that it could be utilized as an instrument for other aims.

Many military scholars, on the other hand, do not recognize the central aims of WPS as central to their fighting mission. “[Equality] is simply not perceived as having anything to do with military operations,” Egnell (2016, 82) writes. Rather, they contend that military organizations must be narrowly focused on maximizing unit cohesion, lethality, and effectiveness through rigorous ‘lessons learned’ processes and the maintenance of a proper balance of the warrior ethos based in loyalty, discipline, and strength. Military organizations see it as necessary to their fighting mission to be distinct from civilian organizations. There is concern that radical changes to well established and tested planning processes have the potential to limit mission objectives. Even as recognition grows about the evolving nature of war and as military organizations regularly exercise non-kinetic capabilities, there remains a strong internal preference for planning and executing conventional kinetic operations. The Pentagon places a priority on materiel, maneuvers, and manpower: “[DOD’s] organizational structure, promotion system, professional military education, budget allocation, authorities, and even uniforms all reinforce this underlying preference for kinetic action” (Livieratos, 2018, 61-62). Under this view, it is not apparent that gender perspectives have an application within tactical, operational, or strategic warfare imperatives.

This zero-sum logic, however, is based upon assumptions that deny mutual benefit as well as any potential for transformed institutions or new futures. It adopts a theory of

change that rests on the maintenance of linear action and siloed work. However, a multifaceted WPS policy based in measurement and accountability that prompts serious changes to DOD strategies, activities, resources, and cultures is only possible with investigation and debate between knowledgeable feminist scholars, activists, and practitioners. “Assessing the theoretical and practical implications of gender mainstreaming provides a context for activists and scholars to engage with one another,” writes True (2003, 386). WPS implementation creates an opportunity to institutionalize and provoke better understanding, with the practical effect of reducing conflict and harm.

## SECTION II

### US IMPLEMENTATION OF WOMEN, PEACE, AND SECURITY

#### *Prior to WPS Act*

Prior to the 2017 Women, Peace, and Security Act, policy guidance on gender perspectives in the US Department of Defense derived from the 2011 US NAP and the DOD’s own 2013 Implementation Plan. In the beginning, training was primarily externally oriented. The NAP required that WPS be included in trainings to partner militaries and security personnel. Additionally, the Combatant Commands began hosting international conferences on Women, Peace, and Security with representatives from partner nations, as well as providing trainings seminars on sexual and gender-based violence and other issues. The Combatant Commands also increased gender-focused education to deployed US personnel, especially on region-specific issues related to human trafficking, sexual and gender-based violence, and women’s rights. WPS was also included in a 15-30 minute modules during the Newcomers’ Orientation Course beginning in 2014. Additionally, the NAP required congressional reports, with 14 of the 16 tasks assigned (in some part) to DOD.

Overtime, gender perspectives were included in some Combatant Command’s formal written directives via theater campaign plans that “prioritize, organize, and integrate the Command’s steady-state activities” (Witkowsky, 2016, 37). The gender specific needs of women and girls were included in planning and programs relating to support of humanitarian or disaster relief. Finally, WPS was adopted as a voluntary Special Area of Emphasis within the Joint Professional Military Education curriculum. In 2016, a Gender Perspective Annex was added to the Multinational Force Standard Operating Procedure.

The Women, Peace, and Security Act of 2017, however, stands as a turning point in DOD implementation. “The fact that the United States has an actual law on WPS is a significant event in our history... we have come a long way” (PSOTEW, 2019). Prior to the Act, defense personnel perceived WPS in highly politicized terms, or as one of the “crazy things Democrats are doing.” However, the 2017 WPS Act specifically required that the Department of Defense ensure relevant training to US personnel on the role of women in “conflict prevention, peace processes, mitigation, resolution, and security initiatives” and in “gender considerations” related to human rights and protection of civilians. Numerous DOD respondents highlighted the Act as a significant step forward for institutional buy-in to WPS. One respondent noted that the Act was seen as more salient within the DOD, as opposed to the Executive Order, because it no longer was so closely associated with political shifts. “It’s now US law” could be used as a rebuttal to any internal questions (Holt-Ivry, 2018).

Importantly, the 2018 Defense Budget also provided financial support for WPS implementation in the form of \$3 million for “training on gender perspectives and full-time advisors on Women, Peace and Security at each of the Combatant Commands, the Office

of the Secretary of Defense, the Defense Security Cooperation Agency, and the Joint Staff” as well as \$900,000 for improvements to partner capacity building programs and collection of gender disaggregated data, and \$100,000 for “training on gender perspectives at the war colleges” (“The Republican Cloakroom,” 2018). To be sure, this DOD funding still pales in comparison to the State Department’s \$5-12 million annual expenses for the Office of Global Women’s Issues alone.

The combination of legal imperatives and financial support from Congress for WPS implementation at DOD shifted the focus from merely ‘awareness raising’ to the early stages of mainstreaming. As before, the Combatant Command level remains where the majority of mainstreaming efforts are focused. Implementation appears to have shifted from primarily event coordination and annual updates to further integration with the commands’ monitoring, reporting, and planning processes. Gender Advisors report activities ranging from formalizing gender inputs into planning documents to working with officers *ad hoc* as they run into specific issues that require a gender perspective. USAFRICOM is working to develop data based assessment tools for eventual widespread use (Law and Fleser, 2018). Indeed, some COCOM Commanders have issued their own WPS instructions to bolster mainstreaming.

The Gender Advisors and WPS Mangers interviewed often expressed both optimism and apprehension about the future of gender mainstreaming efforts at DOD. Most agreed that the current initiatives—moderate operational level training and education, combined with the cultivation of gender networks and expertise—would be the main focus over the next 5-10 year timeframe. Given the limited financial resources, however, one respondent wondered aloud how much more could even be done. The ultimate goal, of course, is for gender perspectives to be fully ingrained into everything DOD does, making training and education no longer needed and institutional buy-in to WPS no longer as tenuous.

### *Training and Education*

Training for US personnel at the Combatant Commands (COCOMs) has also been adapted to provide more useable material on gender perspectives for newcomers. Numerous advisors reported significantly altering their predecessors’ (and their own) slide decks. Definitions (gender vs. sex) and UN documents continue to be referenced, but advisors see greater advantage in focusing on WPS as “an opportunity to do better” or an “easy win” (USINDOPACOM, 2019). Advisors depict gender analysis as an advantage, force enhancer, or useful capability for operational success and engagement. They note the ways some personnel, particularly in intelligence, already employ gender analysis to inform situational awareness. Advisors seem united in emphasizing that gender considerations should become automatic. Numerous advisors report prioritizing the operational relevance and providing examples unique to their area of responsibility (Smith, 2019). Some reference familiar stories, like the Female Engagement Teams in Afghanistan, or provide statistics on education, maternal mortality, trafficking, and SGBV (USINDOPACOM, 2019). There is passing reference made to academic research or data-based studies on the links between gender, peace, and security.

Depictions of women as victims or as vulnerable populations that need protection persist. Although an explicit definition of gender as relating to men, women, boys, and girls, is made, particular attention is still paid to examples and statistics focused on women and children. Some critique that trainings do not properly focus on actors as individual agents, implying that essentialist arguments are employed to make gender analysis more under-

standable. One respondent noted that personnel have difficulty in thinking of WPS outside of the examples that are referenced in training, and suggested a problem with oversimplification. That respondent noted that when they tried engaging the trainees on a guided gender analysis of the environment, staff often struggled. Advisors report that many of the questions they receive indicate that WPS remains confused with policy related to military service of transgender individuals, women in combat, or personnel harassment prevention, even after detailed explanation to counter this confusion. And yet, all advisors reported that the majority of personnel easily “got it” once WPS was described, especially those who were located within operations or intelligence divisions. One respondent highlighted that, in their experience, the O7 grade and above (Brigadier General for Army and Rear Admiral for Navy) tended to be the most receptive audience, alongside the lower grades O1 to O3. This could be linked to external incentives and motivations for innovative or strategic thought.

Notably, the Act and increased funding has allowed for the US’s first gender advisor courses to be designed, piloted, and offered on a regular basis. Previous gender advisors and focal points had received their training at the Australian and NATO courses, or attended State or USAID sessions. However, in June 2018 in USINDOPACOM, the very first US Operational Gender Advisor Course (OGC) was conducted. Dr. Beth Lape of the Joint Staff and Lt. Col. Brad Smith, an Australian officer at USINDOPACOM, designed the course. The US OGC draws from the best elements of the Australian and Swedish gender advisor courses, but has a sharper focus on mainstreaming and US-relevant applications. There is increased focus on gender perspectives in humanitarian assistance and disaster relief programs. So far, the course has been taught to a group of around 15-25 personnel each at USINDOPACOM and USSOUTHCOM, with future courses planned for USEUCOM, USAFRICOM, and USINDOPACOM (Smith, 2019).

One of the benefits of the course is that many of the instructors have either taken the Australian or Swedish/NATO gender advisor courses, and/or have had previous experience as gender advisors. This networked approach towards training and education allows for greater continuity and consistency, as well as an exposure to key challenges and lessons learned. Moreover, the course includes panels related to gender analysis and working with international organizations like the UN or NATO, as well as civil-military cooperation. There’s also sharing of expertise through lectures by US State Department or USAID staff, as well as from psychologist or gender-based violence specialists. Finally, the course prepares future gender advisors and focal points for the organizational challenges they might face in their new roles, including internal resistance, combative or confused questions, briefings/elevator pitches, and thoughtful advocacy (Smith, 2019). There are breakout sessions, where small groups talk about the day’s lessons, clarify any confusions or questions, and practice their skills and get individualized feedback. The OGC course, overall, tries to pack in as much relevant knowledge as possible in the short time frame (Smith, 2019). Much of the staff assigned to become gender advisors or focal points have not previously been working in this subject area—the OGC course gives them familiarity with key WPS concepts and documents.

The primary focus of the course is to prepare staff for conducting gender analysis as part of daily duties (Smith, 2019). The course draws from conventional US military systems of analysis that are taught at the leadership colleges, including the PMESII (Political, Military, Economic, Social, Infrastructural, and Informational) model of complex operational environments, as well as other private sector tools of analysis like the SWOT (Strengths, Weaknesses, Opportunities, and Threats) and Onion models (Smith, 2019). The US course

is one week, as opposed to Sweden's two-week NATO Gender Advisor Course, and does not focus as much on the planning process or how to write gender annexes, due to the unique needs of US gender advisors. Additionally, the US OGC is intended to be easily exportable and adaptable, so that it could be used by any Combatant or Component Command (Smith, 2019).

Some of the course participants and instructors have reflected on the inherent challenges and limitations of the US course. First, it is difficult for any person to become a subject matter expert within one week's time. As is true of many new posts, gender advisors have a large portfolio and often have limited time to complete daily responsibilities, let alone catch up on three or four decades of research and debate. As a result, some of the participants have admitted that they do not feel comfortable acting as experts on WPS material, nor feel prepared to expand analysis to new and complex situations. However, this may just be understood as a natural learning curve of any new role. But, this concern seems particularly salient because the gender advisors and focal points are being asked to provide analysis on something that many of their coworkers might be skeptical or predisposed against. Second, the course, unlike its Swedish counterpart, is not truly residential. Those who have experienced both note that some of the best learning opportunities of the Swedish course occurred during dinners and after-hours discussions. The residential format facilitated the formation of networks that could be advantageous even after the course concluded. One respondent noted that the OGC course lacked the same collaborative and supportive elements of the Swedish course. This challenge might be mitigated once the US course becomes permanently located at USINDOPACOM, as is the plan.

Across the agency, however, there remains a gap regarding education of all personnel, not just gender advisors and focal points, on WPS principles. Currently, WPS is a special area of emphasis with the joint professional military education (JPME) colleges, meaning that they are "encouraged—not required—to incorporate [WPS] into their [graduate level] curricula" (Oppermann, 2019, 121). Some of the respondents alluded to an internal discussion of including gender analysis as a mandatory part of the curriculum, but they remarked that they weren't optimistic for anything to change soon due to internal resistance. Not including WPS in the JPME is a huge opportunity lost, one respondent said, as education at training institutions provides a unique opportunity for detailed attention to WPS at all levels. Overall, any courses that are taught at the JPME colleges are *ad hoc*. Numerous guest lectures and conferences on WPS have been offered and provide brief and time-limited introductions to gender analysis or mainstreaming. Only in NATO's Resolute Support Mission has pre-deployment training in certain WPS objectives become routinized for all US service members.

The US Army, however, has been recently strategizing about ways to mainstream WPS throughout its curriculum. Currently, the US Army Training and Doctrine (TRADOC) Command is in the process of developing a "5-year plan for integrating WPS initiatives into Army education and training, as appropriate, for future large-scale combat" (PKSOI, 2019). TRADOC, in collaboration with the US Peacekeeping and Stability Operations Institute as well as the Joint Staff and other relevant actors, have begun to establish a WPS working group that will suggest ways for how the Army might consider injecting WPS narratives and identifying ways that WPS cross cuts with current curriculum. In April 2019, over 30 participants of the working group met to discuss recommendations and insights for the best way forward on integrating WPS into training and informing the upcoming WPS Strategy. Their recommendations included suggestions for consideration across the strategic, operational, and tactical levels: everything from inclusion in "values training" for

ROTC cadets, officer, and enlisted trainings, to the provision of WPS as an Additional Skill Identifier through specialized training (PSOTEW, 2019). The working group suggested a strategy of ‘crawl, walk, run’ whereby foundational awareness early in a soldier’s career is refined mid-career within their area of specialty and then furthered through advanced education so that senior leaders can integrate gender perspectives into strategic considerations. Interestingly, the working group recommended against establishing a MOS (Military Occupational Specialty, e.g. artillery, medical, special forces) for WPS—instead arguing that gender sensitive training should be conducted across “different MOSs that need to work together for WPS types of events” (PSOTEW, 2019). To note, it’s not clear whether there are parallel discussions like these within other services. As the land component, it makes the most sense that the Army has been leaning forward in these efforts. However, there’s clear ways in which Navy’s role in responding to humanitarian and disaster response and the Marine Corps’ role in the COCOMs and Special Operations Command require detailed implementation plans for adjustments in training and education related to WPS.

### *Personnel and Doctrine*

As mentioned previously, the main focus of WPS implementation at the US Department of Defense is at the operational level. However, the DOD NAP Implementation Guide, released in 2013, specifically urges implementation at all levels. Brenda Oppermann (2015) summarizes the challenge as “a fair amount of talk, but not a lot of walk.” For gender advisors and focal points at the COCOMs, WPS mainstreaming is considered an additional (or voluntary) duty that is secondary or tertiary to their daily job responsibilities. Gender advisors can be selected from a variety of previous staff functions. One instructor noted that intelligence (J2) and operations (J3) personnel tend to be much more suited to the role, over logisticians (J4) for example. Moreover, there’s a strong tendency to assign women to these roles, further confusing the incorrect notion that gender security is connected solely to women’s rights. While some personnel volunteer because they have personal interest in the topic, others are tasked to WPS roles with no particular interest or proclivity. Even though they might be generally motivated to do a good job, they might not be well-suited to the roles in which they are placed.

Accountability is a key challenge moving forward. There is no professional standard for gender advisors or focal points, making it difficult to evaluate how well they are completing their work. The most successful gender advisors tend to have a quick-thinking and self-motivating professional ethic that aids them tremendously in pushing forward mainstreaming goals. One respondent highlighted that it is entirely possible for a gender advisor or focal point to sit in their offices, check the boxes, and rarely speak up—and the commander might not realize the capability their team is lacking. This is particularly salient as WPS might not be their main job responsibility. In short, gender mainstreaming has so far been relatively dependent on the individual themselves, not the requirements of the organization. This parallels the Swedish experience with mainstreaming. Egnell et al. (2019, 53) write of the “actions of various change agents who devised their own activities and solutions, and who thereby dragged both the political leadership and the armed forces along with them.” Indeed, while an important component of mainstreaming requires changing minds through advocacy, accountability standards are needed as WPS gets scaled. This is especially relevant to the military context, as personnel trained in WPS will eventually get rotated into new positions every 2 to 3 years.

In regards to doctrine, gender advisors and planners highlight that one of the key dif-

faculties is the lack of clear definitions for key WPS terminology, as well as the lagging WPS material in the Joint Planning Process. Gender advisors currently work off of USAID and State Department definitions and policy guidance. The synopsis of the 2018 National Defense Strategy does not include any references to WPS, nor do the executive summaries of the 2014 or 2010 Quadrennial Defense Reviews. However, there might be references to WPS within the full-classified versions of these documents. Gender mainstreaming within DOD doctrine and guidance would link to the strategic goals of the armed services and affords it priority within all aims of the Department. As interviews with COCOM gender advisors and WPS managers revealed, the DOD is already doing key elements of WPS, but there is a gap regarding institutionalization and synchronization that explicit doctrine could ameliorate.

Recently, however, as joint publications are regularly updated, gender perspectives have been included non-systematically. For example, the 2018 Counterinsurgency and 2019 Foreign Humanitarian Assistance joint doctrines were revised to include numerous references to gender perspectives, including an entire page on women as insurgents. (It's worth noting, unfortunately that the Foreign Humanitarian Assistance doctrine spent 7 out of 13 references to "women" using the problematic phrase "women and children"). However, recent revisions to the Civil Military Operations (2018), and Multinational Operations (2019) joint doctrines inexplicably contain less than one or two references each. It's unclear why some joint doctrines include WPS reference, while others do not in spite of clear relevance. The WPS working group recommended inclusion of WPS narratives into Army Field Manuals, specifically on Stability, as well as the upcoming revision to the Joint Planning and Joint Operations doctrines (PSOTEW, 2019).

A key success, and area for further progress, has been in networked collaboration both within and outside of the DOD. At the operational level, various COCOMs each month bring together working groups of personnel from across the command, in order to build epistemic communities and achieve mainstreaming goals. At a Department-wide scale, there has been the creation of a WPS synchronization group, which teleconferences monthly with lead personnel to discuss upcoming priorities and coordinate WPS implementation. Interagency WPS leads meet formally at least once a year at the Peacekeeping and Stability Operations Institute's (PKSOI) Training and Education Workshop (PSOTEW) at the US Army War College. One respondent lauded the workshop as the first time that cross-coordination with USAID and the State Department was realized, and each had a more full understanding of the work being done within different national security agencies. Stove-piping is a recognized challenge of the interagency process in general, but respondents note that the PKSOI workshop has been useful in familiarizing leads with their counterpoints across different agencies and promoting collaboration to better achieve implementation goals. Another output of the PKSOI Workshop is the "Commander and Staff Guide to Integrating Gender Perspectives into Military Operations," which will soon be released for widespread use (2019). Outside groups like US Institute for Peace and Our Secure Future often join in during the PKSOI workshop, as well as lead their own efforts. For example, Our Secure Future convened a WPS Curriculum Consortium in 2017 at the Naval War College to identify current and future efforts to integrate WPS into JPME curriculum.

Collaboration with other military organizations is still in the early stages. While WPS does not seem to be deliberately included in major US training exercises, it is relegated to peacekeeping exercises that aim to help non-US personnel prepare for United Nations missions, for example the Shared Accord 2018 exercise with multilateral exercise. The OGC certainly benefited from NATO, Swedish, and Australian experiences and best practices

in gender analysis training. The Gender Advisor position descriptions too were modeled after their NATO counterparts (Smith, 2019). Additionally, WPS leads attend the regular conferences hosted by NATO and the Nordic Center for Gender in Military Operations on mainstreaming, which offer opportunities to engage with non-US military officers that lead national planning.

The biannual US-Australian joint exercise Talisman Sabre in 2015 too provided an opportunity to realize WPS and evaluate areas for improvement, as it was included in the core training goals at Australia's prompting. During Talisman Sabre, USINDOPACOM's I Corps were required to integrate WPS into the exercise's training, operations, and monitoring. The exercise proved to be a valuable resource for better understanding the key challenges of WPS implementation in US operations, namely internal resistance from poorly informed staff, lack of training enforcement by senior leaders, differences in leadership styles and adherence to the DOD implementation guides, and widespread false representations of WPS (Lowery, 2017).

### *Institutional Leadership*

The wide array of gender mainstreaming provisions and practices within the DOD demonstrates that leadership from high-ranking officials plays a central role in facilitating change. "Without leadership, the much needed, more strategic form of, gender mainstreaming—through decisions taken in the regular chain of command—will not be possible" writes Olsson (2016, 2). For example, at USINDOPACOM, instructions from Admiral Harris clearly jumpstarted the reform process in the HQ as well as in service components (Smith, 2019). In 2017, he issued Instruction 2200 which established guidance on how USINDOPACOM should specifically be implementing the NA Adm. Harris issued 11 instructions for all commanders to follow: everything from institutionalizing WPS within their commands to attention to the needs of survivors of gender-based violence, as well as specifically requesting that WPS be streamlined in critical disaster response planning and activities. His instructions also concretized the specific role that gender focal points and gender advisors would play in the organization. Instruction on WPS from the Commander provided the institutional backing needed to proliferate WPS narratives and requirements throughout USINDOPACOM, and established a connection between awareness on WPS issues and how this could affect everyday work in HQ.

WPS leadership and explicit expectations of inclusion is central to mainstreaming. In the 2015 US-Australian joint Talisman Sabre exercise, for example, the diverging leadership styles of active duty versus reserve leaders impacted incorporation of key WPS training objectives (Lowery, 2017). In the exercise, the reserve unit's chief of staff repeatedly emphasized the centrality of WPS, as well as secondary or tertiary effects. Comparing the active duty and reserve units, "you could certainly tell which command supported it and which one did not."

Similarly, peer group buy-in among leadership is critical to making WPS inclusion less onerous. For example, it was only after hearing from fellow commanders that a Resolute Support-South Commander learned about (and then incorporated) the benefit of integrating women and gender into his operations through Female Engagement Teams (Oppermann 2019, 126). Because the FET teams were implemented in an *ad hoc* manner and WPS concepts remain relatively unknown, talk with other commanders was a key way to minimize status quo bias and facilitate better tactical decisions from lessons learned.

In Sweden, they targeted senior leadership development through a "Gender Coach"

program whereby high-level officers were paired with a gender coach (in addition to a system of gender experts within the organization) to meet once a month for personalized sessions and participated in a series of seminars. This program was designed to help senior leaders enforce gender mainstreaming through a period of 24 months (amounting to 2-3 weeks of total training) that went from basic awareness to the creation of an individual development plan for long-term changes (Olsson and Bjorsson, 2017). USEUCOM has been working to address this through an Executive Coaching program, similar to the Swedish program.

### SECTION III KEY CHALLENGES AND RECOMMENDATIONS

Interviews with Gender Advisors/Focal Points, WPS Managers, and Course Instructors revealed key roadblocks to gender mainstreaming at the DOD, which cut across issues of policy, bureaucracy, and organizational culture. These bottlenecks limit current mainstreaming efforts and the realization of WPS implementation as a transformative project. This chapter identifies both key obstacles and recommended policy solutions.

It is important to note that many of the challenges of implementation are not unique to either gender mainstreaming or the DOD, specifically. Rather, they are the key elements of all successful policy change: good staffing, behavioral nudging, thoughtful institutionalization, and focused integration. This analysis takes advantage of lessons learned from WPS implementation in other agencies and other institutions, as well as private-sector innovation and change management approaches.

*Insufficient staff buy-in:* Experiences at the State Department and USAID illuminate that WPS implementation falls short when it is portrayed as merely a box to check. Hudson and Leidl (2015, 229) identified one of the key challenges of USAID WPS implementation was when “in the leadership you have a lot of older guys who essentially say we’ve ticked this box, plopped this paragraph into the RFP, and we’re done.” They argue that WPS fails when it is narrowly defined as transactional and not transformational. Current methods for WPS mainstreaming at DOD risk a similar fate. It is true that requirements like annual data calls and congressional reporting are key signals to staff about the seriousness of implementation. Instructions from commanders too are key documents. However, these alone is not sufficient. WPS implementation clearly necessitates a behavioral shift, and thus a behavioral approach. Mainstreaming requires that gender perspectives become an integral dimension of the entire policy process.

- *Policy recommendations:* Changing the practices and mindsets of DOD personnel should be considered a long-term goal of WPS implementation. This might best be achieved by recognizing the approach and avoidance motivations that both impel and deter staff from including gender considerations in their work. First, status quo bias naturally deters well-intentioned personnel from adding gender considerations where they weren’t previously. Losses loom large, as this bias negatively affects incentives to include WPS in their work (Kahneman, 2011; Kahneman and Tversky, 1979). Availability heuristics (or the belief that if one can’t easily think of WPS’s relevance, then it must not be relevant) make mainstreaming effortful and disassociated from daily activities. Finally, WPS is not clearly identified as a component of group identity or prevailing social norms. Personnel naturally want to avoid being seen as

a deviant or be seen as inept relevant to others. One way to motivate staff and shift habits would be to promote new group identities and social norms that include WPS. A campaign that utilizes either negative descriptive or positive injunctive norms has the potential to be impactful. Such a campaign would either focus on the negative impact of lack of mainstreaming, or take advantage of meaningful identities to prescribe what personnel 'like you' do. A poster campaign has the advantage of being both low-cost and potentially high impact. Cultivating a WPS-inclusive organizational culture aims to address and motivate desired mainstreaming behavior.

*Dependence on motivated "change agents"*: Placing too much of a reliance on innovative and resilient staff to push (or drag) forward progress places a clear limit on implementation. Especially within an agency that requires staff rotation every 2-3 years, it is vital that implementation be decoupled from the personal approach of staff. WPS implementation ought not to be contingent on will power, but rather on clear standards and requirements. Because it is an operational necessity that saves lives and improves resource efficiency, senior leaders must be trained to both fully understand this capability as well as recognize when gender advisors are doing their job sufficiently or insufficiently. On the other side, accountability is needed for commanders too. A key lesson of the Talisman Sabre exercise was the role that commanders have in motivating their staff to take seriously WPS requirements (Lowery, 2017).

- *Policy Recommendations*: Standardization and accountability must be considered part-and-parcel of WPS implementation. First, the USEUCOM Executive Coaching program ought to be scaled up and required of all O7s and above. Additionally, the establishment of clear standards and requirements for gender advisors and focal points must be proliferated department-wide. A focus must be placed on accountability both of gender advisors and senior leaders. Drawing from the Talisman Sabre experience, there ought to be clear repercussions for commanders who do not follow explicit WPS requirements. Yearly evaluations should reflect when gender advisors and focal points are not properly fulfilling their job responsibilities.

*Ignoring the advocate, practitioner, scholar "triangle of empowerment"*: UNSCR 1325 was not realized because states themselves insisted on it. Advocates, peacemakers, and marginalized voices rose together and amplified one another, in order to call attention to worldwide inequality and demand change. Similarly, our understanding of the intimate link between violence, conflict, and gender has been made clearer by the painstaking research. Lycklama à Nijeholt et al. (1998) theorize a 'triangle of empowerment' of advocates, practitioners, and scholars whereby each is made stronger by the presence of the others. WPS implementation at the DOD has taken a technocratic, instrumentalized approach. Keeping researchers and peacekeeping advocates at arm's length unnecessarily risks a longer implementation process and more difficult lessons learned process. WPS is built on the comprehensive approach and is best achieved through integrated collaboration.

- *Policy recommendations*: Gender mainstreaming at DOD should take advantage of opportunities to bring in innovative research and learn from best practices. For example, one respondent mentioned that their COCOM brought in a scholar to provide a lecture on operations-relevant research. This scholar was also guided 'door-to-door' to talk specifically to different teams about how their research could inform

current operational challenges. Similarly, hosting knowledgeable advocates could provide greater awareness, context, and granularity to complex gender-related obstacles. For example, hosting a doctor who runs a clinic to assist victims of genital mutilation could aid personnel in better preparing for and designing disaster relief or medical missions that are in regions where this practice is common. Better utilizing such expertise and experience could help mitigate gender essentialism, as well as improve the realization of strategic goals. Moreover, such diffusion of knowledge helps aid all personnel in their ability to advance gender mainstreaming. To be clear, WPS should not be shifted back to a primarily 'awareness'-raising function. Rather, DOD must recognize that a 15 or 30 minute induction training is not nearly enough to ensure widespread familiarity or ability to integrate gender perspectives into daily tasks.

*WPS structured as voluntary and secondary, not central:* WPS can be perceived as a secondary objective when WPS responsibilities are staffed as additional duties. It is already not uncommon for personnel in any staff to be short on time and heavy on duties. However, this could be aggravated by adding new responsibilities that require significant training or unfamiliar taskings. For staff who voluntarily undertake increased duties related to mainstreaming, this could be viewed in zero-sum terms by supervising officers— taking away from primary tasks. In addition to education on the central role of WPS to mission success, it is necessary to dedicate full time staff members to gender mainstreaming. The WPS working group has recommended a consideration of a structure of military gender advisors (strategic), gender field advisors (operational), and gender focal points (tactical) (PSOTEW, 2019). It is important to recognize that assigning female personnel to these roles can contribute to harmful speculation that gender mainstreaming is 'really' about women or women's rights exclusively. Finally, focusing predominantly on operational level implementation is not sufficient. WPS implementation must proliferate more fully into the strategic and tactical levels, as well.

- *Policy recommendations:* Proper staffing must be made a priority in WPS implementation. This includes devoting sufficient resources and central location to full-time staff related to gender mainstreaming at the strategic, operational, and tactical levels. Careful attention should be paid to avoiding siloing of gender expertise. Gender expertise should not only be achieved through civilian consultants, but predominantly through military personnel who are better prepared to be more successful in commanding complex DOD processes and understanding organizational culture. Similarly, WPS should be shifted from a voluntary focus to a training requirement for NCO and officers alike. WPS requirements should be added to pre-deployment training, as well as to basic education and training for all services. WPS can be best mainstreamed by incorporating it into currently taught systems of analysis like PMESII and SWOT, as was encouraged in the OGC.

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GRACE LEE

## NEW DIPLOMACY

### *Changing the Social Assumptions of Diplomacy and Creating a Gender-Balanced Foreign Service*

Virginia Valian proposes “gender schemas” constitute “invisible barriers” that affect the expectations of men and women in terms of salary, rank, and rates of promotion.<sup>1</sup> This research essay looks at the role of “gender schemas” and how it influences diplomacy within the context of the foreign ministry as an institution that is “gendered.” The argument put forward is recognizing that gender bias exists in diplomacy in three ways: 1) the social perception of diplomats; 2) how “gender” is promoted in the United Nations Security Council Resolution 1325 (2000) on Women, Peace, and Security; and 3) analyzing the trends of female ambassadors appointed abroad. My argument is the foreign ministry represents a “gendered” institution that tends to place a disproportionate amount of influence towards men while disadvantaging women. In order to eradicate this institutional bias, interventions need to take a holistic view and implement dynamic approaches that will reduce systemic societal barriers.

This essay is structured in four sections. First, a general understanding of gender norms analyzed through feminist and international relations theories provide a theoretical framework on how social relations are institutionalized in the foreign ministry. Second, the perception of women in the United Nations (UN) Security Council 1325 on Women, Peace, and Security Agenda (WPS) will be analyzed. Third, examining how foreign policy can be gendered impacting the historical trends of women in diplomacy will be presented specifically looking at the deployment of female ambassadors abroad. Finally, recommendations for improving a more “gendered-balance” foreign service in the context of Global Affairs Canada (GAC) is proposed.

#### DEFINING GENDER AND IMPLICATIONS FOR FOREIGN POLICY

The concept of gender is a socially constructed set of norms that establish standards, rules of behavior, between men and women.<sup>2</sup> Candace West defines gender as a “product of social goings” which help to organize social relations that are “predictable, stable, and patterned

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1. Virginia Valian, *Why So Slow? The Advancement of Women*, The MIT Press (2000): pg. 1.

2. Ann Townes and Birgitta Niklasson, “Gender, International Status, and Ambassador Appointments,” *Foreign Policy Analysis*, (2017) 13, pg. 525.

ways of behavior.”<sup>3</sup> Institutions such as the foreign ministry, therefore, can be “gendered” reflecting ideas on what are appropriate tasks for men and women. Gender is a powerful ideological tool that “produces, reproduces, and legitimates the choices based on sex category” and can influence the expectations of women. For example, Richard Fox and Susan Carroll suggest our expectations of political candidates can be gendered depending on the qualities, appearance, and behavior since voters desire leadership to be “assertive and tough.”<sup>4</sup> In addition, Richard Fox and Jennifer Lawless, point out there is gender gap in political ambition pointing out that women are often less aspiration than men in joining politics.<sup>5</sup> Moreover, gender patterns can exist through a division of labor as women are six times more likely than men to be responsible of the household and ten times more likely to be a primary childcare provider.<sup>6</sup>

Understanding gender dynamics is relevant for foreign policy analysis. The feminist international relations theory looks at the disproportionate amount of power held by men. By focusing on power dynamics, one can look at the differences between men and women and how power is exerted on states, security, conflict, and global governance.<sup>7</sup> The argument made by Jacqui True is gender relations affects foreign policy and the behavior of the state at the international level.<sup>8</sup> Gender relations analysis is necessary to understand the assumptions made between the roles of women and men that shape the ideas, practices, and institutions of foreign policy. This implies that gender relations reflects an unequal power dynamic therefore one needs to analyze the set of relationships that affects foreign policy rather than a subject onto itself.

If foreign policy is defined through a masculine framework, women are measured in relation to men’s achievements. It challenges one to consider why women have not been involved in more foreign policy processes. Deborah Stienstra argues societal norms place women outside the realm of diplomacy because the decision-making processes were often viewed as a “male role” in international affairs.<sup>9</sup> This assumes men as capable of being “independent, assertive, and task-oriented” while in contrast, women are viewed as being “nurturant, communal, and concerned about others.”<sup>10</sup> As a result, the areas where women were mostly engaged in appeared to be in the social development sectors such as education, maternal health, which are considered outside the scope of traditional foreign policy. These “gender schemas” oversimplify the role of women that cannot be accommodated in foreign

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3. Candace West and Don Zimmerman, “Doing Gender” *Gender and Society*, Vol. 1, No. 2 (Jun. 1987): pg. 129.,

4. Susan J. Carroll and Richard L. Fox, “Gender and Electoral politics in the Twenty-First Century,” in *Gender and Elections: Shaping the Future of American Politics*, ed. Susan J. Carroll and Richard L. Fox (New York: Cambridge University Press, 2018): pg.5.

5. Richard Fox and Jennifer Lawless, “Uncovering the Origins of the Gender Gap in Political Ambition,” *American Political Science Association*, (Aug. 2014): pg. 499.

6. Anne-Rigt Poortman and Tanja Van Der Lippe, “Attitudes toward Housework and Child Care and the Gendered Division of Labor,” *Journal of Marriage and Family*, Vol. 71, No. 3 (Aug. 2009), pg. 528.

7. Gillian Youngs, “Feminist International Relations: A Contradiction in Terms? Or Why Women and Gender Are Essential to Understanding the World We Live in,” *International Affairs*, Vol. 80, No. 1 (Jan. 2004): pg. 75.

8. Jacqui True, “Feminism and Gender Studies in International Relations Theory,” *Oxford Research Encyclopedia of International Studies* (Nov. 2017): pg. 1.

9. Deborah Stienstra, “Can the Silence Be Broken” Gender and Canadian Foreign Policy,” *International Journal*, Vol. 50, No. 1 (Winter, 1994-1995): pg.105.

10. Ibid, “Can the Silence Be Broken,” pg. 114.

policy processes therefore it is important to question how the ideas, institutions, behavior of foreign policy can be considered “gendered.” Gender affects our understanding of foreign policy with institutions perpetuating certain gender assumptions and perceived roles.

Over time, in the 1980s societal values changed with an increasing number of women engaged in the formal labor market engaged as foreign service officers. This period of time reflected the increased involvement of women in paid employment and changing the understanding in the division of labor.

## GENDER RELATIONS IN THE CANADIAN FOREIGN MINISTRY

Gender relations in foreign policy has changed over time. Gender relations have responded to an evolving context and reflects societal values. Historically, women did not engage in diplomacy because it conflicted with their primary role as wives or mothers. The predominant idea was that women did not engage in diplomacy because the social assumption of the foreign ministry institution at that time viewed the role of a diplomat exclusive for men. Initially, when many of the foreign ministries were first established, such as Canada’s Department of External Affairs (now known as Global Affairs Canada), the US State Department, and UK Foreign and Commonwealth Office, recruitment into the diplomatic service was limited to males as representing the national interests of the government. In the 1970s, societal values changed over time with the rise of feminist liberation movements. An increased number of women engaged in the formal labor market as foreign service officers. This period of time reflected the increased involvement of women in paid employment changing the understanding in the division of labor.

However, women continued to be disadvantaged in the foreign ministry despite an increasing number participating in the paid labor market. While women were officially admitted into the foreign service in 1947, a marriage ban policy was put in place (also enforced in the UK Foreign Office and US State Department) that prevented female diplomats from staying in the foreign service once they were married.<sup>11</sup> This also reflected the assumption that the husband would not accompany his wife abroad and consequently, many competent female diplomats left the foreign ministry. The marriage ban was eventually lifted in 1971 yet women continued to face challenges in balancing the work demands as a foreign service officer and family commitments.

One of the most compelling arguments in understanding gender dynamics in the foreign service is made by Bell Hooks pointing to the idea that women are trying to advance their careers in an inherently unequal social system. The foreign ministry represents an institution embedded with “gendered assumptions” that tends to advantage male counterparts because it was first established with the view that male diplomats could only represent government interest. Therefore, the unequal system in the foreign ministry has primarily served the interests of male diplomats benefiting at the expense of their female counterparts as the “victimized group.”<sup>12</sup> In order to overcome this “common oppression,” Hooks argues that one must reject class exploitation to overhaul an unequal social system in order for transformation to occur.

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11. Vivien Hughes, “Women, Gender, and Canadian Foreign Policy, 1909-2009,” *British Journal of Canadian Studies*, 23 (2): pg. 1.

12. Bell Hooks, *Feminist Theory-From Margin to Center*, London: Pluto, 2000.

## HISTORICAL DEVELOPMENTS OF GENDER IN THE INTERNATIONAL SECURITY AGENDA

Global institutions such as the United Nations (UN) have promoted the rights of women and girls worldwide that has provided an important forum for gender issues on the international security agenda. The UN focused on the rights of women to vote and political inclusion with the adoption of the 1952 Convention on the Political Rights of Women.<sup>13</sup> In the 1970s, the emphasis focused on women's representation in decision-making roles through a series of UN World Conferences on Women that culminated in the critical adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>14</sup> Gender norms continued to gain traction in the 1990s with key policy developments emerging from the Beijing Platform for Action that set ambitious targets for women in decision-making positions. The Women, Peace, and Security (WPS) agenda eventually led to adopting UN Security Council Resolution 1325 (2000) aimed at responding to gender in security issues such as conflict management, resolution, and post-conflict reconstruction. Member states that adopted the WPS agenda in 2000 led to increased reporting accountability measures through the development of individual National Action Plans (NAP) that outlined the country's plan in achieving the goals and objectives.<sup>15</sup>

The impact of gender norms developments from the WPS agenda has had a significant influence on how the role of women are framed in theory and practice. When analyzing over a dozen of the National Action Plans developed in response to the WPS agenda, many see the role of women as one that is monolithic that does not take into consideration different ages, ethnicities, and interests. The two main trends observed since the adoption of the WPS agenda focus on the needs of women in crisis situations and view women as victims rather than agents of change. As such, one of the main criticisms of the WPS agenda is it has made limited strides in producing transformative change.<sup>16</sup> While it was commendable the WPS agenda placed gender mainstreaming at the forefront of international security issues, there are questions on whether the inclusion of women has actually been addressing the systemic barriers similar to the argument made by Bell Hooks. The inadequacies of WPS has led to further international commitments having a more holistic, integrated, view of gender relations.

After the review of the UN Millennium Development Goals, the international dialogue on gender equality issues has made major strides. Launched in 2015, major commitments were established through the adoption of the 18 UN Sustainable Development Goals (SDG) at the General Assembly in New York City. In particular, SDG#5 "Achieve gender equality and empower all women and girls" highlights the importance of gender equality as a fundamental human right and necessary pillar for a peaceful and sustainable world.<sup>17</sup> The

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13. Gillian Youngs, "Feminist International Relations: A Contradiction in Terms? Or Why Women and Gender Are Essential to Understanding the World We Live in," pg. 75.

14. Suraj Jacob, John A. Scherpeereel, Melinda Adams, "Will rising powers undermine global norms? The case of gender-balance decision-making," *European Journal of International Relations*, Vol. 23(4) (2017): pg.783.

15. Alexis Leanna Henshaw, "Gender and Foreign Policy," *Oxford Research Encyclopedia* (Oxford University Press USA, 2018): pg. 8.

16. Karin Aggestam and Ann Towns, "The gender turn in diplomacy: a new research agenda," *International Feminist Journal of Politics*, 10 (2018): pg. 2.

17. United Nations Sustainable Development Goals, "SDG 5: Achieve gender equality and empower all women and girls," United Nations Website. <https://www.un.org/sustainabledevelopment/>

key difference with the SDG's from previous international commitments is the integrated approach of gender issues throughout all goals, understanding how gender relations are viewed, and identifying the systemic barriers of women in gaining access to education, health, and economic opportunities. These key indicators are critical in improving the well-being of one's livelihood.

Member state countries have also provided their own interpretation on how gender relations impact international security issues. In 2014, the Swedish government initiated a "feminist foreign policy" that addressed the importance of systematic gender mainstreaming throughout the foreign policy agenda.<sup>18</sup> The Swedish plan is viewed as an effective means of addressing the shortfalls of WPS by redefining gender in a framework that challenges the power hierarchies of "gendered" institutions. This innovative plan calls for "renewed efforts to assist women and girls in conflict resolution and sustainable development" and at the same time provides them with the resources to achieve economic self-sufficiency and determine their own reproductive health. Overall, the Swedish plan establishes a high standard for pursuing transformative change in gender relations in foreign policy and other countries have taken notice. The Government of Canada also followed Sweden's model when Prime Minister Trudeau launched in 2017 a new ambitious Feminist International Assistance Program (FIAP) providing a comprehensive, holistic policy that integrates gender equality issues as central to international development policies and programs.<sup>19</sup> FIAP prioritizes gender equality by preventing and responding to sexual and gendered-based violence, supports local women's rights organizations, and empowers women to have key interlocutor roles in peace processes.

## GENDER NORMS APPLIED IN AMBASSADOR APPOINTMENTS

The importance of gender norms is relevant when analyzing the appointment of female ambassadors abroad. Ambassador appointments are significant because they reflect the values, ideas, norms of a government as head of the diplomatic mission. The appointment of an ambassador can also serve in a symbolic way of measuring a state's commitment to gender norms. When considering factors that affect ambassador appointments, "gender schemas" matter in two ways. First, gender can affect the pool of ambassador candidates available from which to choose from and how women are represented abroad as they are often placed in less influential positions of political power in the foreign ministry. According to a study conducted by Anne Towns and Niklasson, since 2014 the number of women in diplomatic ambassador appointments are significantly underrepresented in comparison to male ambassadors. This implies that females are less likely to be appointed as an ambassador since there are far fewer candidates to choose from. Drawing from a data set of over 7,000 ambassadorship appointments of fifty highest ranking countries in terms of Gross Domestic Product, the research also confirms that females are less likely to reach high-level ambassadorships than men constituting only 15%.<sup>20</sup>

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gender-equality.

18. Alexis Leanna Henshaw, "Gender and Foreign Policy," *Oxford Research Encyclopedia*, Politics, Oxford University Press USA (2018): pg. 11.

19. Global Affairs Canada, "Feminist International Policy" Website. [https://international.gc.ca/world-monde/issues\\_development-enjeux\\_developpement/priorities-priorites/policy-politique.aspx?lang=eng](https://international.gc.ca/world-monde/issues_development-enjeux_developpement/priorities-priorites/policy-politique.aspx?lang=eng).

20. Ann Towns and Birgitta Niklasson, "Gender, International Status and Ambassador Appointments," *Foreign Policy Analysis*, (2017): pg.522.

Second, not all ambassador appointments are considered equal. There is a tendency that women are placed in less prestigious ambassadorship roles in terms of relative economic and military influence. Prestigious ambassador posts are often associated with more political clout in locations such as London and New York City which tend to go to male colleagues. Towns found a noticeable difference between genders in which female ambassadors are appointed to multi-accredited countries. The implication is that female ambassadors tend to be responsible for several small embassies that are considered “low-status” countries not requiring full-time representation leading to the conclusion they are sent to less prestigious postings. Courtney Sage also looked at differences between men and women exploring factors that include length of service, country of service, education and found little difference except in the locations where they served. According to the list of US ambassadors and the women which served in that role, the top countries with the most female ambassadors are South Sudan (100%), Montenegro (66.7%), Palau (66.7%), Micronesia (60%), Kyrgyz Republic (54.5%) African Union (50%), Kosovo (50%), Timor-Leste (50%); countries that are relatively new and are not considered of political important in terms of political influence.<sup>21</sup>

Overall, gender patterns exist in diplomacy therefore one needs to take into consideration the impact of “gender schemas” within the foreign ministry. While conditions have vastly improved for women in the foreign ministry, there are limits in reaching gender equality, particularly at the Ambassador level. Moreover, female ambassadors are deployed to less prestigious, multi-accredited countries highlighting gender affects those who represent the foreign service and how foreign policy issues are promoted. As Jacob Scherpereel puts it, “the foreign service is one of the most male-dominated, patriarchal institutions that women have a difficult time entering, seeking promotions in career advancement, and being appointed as ambassador.”<sup>22</sup> As a result, consideration needs to be placed on the systemic barriers that prevent gender parity at all levels of the foreign service in the recruitment, retention, promotion, and senior-level appointments.

## RECOMMENDATIONS FOR A “GENDERED-BALANCED” FOREIGN SERVICE

Within the context of the Canadian foreign ministry at GAC, female diplomats have notably advanced their careers. According to data from OpenCanada, the gender composition of Canada’s foreign service has increased reaching almost equal parity with 44% women and 56% men under the Trudeau government as of Oct. 2017.<sup>23</sup> However, while women have reached almost equal parity at the officer level, the highest levels of senior management depict a different picture with women making up only 36% of the top executive levels (EX-04 and EX-05 levels).<sup>24</sup> Although women have made major strides since first entering the foreign ministry almost seventy years ago, it appears gaining the top diplomatic positions are still seen as the exception rather than the norm. While there are several factors that have contributed to this “unconscious bias” embedded within the institution notably the “ambition gap” and gendered division of labor; it is critical to implement interventions

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21. Courtney Sage, “Gender and the State Department,” *The Eastern Illinois University Political Science Review*, Vol. 5, Iss. 1 (2016): pg.9.

22. Jacob Suraj, John Schepeneel, and Melina Adams, “Will rising powers undermine global norms? The case of gender-balanced decision-making,” pg. 780.

23. Catherine Tsalikis, “The making of a gender-balanced foreign service-stories from the women driving Canada’s diplomatic corps towards equality,” *Open Canada*, 3 April, 2018.

24. Ibid.

that focus on supporting retention efforts and reducing systemic barriers in promotional processes. Moreover, changing social norms within the foreign ministry can help to create a more “gendered culture.”

Prime Minister Trudeau has made gender representation in diplomacy a priority by increasing the number of Canadian Ambassadors to near equal parity. However, the question remains on whether imposing a quota-system approach is the most effective way in changing the system? From a Bell Hooks perspective, one could argue transformation of the system to address these “gender schemas” is needed to overturn an unequal system. Jane Mansbridge proposes moving towards descriptive representation based on dynamic reforms through “enabling devices” can reduce the structural barriers of disadvantaged groups such as women.<sup>25</sup> Applying this approach, one suggestion is identifying aspiring and high-potential female foreign service officers at the early stages of their career and creating a supportive environment through mentoring groups. This could ensure the retention of female talent early on since research reveals women are also less likely to apply at the same levels as men for senior level positions because of a “confidence gap”

In addition to the challenges of an unconscious bias and confidence gap, the foreign service is associated with rotationality as the expectation of one’s career includes frequent moves abroad every few years. Rotationality affects both men and women since in this current day, dual-income families where both partners work are increasingly the norm which can create strain in a female diplomat’s prospects either on marriage or some kind of partnershi Furthermore, women still tend to carry much more of the family obligations which can slow down career progression. When it comes to strengthening gender representation in the Canadian foreign service, there are a number of efforts that can support a “gender-balance” foreign service. Innovative approaches can include accommodating rotationality by having arrangements with other host countries to allow spouses on diplomatic passports to work and encouraging more teleworking arrangements. Priority could also be given to deploying employee couples together and new approaches such as job-sharing work responsibilities could be implemented.

In conclusion, the role of “gender schemas” has had a considerable influence in the foreign ministry in three main ways: 1) the social assumptions associated with the role of diplomats; 2) how gender issues have been perceived in the UN 1325 (2000) Security Council Resolution on Women, Peace, and Security; and 3) the deployment of female ambassadors placed in less influential embassies abroad. The argument analyzed is that the foreign ministry represents a “gendered” institution that disadvantages women in an unequal social system. In order to address these institutional norms, interventions for improving a “gender-balanced” foreign service could focus on implementing dynamic approaches that will reduce the unconscious bias, confidence gap, and consider the context of rotationality.

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MIKAYLAH LADUE

# SEX, DRUGS, AND VIOLENT CRIME

*GENDERED DIMENSIONS OF DRUG USE AND  
CONSEQUENCES FOR CHILDREN*

## INTRODUCTION

I was in the middle of a crowded café, which was settled on a lake that glistened beneath the radiant summer sun. Sipping on a freshly brewed coffee, I struggled to hold back my tears as the people bustling around me remained oblivious. My boss sat across from me, teetering on the edge of his seat and staring at me intently, his eyes crinkled in concentration. “We have to defend this case,” he said. His lips slowly turned into a smile in an attempt at reassurance: “There are a lot of holes in the prosecution’s argument, this will be easy for us.” I could not fathom defending this case, this person. I let out a long sigh at the realization that the choice was not my own. Following another sip of coffee, I slowly began to nod my head in agreement. “Tell me what you got, then” was his response, as he leaned back in his chair and folded his arms across his chest. The floor was mine.

A mother was facing criminal charges because her newborn child was born with acute opioid withdrawal symptoms, a result of neonatal abstinence syndrome. At the time of birth, the mother tested positive for cocaine, methamphetamine, and prescription opioids; her newborn tested positive for opioids. Facing withdrawal at birth, the child underwent debilitating symptoms of irritability, seizures, and vomiting, and had to undergo immediate observation and methadone treatment. The opioids in the mother’s system were legal–prescribed and administered by a doctor while the mother was approximately seven months into her pregnancy. The cocaine and methamphetamine were, unquestionably, illegal. Since it was impossible to medically identify which drugs, licit or illicit, led to neonatal abstinence syndrome, the mother was not charged for her reckless and dangerous behavior. This behavior followed months of irregular prenatal care and attention and was accompanied by a lack of sympathy for the abuses she committed against her child.<sup>1</sup>

This is the unfortunate reality of society today: of supposed crack babies and welfare queens, of individuals who are entangled, and stuck, in the illicit, underground economy of drugs. These are realities that do not merely exist in shadowed neighborhoods of urban centers; these are realities that we cannot avoid and will away. There is a pervasive use of

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1. The author is a legal assistant for a criminal defense attorney located in New Jersey. This narrative is based on her experience with a particular case on which she assisted.

drugs in our society that is often accompanied by manifestations of crime, poverty, and violence. In order to understand this ubiquitous nature of drug use, and its continuity despite centuries of legislation regulating otherwise, it is important to address the structures that enable and perpetuate drug use. This conversation, however, frequently lacks a consideration of the particularities of the gendered dimensions of drug use, and how these intimately construct the experiences that women and their children have. In an examination of how drug use effects the lives of mothers and their children, the literature review and analysis included in this paper will be grounded in gender and social-constructionist theories, as opposed to adopting a male-centered approach which could obscure the unique elements that determine how these women interact with drugs.<sup>2</sup>

## FRAMING: ANALYSIS, ADDICTION, AND IDENTITY

Gender is a form of inequality, frequently weaponized as the impetus for oppression, that acts as a structural driver to “produc[e] the unequal living conditions out of which grow inequalities in health.”<sup>3</sup> Since it is a form of discrimination and a cause of injustice, gender must be utilized as a lens when articulating and analyzing the dimensions of drug use. As a “routine violence that shapes [the] lives” of women, the implicit impact of gender as a basis for oppression must be considered when recognizing how drug use differs for women and their children.<sup>4</sup> When operationalizing gender as an analytic framework, it is frequently conceptualized in terms of two categories: male and female. This stringent dichotomy is often seen as “fixed [and] unproblematic,” but in reality, this categorical thinking works to disadvantageously contrast and differentiate the male role and the female role, both of which are associated with a number of stereotypes and assumptions.<sup>5</sup> In order to nuance the dichotomized and simplified understandings of gender that are made implicit by categorical theories, intersectional theory must be deployed. Intersectionality is a theory advanced by the civil rights advocate and critical race theorist Kimberle Crenshaw, and it is used to “engage with multiple axes of identity to better understand interlocking and overlapping systems of oppression.”<sup>6</sup> Points of intersectionality represent separate modalities of oppression that simultaneously, and deeply, affect certain segments of society.<sup>7</sup> In essence, intersectionality is a “comprehensive study of power [used] to engage in multimodal understandings of identity,” which allows for an analysis apart from the reductionist categories of male and female.<sup>8</sup> This theory is also beneficial because a sole focus on gender would

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2. The author has adapted and directly utilized excerpts from her junior independent work entitled “Dichotomy of Addiction: The Position of Women Amidst the Criminalization and Medicalization of the Opioid Crisis” (advised by Dr. Laurence Ralph) and from a course research project entitled “Sex, Drugs, and Crime: The Gendered Dimensions of Drug Use in Seven Ethnographic Texts” (course title: Gender and Public Health, professor: Dr. Jennifer Hirsch).

3. Raewyn Connell, “Gender, Health and Theory: Conceptualizing the Issue, in Local and World Perspective,” *Social Science and Medicine* 74, no. 11 (June 2012): 1675, <https://doi.org/10.1016/j.socscimed.2011.06.006>.

4. Kimberle Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43, no. 6 (July 1991): 1241, <https://doi.org/10.2307/1229039>.

5. Connell, “Gender, Health and Theory,” 1675-1676.

6. Brenda R Weber, “Intersectionality,” in *Keywords for Media Studies*, ed. Laurie Ouellette and Jonathan Gray (NYU Press, 2017), 112, <https://doi.org/10.2307/j.ctt1gk08zz>.

7. Combahee River Collective, “The Combahee River Collective Statement,” 1977.

8. Weber, “Intersectionality,” 112.

ultimately obscure other factors and inequalities that are present in the illicit drug sphere, including race and class, from consideration. In particular, the “treatment and ubiquitous favouring of gender (and sex) as core and primary dimensions of health undermine efforts to understand the complexities of health experiences and outcomes.”<sup>9</sup> This indicates that utilizing gender as the sole framework of analysis would be disadvantageous. In order to understand the dimensions that are overlooked when gender is the exclusive lens being used, and to account for the devaluation that occurs with categorical thinking, the framework of intersectionality must be utilized.

Poststructuralist theory, influenced by the work of Michel Foucault<sup>10</sup>, considers how our understanding and conceptualization of gender arises from discourse. A concept additionally put forth by Foucault, discourse “is a practice, not just a language, a practice involving the utterance of certain meanings *and* the constitution of an institutional field that admits those utterances.”<sup>11</sup> Understandings of masculinity and femininity as common representations of gender arise from and are influenced by discourse; poststructuralism considers this impact, and posits that “gender identities [are] shifting or fluid.”<sup>12</sup> This sphere of thought not only enables an understanding of gender that is more nuanced than categorical understandings, but it allows for an interrogation of gender and the forms of oppression that it interacts with. One downside of poststructuralist theory, however, is that its primary focus on culture means that it “does not have much say about economic processes, organizational life, material interests, or non-discursive forms of power.”<sup>13</sup> These dimensions, however, are implicated in the realm of drug use. In order to accommodate for this, relational theory can be deployed, which “understands gender as multidimensional: embracing at the same time economic relations, power relations, affective relations and symbolic relations; and operating simultaneously at intrapersonal, interpersonal, institutional and society-wide levels.”<sup>14</sup> This theory includes a consideration of performativity, or how an individual demonstrates their particular gender identity in social interactions, including through presentations of masculinity and femininity. Gender performativity is a concept by philosopher and gender theorist Judith Butler, and it emphasizes the social temporality and the constructed nature of gender.<sup>15</sup>

Pertinent to the conversation of gender is social embodiment, a theory that acknowledges the importance of human bodies. This theory analyzes “how a society handles sexuality, reproduction, child growth, motherhood, fatherhood, and all that is *socially* connected with these processes.”<sup>16</sup> This concept is particularly valuable when considering the gendered dimensions of drug use, which invoke new perceptions of human bodies and how they interact with their environment. This is especially true when considering how social

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9. Olena Hankivsky, “Women’s Health, Men’s Health, and Gender and Health: Implications of Intersectionality,” *Social Science and Medicine* 74, no. 11 (June 2012): 1712, <https://doi.org/10.1016/j.socscimed.2011.11.029>.

10. Michel Foucault, *The History of Sexuality*, 1st American ed (New York: Pantheon Books, 1978).

11. Mark Bauerlein, “Discourse,” in *Literary Criticism: An Autopsy* (University of Pennsylvania Press, 1997), 52.

12. Connell, “Gender, Health and Theory,” 1676.

13. *Ibid.*, 1676-1677.

14. *Ibid.*, 1677.

15. Judith Butler, “Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory,” *Theatre Journal* 40, no. 4 (December 1988): 519-531, <https://doi.org/10.2307/3207893>.

16. Connell, “Gender, Health and Theory,” 1677.

embodiment works to identify “patriarchal gender orders,”<sup>17</sup> orders which are at the core of how drug users conceptualize and perform masculinity and femininity, and how they shape their ideas of parenting and reproduction. This theory additionally recognizes that masculinity need not only be performed by male bodies but can be performed by female bodies as well. This understanding is important when realizing the persona that women perform in order to survive in the sex-drug economy.

It is essential to ground the conversation on gender and drug use in an examination of the social environment and context that produces the illicit drug sphere. Social-constructionist theory is an analytical framework that “emphasizes the collective whole of the social system or the social environment’s influence on the individual, with the belief that in order to understand the individual, the social environment must be fully uncovered and disclosed.”<sup>18</sup> Focusing on the social environment is imperative because it reveals social inequalities and forms of structural violence that can result in unintentional initiation into drug use. Rather than dehumanizing drug users, anthropology allows for an analysis of what barriers are present, including structural violence, which “manifests as unequal exposure to protective and risk factors, inequitable access to the resources and services that could ameliorate risk and support positive development, and an unequal service quality.”<sup>19</sup> Structural violence includes the forces, political, social, and economic, that make individuals vulnerable for particular risks, including addiction, violence, and crime. This theory enables the understanding that there are external characteristics which render certain individuals vulnerable to drug use—this contrasts the common interpretation that drug users are individually flawed, and intentionally nonconforming. This nonconformity is a typical theme in the discourse of drug use, and is referred to as deviance: a subculture wherein group members identify with one another through a shared set of values that contradict the traditional status quo.<sup>20</sup> This perspective is indicative of how drugs can be utilized as a “chemical solution to discomfoting experiences,” such as a means to alleviate the consequences that can arise from particular social environments, including violence and poverty.<sup>21</sup> These analytical theories will be utilized to frame the conversation about drug use among women and, relatedly, how this impacts their children.

Conceptually, oppression is entangled in the process of *othering*. This concept is connected to the framework of feminism: Simone de Beauvoir, through an examination of how women exist in society, noted that well-regarded perspectives were male-centered due to their position of social power.<sup>22</sup> This works to separate women into the category of the *other* as they exist apart from this perspective. In order to claim that a group of individuals is the *other*, the group must be identified as fundamentally different from the social status quo in some manner. This social status quo is defined by the hegemonic social group—historically, white males. With regard to race, the *other* is a person of color; with regard to sexual orientation, the *other* is a homosexual. It should be noted that this description vastly simpli-

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17. Ibid.

18. Jodi Nettleton, “Down, but Not Out: An Ethnographic Study of Women Who Struggled with and Overcame Methamphetamine Addiction” (University of South Florida, 2010): 50.

19. James F. Leckman, ed., *Pathways to Peace: The Transformative Power of Children and Families*, Strungmann Forum Reports (Cambridge, MA: MIT Press, 2014): 233.

20. H. Becker, “Becoming a Marihuana User,” *The American Journal of Sociology* 59, no. 3 (1953): 235–242.

21. Merrill Singer, *The Face of Social Suffering: The Life History of a Street Drug Addict* (Long Grove, Ill: Waveland Press, 2006): 12.

22. Simone de Beauvoir, *The Second Sex* (Paris: Gallimard, 1949).

fies the complications and processes associated with *othering*. An important aspect of this categorization is that it further attaches a set of stigmatizations and labels to those deemed to be the *other*. Drug users, whose very actions contradict the status quo, can undergo this process of *othering*. Similar to how points of intersectionality work to augment forms of experienced oppression, an individual can be emphasized to have multiple forms of *otherness*. This emphasis can occur by “stressing their gendered, class-based, and racialized deviance.”<sup>23</sup> Recognition and identification of multiple forms of oppression is of import because oppression disadvantages an individual’s capability of accessing particular resources, such as secure housing and effective methods of continuous treatment.

The word *addict* elicits a number of negative connotations and assumptions, and individuals who use drugs are systematically demeaned and stripped of their morality. The media attempts to portray addiction as a single entity of deviance and negativity, and often positions crises along racial lines in the United States. For example, in the 1980s, the crack epidemic heavily increased prejudice against urban, low-income, black users. Despite this consistent oppression, addiction is a nuanced experience and cannot be generalized. The United States Code defines an addict as “any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.”<sup>24</sup> This definition encompasses a dichotomy of addiction: it addresses the deviance that is inherent to drug use by referencing a threat to public morality, while also framing addicts as a population that define a public health concern.

Addicts frequently come into contact with the law, but the law is inconsistent in how it defines and treats them in terms of responsibility. The responsibility of the addict is typically determined by their race, class, or gender; those deemed irresponsible are considered to have no sense of self-control. In its most common conception, addiction is believed to “affect moral responsibility” which should, in return, “affect legal responsibility.”<sup>25</sup> The important question is whether or not an addiction alters behavior. If an addict is responsible for their negative, illegal behavior, then they should face legal repercussions for their intentional actions. However, there is the potential that an addict desires to perform positive behaviors but cannot because they are consumed with their addiction. This disability of performance is known as a “defect of will” that leads to an addict having a “diminished capacity” to make certain choices.<sup>26</sup> Choice is an important aspect of humanity, as “each choice we make is an expression of our personal autonomy—our freedom to define who we are and what we value,” and this ability “provides us with power to determine, to a great extent, what happens to us.”<sup>27</sup> If an addict has a limited, potentially nonexistent, capacity for making choices, then that would imply that they lack autonomy and, as an extension, power. Autonomy is a recurring theme in addiction: who deserves autonomy, and whose autonomy matters. This is particularly important with reference to the legal system because criminal punishment is often delivered to individuals who have utilized their autonomy and

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23. Erika Derkas, “‘Don’t Let Your Pregnancy Get in the Way of Your Drug Addiction’: CRACK and the Ideological Construction of Addicted Women,” *Social Justice* 38, no. 3 (2012): 128.

24. 21 USC. § 802 2017.

25. Michael Louis Corrado, “Addiction and Responsibility: An Introduction,” *Law and Philosophy* 18, no. 6 (1999): 580.

26. *Ibid.*, 52.

27. Doug Guess, Holly Anne Benson, and Ellin Siegel-Causey, “Concepts and Issues Related to Choice Making and Autonomy Among Persons With Severe Disabilities,” *Journal of the Association for Persons with Severe Handicaps* 10, no. 2 (1985): 82.

power to become addicted to drugs. An understanding of the legal and political environment of addiction is imperative when analyzing gendered dimensions of use.

We can see the influence of race on perceptions of addiction when drawing comparisons between the late-twentieth century cocaine crisis and the current opioid crisis. The cocaine crisis initiated the concern surrounding children born to addicted parents, particularly those that were exposed to drugs while in utero. These children are commonly known as a lost generation and a biological underclass.<sup>28</sup> There are a multitude of issues with this framing: the word lost implies that they are incapable of growth; the word generation implies an extensive scope; the word biological implies a permanence that cannot be changed; the word underclass implies a continuous, unending discrimination. The mothers, rather than seen as suffering from a psychological disorder, were decried as deviant and uncaring. The prominent figure of this time was the poor, urban, black drug-abusing woman who sold herself for drug money. The implication was clear: these women, already discriminated against and seen as less than, cared more about drugs than their children. Rather than obtaining lived testimonies and understanding the structural violence imposed upon these women, the perspective that they were unworthy was enduringly and viciously forced upon them. With the opioid crisis, in contrast, we see how popular opinion has shifted to concern for the white population who became addicted through prescription opioids. In this way, opioid addiction has been perceived as a public health issue, while crack addiction was perceived as a moral disease with a criminal pathology. Ethnographic perspectives and qualitative research concerning the lives of drug addicted women will be considered throughout this review and analysis.

It should additionally be noted that the aforementioned racial boundaries of drug crises should not be viewed as absolute or realistic. These boundaries are a means to heavily generalize populations of addicts into sweeping categories: white and good, black and bad. These boundaries have, unfortunately, worked as a means to define and enforce the dichotomy of addiction. This means that an individual's race, class, or location serves as an indicator for their supposed experience, determines whether they are framed medically or criminally, and regulates which treatment modalities are available to them. This misrepresentation of reality obscures particular populations and experiences from view and continues the blatant criminalization and persecution of the black community while upholding the medicalization and treatment of the white community.

## DRUG ADDICTION AND WOMEN

“The female body has long been regarded as a site of contestation”

Erika Derkas, 2012

The autonomy of women has historically been severely restricted, as seen through “coercive and forced sterilization practices, such as the implantation or injection of long-term hormonal contraceptive devices without informed consent; the criminalization of the behavior of pregnant drug users; and aggressive population control policies that target indigenous women.”<sup>29</sup> Drug addiction among pregnant women has created another threat, and the problem of prenatal drug exposure developed another manner in which state and

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28. Janet Y Thomas, *Educating Drug-Exposed Children: The Aftermath of the Crack-Baby Crisis*, 1st ed. (Routledge, 2005).

29. Derkas, “Don’t Let Your Pregnancy,” 125.

medical actors could restrict the autonomy of women. This form of drug exposure made national headlines in the late twentieth century when the media focused on the babies born to cocaine-addicted mothers, children that were heinously termed *crack babies*. This issue quickly became a prominent feature of two social movements: the War on Drugs and the fight for fetal rights. The War on Drugs is a political program with three aims: to “stop drug abuse before it starts,” to help “drug abusers overcome addiction,” and to “disrupt drug markets.”<sup>30</sup> Fetal rights are politicized due to the portrayal of the fetus being “innocent” and thus a passive actor that mothers must care for.<sup>31</sup>

In order for actors to circumvent the issue of limiting a woman’s autonomy, they make politicized statements about upholding fetal rights. This creates a new, heavily politicized dichotomy that a woman facing drug addiction must grapple with: are her rights, or the rights of her child, worth more in the eyes of society? The consideration of fetal rights has engendered new stigmatizations that attach to the body of women and that are used as justifications for limiting the reproductive and parental rights of women. A focus on fetal rights obscures conversation surrounding treatment modalities, so women are effectively limited in their potential for rehabilitation. The question thus becomes: how could you continuously prefer drugs more than your own children?

The stigmatization of female drug users is worsened through media representations that depict them as vulgar and indecent, needing to sell sex in exchange for money. This negative connotation obscures the realities of the sex-drug economy, which is a market where the commodities of sex and drugs are exchanged for one another. The misogyny of street culture and male-domination of the underground drug sphere “exclude[s] females from more profitable, autonomous entrepreneurial niches such as dealing, mugging, and burglarizing.”<sup>32</sup> The underground drug economy is a gendered opportunity structure because it only grants participation to men, so the rewards and lifestyles that accompany it are only available to men. Women, including pregnant women and mothers, cannot easily secure jobs in the legal market due to their drug use, as such, they are “forced disproportionately to rely on prostitution to finance their habits and to support what remains of the families.”<sup>33</sup> The exchange of sexual activities for drugs and money in “the underground world” is a common theme that arises in ethnographic research of the drug realm.<sup>34</sup> While the sex-drug economy enables women to perform their femininity, it also results in the commodification of their bodies. In the sex-drug economy, women’s bodies are only conceived of as an economic good to be exchanged. Men frequently assert themselves through the presumption that they could easily have their way with women: “[Luis] shouted across the street at the crack-addicted woman who serviced him with oral sex in exchange for puffs on his crack pipe, ‘Yo, mouf! Yo, ma’ah mouf! Come here!’”<sup>35</sup> Participation in the sex-drug economy is even expected from women who are in romantic partnerships: “He actually wants me to have sex with men because he knows that for me to come back with

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30. Peter S Wenz, *Beyond Red and Blue: How Twelve Political Philosophies Shape American Debates* (MIT Press, 2009): 77.

31. An-Pyng Sun, “Pregnant Women,” in *Helping Substance-Abusing Women of Vulnerable Populations: Effective Treatment Principles and Strategies* (Columbia University Press, 2009).

32. Philippe I. Bourgois, *In Search of Respect: Selling Crack in El Barrio*, 2nd ed, Structural Analysis in the Social Sciences (Cambridge; New York: Cambridge University Press, 2003); 279.

33. *Ibid.*, 280.

34. Rashi K. Shukla, *Methamphetamine: A Love Story* (Oakland, California: University of California Press, 2016): 6.

35. Bourgois, *In Search of Respect*, 290.

something for him, I had to have sex to get it.”<sup>36</sup> Often, the only source of income for women is through the marketing of their bodies: this is not because they are inherently deviant, a narrative frequently pushed by the media, but because they are excluded from other illegal and legal means of employment.

While it is true that women face greater barriers to participation in the underground drug economy, this is not to suggest that females are not capable of establishing a position there. Candy, an interlocutor in *In Search of Respect: Selling Crack in El Barrio*, an ethnography written by anthropologist Philippe Bourgois, was able to leave her abusive husband and secure a position as a street dealer. However, she had to assert credibility and dominance through performances of masculinity rather than femininity. Candy performed masculinity through use of vicious language, brutal threats, and physical violence. She frequently “[bragged] about her sexual prowess in public” and forced men to have sex with her upon demand.<sup>37</sup> Instead of allowing patriarchal parameters to limit her autonomy, she chose to adopt the masculine traits that allowed for men to define themselves and gain mobility in the illicit drug economy. This demonstrates how the performance of femininity is excluded from, and not welcome in, these spheres.

Women’s drug use, rather than being approached as a mental illness with diagnostic criterion, is frequently framed in terms of deviance from the feminine gender role.<sup>38</sup> In this framing, women are expected to commit themselves to being supportive caregivers, and this role is degraded each time a woman searches for a new high. At this stage, there is intense criminalization. Since drug use by women is not seen as a public health concern, but a punishable offense due to supposed deviance, they are relegated to the court system. While punishments vary depending on the state, women often have their children removed from their care and are sentenced to prison terms. This becomes an additional obstacle that women must overcome because being a former inmate reduces your chances to access resources and to regain parental rights. These focal points ignore the sociocultural environment of drug misuse for women which results in limited support and an inability to gain access to treatment. Gender deviance is used as a means to crucify women who abuse drugs while pregnant or as mothers.<sup>39</sup> Travis Linnemann put forth the idea of a methamphetamine imaginary, which “describes important yet often-overlooked mediated dimensions of social life.”<sup>40</sup> This concept of an imaginary can be adopted and translated for other drugs and is beneficial because it “encompasses the many ways in which [drug use] mediates the social world—how individuals imagine themselves and their relations to one another through [a] particular drug.”<sup>41</sup> This focus would allow for an evaluation of the meaning of drug use and its related culture, and how women are consumed by this framework. Since the War on Drugs has brought drugs to the forefront of the social imaginary, then the reverse must be true: the way in which we construct the imaginary should consider social factors.

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36. Terry M Williams, *Crackhouse: Notes from the End of the Line* (New York: Penguin Books, 1993): 56.

37. Bourgois, *In Search of Respect*, 241.

38. S. R. Senjo, “Trafficking in Meth: An Analysis of the Differences Between Male and Female Dealers,” *Journal of Drug Education* 35, no. 1 (2005): 59–77.

39. S Johnson, “Recent Research: Alcohol and Women’s Bodies. Alcohol and Drugs Are Women’s Issues: A Review of the Issues.” (Metuchen, New Jersey: Women’s Action Alliance and the Scarecrow Press, 1991).

40. Travis Linnemann, *Meth Wars: Police, Media, Power* (New York, New York: NYU Press, 2016): 5.

41. *Ibid.*, 6.

Since women drug users are framed as being deviant, their voices are obscured from the conversation<sup>42</sup> which effectively removes their experiences from consideration. Ethnographic research, as a qualitative form of methodology, can gather these narratives as a means to more accurately comprehend how women experience drug use. The feminine role assumes women to be passive actors, so the active role of initiating and maintaining drug use contradicts this presumed position. There is a common thread between the two: social constructions. Where femininity is a socially constructed role, drug use is additionally a socially constructed role. The origin of opioid drug dependence for women, for example, has shifted with the social construction of specific time periods:

“from being a prescribed necessity...starting in the 1870s [where] doctors injected women with morphine to numb the pain of ‘female troubles,’ or to turn a willful hysteric into a manageable invalid. Up through the turn of the century, morphine was a literal prescription for bourgeois ‘femininity,’ resulting in the first epidemic of medical drug addicts in the 1890s.”<sup>43</sup>

This concept of controlling women continued in the early twentieth century, where prostitutes utilized opioids as a means to diminish negative impacts of sex work. Opiates, during this time period, were seen within the context of control and domination. In the contemporary opioid crisis, women have fallen from their gender roles because they use opiates as a means to achieve deviance. This perspective ignores the fact that many women experience unmanageable stress and pressure when attempting to mold themselves to gender roles, so they rely on drugs to cope with or to perform the duties they feel pressured to complete.

The specific physiological and psychological makeup of females means that they become addicted at a much faster rate than males.<sup>44</sup> Introduction and access to drugs additionally varies: women more typically acquire drugs from partners, and there is a greater chance that women engage in sexual risk behaviors.<sup>45</sup> In fact, initiation and indoctrination into drug use is frequently different for males and females. Initiation into drug use often occurs as a means of coping with abusive childhood experiences; as children, boys often endured violence and pain, while girls often endured sexual and physical abuse.<sup>46</sup> These interactions can be understood as a form of socialization, which is a “continuing, relatively conflict-free social process by which individuals gradually learn and generally come to internalize the cultural orientations dominant in their society and are fitted into its organized patterns of social life.”<sup>47</sup> In this manner, the experiences of abuse and violence inflicted upon children socializes them into a certain manner of living—one rife with disorder, violence, and drugs. Living in environments where drugs are ever-present, these children are vulnerable to future drug use, abuse, and addiction. Socialization, as a process of initiation,

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42. J Friedman and M Alicea, *Surviving Heroin: Interviews with Women in Methadone Clinics* (Gainesville, Florida: University of Florida Press, 2001).

43. Nettleton, “Down, but Not Out,” 61-62.

44. Mary-Lynn Brecht et al., “Methamphetamine Use Behaviors and Gender Differences,” *Addictive Behaviors* 29 (2004): 89-106.

45. Nettleton, “Down, but Not Out.”

46. Philippe I. Bourgois, *In Search of Respect: Selling Crack in El Barrio*, 2nd ed, Structural Analysis in the Social Sciences (Cambridge; New York: Cambridge University Press, 2003).

47. Philo C Wasburn, “Socialization and Social Conflict,” *International Review of Modern Sociology* 14, no. 2 (Autumn 1984): 187.

is a gendered dimension of drug use insofar as the abuse suffered often depends on the gender of the child. The macho interactions experienced by boys, as a “gender-based definition of dignified male adolescent behavior[, often] propelled [them] into petty crime.”<sup>48</sup> This differed for girls, where experiences of patriarchal violence<sup>49</sup> and of being subjected to “sexual exploitations”<sup>50</sup> propelled them into the sex-drug economy. Sociologists Susan Starr Sered and Maureen Norton-Hawk, following fieldwork with women who were experiencing abuse, violence, and addiction, affirm the idea that sexual assault can force a woman to participate in the sex-drug economy.<sup>51</sup> In fact, they note that “sexual assault is not simply a deviant act by a deviant man against an exceptionally unfortunate woman [...] it is part of a social cycle in which systemic gender inequality produces gendered violence that then reinforces gender inequality.”<sup>52</sup> Gendered violence exacerbates the vulnerable position of women, and initiates and indoctrinates them into a life of cyclical violence and crime.

This reflects the necessity for women to engage in the sex-drug economy as a means to fund their habit, especially if they are accessing drugs through the illicit market. These behaviors are particularly dangerous in impoverished areas where women are at a greater likelihood to not be able to access effective means of contraception. There is the additional hazard of contracting sexually transmitted infections, especially human immunodeficiency virus, acquired immune deficiency syndrome, and Hepatitis C. There are a number of other “public health issues often overlooked in response to the drug problem [including] child endangerment, abuse, and neglect; toxic places; intravenous drug use; risky sex; risky drug use; and drug-related violence.”<sup>53</sup> While these health risks would be addressed in treatment programs, the fact that female drug use is seen as a criminal act often means that these health risks are ignored and undetected. This focus on criminality ultimately expands the reach of the public health crisis that is enacted by drug use.

## STRUCTURE OF SOCIAL GROUPS AND CARE OF CHILDREN

The structure of social groups in drug networks is characterized by romantic partnerships, intimate sharing, and homosocial relations; the displays of masculinity that characterize social groups determine how children are perceived and cared for. Men purposefully place emphasis on the sexual nature of romantic partnerships to ensure that their masculinity and self-sufficiency are not compromised. Sexual jealousy is common in these relationships: accusing a woman of cheating allows men to assert their individual rights and to confront gender imbalances. Within the relationship itself, there is a gendered division of labor where the male pursues a “patriarchal fantasy” of having his woman at home, domesticated, while he “hit[s] licks” as a means to provide for the family.<sup>54</sup> Interpersonal violence was normalized in these relationships and viewed as an “effective means of asserting rights” and masculinity.<sup>55</sup>

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48. Bourgois, *In Search of Respect*, 196.

49. Bourgois, *In Search of Respect*.

50. Philippe I. Bourgois and Jeff Schonberg, *Righteous Dopefiend*, California Series in Public Anthropology 21 (Berkeley: University of California Press, 2009): 60.

51. Susan Starr Sered and Maureen Norton-Hawk, *Can't Catch a Break: Gender, Jail, Drugs and the Limits of Personal Responsibility* (Oakland, California: University of California Press, 2014).

52. *Ibid.*, 24.

53. Shukla, *Methamphetamine*, 6.

54. Bourgois and Schonberg, *Righteous Dopefiend*, 64.

55. *Ibid.*, 68.

Sharing is a central value of social groups, especially between romantic partners and running partners, the latter of which are individuals who locate, obtain, and do drugs together. These “sharing rituals” allow for people to “come together for erotic stimulation, sexual activity,” and drug using.<sup>56</sup> Bourgois extended this idea, noting that these individuals “[form] a community of addicted bodies that is held together by a moral economy of sharing” and that addicts “cannot survive as solo operators on the street.”<sup>57</sup> This moral economy of sharing is not restricted to a particular gender, but allows for the cultivation and expression of homosocial relations that are unacceptable outside of the drug network social group Bourgois observed two male running partners who outwardly “appeared to be a gay couple,” but “were living in an explicitly homophobic environment.”<sup>58</sup> In the context of sharing, which involves injecting one another as an expression of “romantic intimacy,” these homosocial interactions are not only accepted but respected, and expected, as well.<sup>59</sup> These “romantic and affectionate displays” between partners of the same gender, most frequently males, occurs without the interpretation that these practices “identify [and signal] a transgressive sexuality.”<sup>60</sup> Social groups of drug networks are gendered in that they allow for a performance of gender and sexuality that is not often accepted in the illicit drug realm where men are consistently performing masculinity through violence, crime, and abuse. Instead, these social groups offer a sphere where men can express care and support for one another.

The persistent desire for male drug users to assert their masculinity as a way to establish credibility and status is a gendered dimension that often materializes in violent, dangerous ways. A common performance is to publicly showcase one’s “sexual conquests.”<sup>61</sup> One female crack user commented that these displays were known to be a “macho thing” and were representative of “where the men think a woman should be.”<sup>62</sup> Public displays of sexual domination are a reproduction of patriarchal values wherein women are inherently subordinate to, and required to satiate the desires of, men. A woman’s status is limited because she is expected to follow the commands of men; one user threateningly called to his woman: “Tina! Come over here...Don’t make me come over there and get you.”<sup>63</sup> This vignette demonstrates how the social interactions and movements of Tina, a crack and heroin addict, were constrained by her male partner, who frequently made his masculinity visible by verbally dominating her in public. As Bourgois notes, “violent, sexualized masculinity around patriarchal themes pervades much of the routine interaction on the street.”<sup>64</sup>

In addition to flaunting their consensual encounters, men engaged in “illicit and deviant sexual activities, committing crimes, and stealing from those around them.”<sup>65</sup> Rage often became embodied as murders, which were the result of “interpersonal conflicts,” representing the tenuous strain that can exist in the social networks of users.<sup>66</sup> Retelling these stories

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56. Terry M. Williams, *The Cocaine Kids: The inside Story of a Teenage Drug Ring*, 16. print (Cambridge, Mass: Perseus Books, 2002): 107.

57. Bourgois and Schonberg, *Righteous Dopefiend*, 6.

58. *Ibid.*, 213.

59. *Ibid.*, 243.

60. *Ibid.*, 215.

61. Bourgois, *In Search of Respect*, 81.

62. Williams, *Crackhouse*, 70.

63. Bourgois and Schonberg, *Righteous Dopefiend*, 49.

64. *Ibid.*, 197.

65. Shukla, *Methamphetamine*, 179.

66. Waverly Duck, *No Way out: Precarious Living in the Shadow of Poverty and Drug Dealing* (Chi-

among other males was another avenue to construct masculinity. Bourgois encountered his interlocutors detailing their previous rapes as a form of manly bonding: “we used to break the lock and go out on the roof; rape bitches; and have some sex.”<sup>67</sup> Later conversations revealed that gang rape was utilized to “enforce the misogyny of street culture.”<sup>68</sup> Two additional dimensions of these rapes include homoerotic socialization and sexual victimization. The performance and recitation of these rapes was often highly pornographic: “[he gave] an exceedingly explicit account of how Luis would angle his body to maximize the visibility of his actions for the voyeuristic benefit of his gang-rape companions.”<sup>69</sup> This is a homoerotic dimension where males benefitted from putting on a display of masculinity for one another. At the same time, these acts of violence were damaging for women. The demonstration of masculine power as a way to establish credibility and status in the illicit drug realm occurs between, and within, the genders. The ability to utilize street and sexual violence as a means to assert oneself is only available to men and can be seen as a gendered opportunity structure that allows men to advance in the social hierarchy of drugs. The structure of social groups is important because it impacts the quality of care that is granted to children.

Caring for children is a uniquely gendered activity in that the onus of care is placed on the woman—the man is not required, or expected, to support the children. This becomes complicated when drugs are involved because the children are often subjected to deplorable conditions. Bourgois noted that one house of an addicted mother was “strewn with garbage, broken furniture, and empty quarts of Bacardi. It smells of vomited alcohol, and is crawling with cockroaches.”<sup>70</sup> Patriarchal gender responsibilities that force women to rely on the sex-drug economy for income, while simultaneously providing for their children, often means that “children [are] forced to come into contact with those engaged in the drug lifestyle.”<sup>71</sup> Some women “[recognized their] role in the cycle of drugs and violence engulfing their children” and would intentionally give them up.<sup>72</sup> Caring for children is gendered because the patriarchal definition of family “relegates the responsibility for nurturing and supporting children virtually exclusively to” women.<sup>73</sup> This was often to the disadvantage of the child because it was difficult for the mother to obtain resources and support by themselves. At the same time, it is socially acceptable for male drug users to abandon their children, primarily because they are expected to participate in the illicit drug economy. This is a representation of the “greater exploitation of women, who are obliged to devote themselves unconditionally to the children for whom their men refuse to share responsibility.”<sup>74</sup> When fathers do choose to remain in their children’s lives, they frequently abuse them. This form of violence is “central to their construction of masculinity. They felt an urgent need to use violence to teach their sons to be strong, virile men respectful of both their mothers and their absent fathers.”<sup>75</sup> Addicted fathers could thus perform masculinity through abandonment of, or abuse toward, their children.

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cago; London: The University of Chicago Press, 2015): 21.

67. Bourgois, *In Search of Respect*, 189.

68. *Ibid.*, 174-175.

69. *Ibid.*, 211.

70. *Ibid.*, 272.

71. Shukla, *Methamphetamine*, 6.

72. Bourgois and Schonberg, *Righteous Dopefiend*, 311.

73. Bourgois, *In Search of Respect*, 285-286.

74. *Ibid.*, 276.

75. Bourgois and Schonberg, *Righteous Dopefiend*, 192.

## DRUG ADDICTION AND MOTHERHOOD

Mothers, even those who have not used drugs previously, are arbitrarily placed into the dichotomy of good and bad. This stereotypical categorization is attached to the mother and is indicative of whether or not they can be blamed for their actions. Mothers can be deemed bad for illnesses that are out of their control, such as mental disease and drug dependence. While there is effective treatment for these issues, discrimination often inhibits a woman's pathway to treatment and incites a fear that often leads to hesitation. The harsh stigmatization of the addicted mother in the American imaginary is unwavering and has seeped into the social, legal, and medical sector. This perspective has resulted in a severe lack of gender-specific resources which becomes a barrier to receiving protection and rehabilitation. Political stigmatization has permeated the clinical sphere.

It has been established that drug users are typically represented as deviant social actors. In addition to this negative labeling, mothers who use drugs are frequently demonized and viewed as "unfit parents who damage" their children.<sup>76</sup> The image of the newborn child undergoing withdrawal symptoms is set within a patriarchal framework: "we see a white male doctor holding a premature infant—a separate entity from the mother."<sup>77</sup> Within this image we see the undoing of a woman who has proved herself incapable of maintaining her societal role as a caregiver. Her child is influenced by drugs at birth and thus, as an extension of the deviant mother, is immediately labeled as a moral failure. The children born of drug-addicted women are "creating a new underclass of children who will be a drain on social services, the medical community, and even the criminal justice system."<sup>78</sup> Criminalization and blame does not merely attach itself to the mother, but vertically transmits itself to the child. Mothers addicted to drugs are also burdened with how their drug use will affect the social perceptions of their children. One qualitative study found that the primary concern of parents was whether their children would experience "future bad treatment and discrimination" as a means of "anticipated stigma by association."<sup>79</sup> Much as narcotic side effects are transmitted from mother to uterus, stigmatization is as well.

## BATTLE OF RIGHTS: FETUS VS. MOTHER

"Women who purposely poison their wombs by using drugs are seen as failing in their reproductive role, and they must take their place among the most stigmatized groups in modern society

Sheigla Murphy and Marsha Rosenbaum, 1999

"The gendered politics of prenatal drug use are dichotomized in a pathology-powerless narrative, juxtaposing the good mother and the bad mother"<sup>80</sup> and this dichotomy is further complicated by the issue of pregnancy. Greater concern is typically placed on the wellbeing of the unborn child as opposed to the mother, and this ideology fuels debates around

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76. Susan C. Boyd, *Mother and Illicit Drugs: Transcending the Myths* (University of Toronto Press, 1999): 3.

77. *Ibid.*

78. *Ibid.*

79. Heljä Pihkala and Mikael Sandlund, "Parenthood and Opioid Dependence," *Substance Abuse and Rehabilitation* 6 (2015): 37, <https://doi.org/10.2147/SAR.S75796>.

80. Erika Derkas, "'Don't Let Your Pregnancy Get in the Way of Your Drug Addiction': CRACK and the Ideological Construction of Addicted Women," *Social Justice* 38, no. 3 (2012): 127.

autonomy as well as reproductive and fetal rights. Just as a mother who uses drugs is categorized as bad, the *pregnant addict* is inherently deemed as bad and denounced for prematurely harming the child. This problem is not unique to the opioid crisis, however, and has revived concerns that emerged from the crack baby crisis. The “social construction of the urban drug epidemic stigmatized crack-abusing women and their children, ultimately criminalizing prenatal substance abuse.”<sup>81</sup> The crack baby crisis incited a concern for how the children would cope later in life, particularly with regard to their social and educational performance. However, there were barriers to helping these children. Mothers were unable to access appropriate means of treatment, the medical community was uneducated about the long-term effects on the child, and social services were ill-equipped with resources to help these families. Rather than focusing on these structural inequalities that permanently tied women to drug use, the “politicized interpretation...focused exclusively on the transgressions of crack-abusing mothers.”<sup>82</sup> Instead of being a medical, psychological issue, cocaine became a sexual, criminological issue. This crisis set the key questions surrounding the criminalization of prenatal drug use:

“Are drug-abusing women liable for the damage done to their fetus or newborn? Should babies be taken away from their mothers on the basis of a positive drug test alone? What are the rights of the mother with regard to privacy? Does the state have a role in protecting an unborn child? And if the state should intervene, what should be the extent and nature of its involvement?”<sup>83</sup>

These questions detracted from advocacy for treatment and rehabilitation programs for these women. Rather than being passive victims—as women should be—these mothers were active perpetrators of abuse that would stain a generation.

A barrier to understanding this population is the limited number of “accurate figures on numbers of pregnant women who misuse drugs.”<sup>84</sup> Trends are additionally difficult to ascertain among this population because pregnancy is a “polarised response”<sup>85</sup> as it can either abate or escalate drug use. Despite these limitations, there are a number of factors that have been identified as motivation for enrollment in medical treatment programs. A primary source of this is the unending fear that child protection services will remove their child from their care.<sup>86</sup> Despite this, women are often ridiculed for entering drug treatment programs late into their pregnancy. This viewpoint is problematic because drug use often causes menstrual irregularity in women, and many are unaware that they are pregnant.<sup>87</sup>

Research has been conducted to understand the medical effects that narcotic addiction in utero has on the neonate, and while it typically indicates that there is a limited potential for long-lasting negative effects, the studies are relatively inconclusive due to various methodological issues. Pasto et al. found that abnormal cerebral ventricles were “strongly

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81. Janet Y Thomas, *Educating Drug-Exposed Children: The Aftermath of the Crack-Baby Crisis*, 1st ed. (Routledge, 2005): xv.

82. *Ibid.*, 3.

83. *Ibid.*, 9.

84. James Bell and Lucy Harvey-Dodds, “Pregnancy Plus: Pregnancy and Injecting Drug Use,” *British Medical Journal* 336, no. 6756 (2008): 1303.

85. *Ibid.*

86. *Ibid.*

87. *Ibid.*

associated with narcotic addiction.”<sup>88</sup> Kaltenbach and Finnegan noted that an inconsistency in findings could also be attributed to a number of confounding variables that arise within this population such as length of addiction and dosage.<sup>89</sup> Additionally, research focusing on the long-term effects of drug exposure is hard to conduct because it is difficult to separate out the reasoning for particular outcomes: due to prenatal drug exposure or due to an environment where one parent is an addict. It is “always difficult to know how much effect is related to the in utero drug exposure vs the lifestyle in which these children grow up.”<sup>90</sup> This is an important variable to consider because oftentimes untreated heroin addicts are separated from their children, and early separation from a biological parent can have adverse consequences for the child.<sup>91</sup>

Treatment of pregnant women addicted to opioids is another point of contention. Detoxification can have negative impacts on the fetus,<sup>92</sup> so withdrawal is typically abstained from, especially because it increases the potential for relapse.<sup>93</sup> Methadone treatment, however, is highly correlated with the onset of neonatal abstinence syndrome at birth<sup>94</sup> because it does not “alter the fact that the infant becomes passively addicted in utero.”<sup>95</sup> The severity of neonatal abstinence syndrome depends on a number of factors. Most notably, “the concomitant use of legal and illegal substances such as opiates, nicotine, cocaine, alcohol and other specific medications such as antidepressants play a key role among the factors influencing...appearance, severity and duration.”<sup>96</sup> Despite the presence of neonatal abstinence syndrome at birth, and an associated reduced birth weight,<sup>97</sup> infants are typically within a normal range of development by six months of age.<sup>98</sup>

There is additionally the problem of treatment access. In approximately one third of states, “Medicaid reimbursement will cover the cost of buprenorphine, but not methadone, to treat opioid use disorder in pregnant women.”<sup>99</sup> Neonatal abstinence syndrome, as a

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88. M. E. Pasto et al., “Cerebral Sonographic Characteristics and Maternal and Neonatal Risk Factors in Infants of Opiate-Dependent Mothers,” *Annals of the New York Academy of Science* 562, no. 1 (1989): 356, <https://doi.org/10.1111/j.1749-6632.1989.tb21037.x>.

89. Karol Kaltenbach and Loretta Finnegan, “Children Exposed to Methadone in Utero: Assessment of Developmental and Cognitive Ability,” *Annals of the New York Academy of Science* 562, no. 1 (1989): 360–62, <https://doi.org/10.1111/j.1749-6632.1989.tb21039.x>.

90. Jennifer Bell et al., “Detoxification from Opiate Drugs During Pregnancy,” *American Journal of Obstetrics and Gynecology* 215, no. 3 (September 2016): 374.e5, <https://doi.org/10.1016/j.ajog.2016.03.015>.

91. Geraldine S. Wilson, “Clinical Studies of Infants and Children Exposed Prenatally to Heroin,” *Annals of the New York Academy of Science* 562, no. 1 (1989): 183–94, <https://doi.org/10.1111/j.1749-6632.1989.tb21017.x>.

92. Jennifer Bell et al., “Detoxification from Opiate Drugs During Pregnancy,” *American Journal of Obstetrics and Gynecology* 215, no. 3 (September 2016): 374.e1–e6, <https://doi.org/10.1016/j.ajog.2016.03.015>.

93. Bell and Harvey-Dodds, “Pregnancy Plus.”

94. Ibid.

95. Kaltenbach and Finnegan, “Children Exposed,” 360.

96. Annemarie Unger et al., “Gender Issues in the Pharmacotherapy of Opioid-Addicted Women: Buprenorphine,” *Journal of Addictive Diseases* 29, no. 2 (2010): 224, <https://doi.org/10.1080/10550881003684814>.

97. Bell and Harvey-Dodds, “Pregnancy Plus.”

98. Kaltenbach and Finnegan, “Children Exposed.”

99. Peter R. Martin and A. J. Reid Finlayson, “Opioid Use Disorder during Pregnancy in Tennessee: Expediency vs. Science,” *The American Journal of Drug and Alcohol Abuse* 41, no. 5 (September 3, 2015): 367, <https://doi.org/10.3109/00952990.2015.1047502>.

major source of healthcare expenditure, could be effectively prevented through the use of buprenorphine.<sup>100</sup> This is a clear representation of how the clinical setting has become policed by politics, rather than focused on research. It is imperative that women gain access to treatment rather than be forced into legal forms of punishment because, at its core, opioid dependence is the result of neurobiological changes in the brain.<sup>101</sup> Ignoring this organic, medical cause not only harms the addict and positions them in a cycle of drug use and misuse, but also undermines the criminal justice and legal system that is intended to punish criminal offenders—not to lock up individuals they believe to be morally deviant because they are incapable of individually curbing a biological dependence. These biological terms are typically alluded to:

“Heroin addicts frequently express that they had little or no chance of recovery, and often explain their pessimism in biological terms. Their addiction, they say, is in the blood, like a virus, something they could not eradicate or recover from, even if they wanted to.”<sup>102</sup>

Addiction, in this manner, can be viewed as chronic and unending; an integral part of an individual’s identity. Living with addiction is painful, but so is living without.

## CONCLUSION

Drug use is most commonly purported to be an activity of deviant individuals who pose threats to the morality of the United States. In response, the War on Drugs was initiated to heavily police these individuals, particularly if they were members of minority racial and class groups that are considered to actively seek out and sustain their drug use. This policing led to the framing of drug crises as largely criminal ones. Women have been frequently left out of the conversation of drug addiction, while simultaneously being decried as deviant and categorized as immoral. This represents a historical positioning of women as below the gaze of men and viewed as the *other* incapable of abiding by the hegemonic status quo. This negatively impacts women who use drugs because it does not allow for their narratives and experiences to be included in the depiction of their drug use, which further perpetuates the stigmatization and discrimination that they endure. In light of inconclusive data regarding the long-term impacts of drug use on children, it is imperative that the focus on women who use drugs be displaced from a source of criminalization to a source of medicalization and treatment. Federal regulations work to uniquely control the bodies of women and their children to infringe upon the clinical setting. In order to diminish the impact of drug use on society, it is imperative to focus on the experiences of all individuals who make up this population, and to ensure that they gain treatment in order to break away from their chemical and biological dependence.

This conversation is positioned in the larger culture of drug use and addiction. In order for there to be meaningful solutions to drug crises, there must be a “culture shift in the way that we think about and respond to substance use disorders, in the healthcare system and in our communities.”<sup>103</sup> It can be difficult to fathom these solutions. Outsiders typically

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100. Martin and Finlayson, “Opioid Use Disorder,” 367-370.

101. David A Fiellin, Gerald H Friedland, and Marc N Gourevitch, “Opioid Dependence: Rationale for and Efficacy of Existing and New Treatments,” *Clinical Infectious Diseases* 43, no. 4 (2006): S173–77.

102. Angela Garcia, “The Elegiac Addict: History, Chronicity, and the Melancholic Subject,” *Cultural Anthropology* 23, no. 4 (2008): 726, <https://doi.org/10.1111/j.1548-1360.2008.00024.x>.

103. Lloyd I. Sederer and Leslie A. Marino, “Ending the Opioid Epidemic by Changing the Culture,” *Psychiatric Quarterly* 89, no. 4 (December 2018): 891, <https://doi.org/10.1007/s11126-018-9589-0>.

express repulsion towards individuals who use drugs, much as I did as I read a criminal case involving an innocent child suffering from intense, unending withdrawal symptoms. It is these visceral reactions that distance policymakers from lived, social realities on the ground. Public health interventions themselves should not be implemented in a manner that “primarily focus[es] on auditing individual risk behaviors and [is] virtually blind to the wider social context that shapes” the lives of drug users.<sup>104</sup> The ethnographic methodology can be utilized to understand these social realities: it allows for the recognition of how social forces have shaped the opioid crisis by attending to individual experiences and lived realities. Qualitative research enables a focus on the context of the crisis itself and allows for policymakers to question *why* and *how* women are becoming entangled in the politics of drug use.

Future research could benefit from an intersectional approach. This approach is advantageous because it

“begins with the understanding that ‘oppression cannot be reduced to one fundamental type, and that oppressions work together in producing injustice’ [and] shifts from identifying a single cause of oppression to discovering how multiple systems of oppressions are organized into a matrix of domination replete with ‘structural, disciplinary, hegemonic, and interpersonal domains of power’ that structure the lives of those who exist on the margins.”<sup>105</sup>

Incorporating this approach into future research will allow for an understanding of how drug addiction impacts individuals who face multiple oppressions, including those of race, gender, and socioeconomic position. Ideally such an approach would help to shape policy measures so that they are applicable to individuals who are affected by multiple forms of social risk. This paper provides an overview of several key dimensions of gender that have been presented in ethnographic texts: initiation and indoctrination, structure of social groups, masculine power, the sex-drug economy, and care of children. A poststructuralist and non-categorical approach were key for framing the elicitation of these gendered dimensions.

Ultimately, we defended the woman whose child was suffering from withdrawal symptoms, but where do they go from here? What social networks and public health interventions are in place once addicted individuals emerge from criminal, legal avenues of assistance? Future research should work to fill the literature gap on how women in particular experience drug use, from initiation to addiction. Addiction impacts individuals from all walks of life and this reality must be acknowledged and contextualized if policies are to be enacted that will help reduce the effects of the crisis.

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104. Brett Wolfson-Stofko et al., “The Portapotty Experiment: Neoliberal Approaches to the Intertwined Epidemics of Opioid-Related Overdose and HIV/HCV, and Why We Need Cultural Anthropologists in the South Bronx,” *Dialectical Anthropology* 40, no. 4 (December 2016): 395, <https://doi.org/10.1007/s10624-016-9443-4>.

105. Enobong Hannah Branch, *Opportunity Denied: Limiting Black Women to Devalued Work* (Rutgers University Press, 2011): 13.

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# Gender in the Global Community

## 2018–2019 Student Fellows

*\* Biographical statements reflect student standing at the start of the fellowship year.*

KIARA RODRIGUEZ GALLEGO is a Senior in the Woodrow Wilson School with certificates in East Asian Studies and Chinese Language and Culture. Her academic focus is on conflict and cooperation and China's foreign relations, and her current thesis research centers on understanding how the different resolutions of territorial disputes explain Chinese foreign policy and the nature of its rise. In the past, she has conducted research on Southeast Asian macroeconomic landscape at an investment firm in Singapore and on Chinese investments in Africa at Brookings Institution in DC. By participating in this seminar, she hopes to learn more about changing dynamics in global governance and better understand what makes for effective inter and intra-state resolutions of conflict.

VARSHA GANDIKOTA-NELLUTLA is second-year graduate student at the Woodrow Wilson School, pursuing a Master in Public Affairs with a specialization in international development. She spent the summer at the United Nations Population Fund in Istanbul, Turkey with the Strategic Partnerships team for the Eastern Europe and Central Asian Regional Office. Prior to this, she briefly worked with the state government of Andhra Pradesh in India as a part of the Economic Development Board, an advisory committee to the chief minister. Earlier, she was a management consultant with Kepler Cannon, a boutique strategy consulting firm where her work spanned projects in Hong Kong and New York with a focus on insurance and retirement funds. While in high school, she founded The Orange Leaf, an NGO with a mission to engage students in public service. She currently leads the initiative with a volunteer network spread across the country. As someone that is deeply invested in developmental projects that hope to provide women, across the world, with greater access to their bodies, she hopes to investigate the consequences of the contradictions between the increasing need for transnational mobility on the one hand, and the requirements of national assertions of the rule of law.

SARAH GORDON is a junior in the Near Eastern Studies department and is pursuing a certificate in Arabic. She is interested in studying counterterrorism strategies and the dynamics of radicalization among extremist groups, including the theological underpinnings of jihadist ideologies. During Summer 2018, Sarah worked at Azraq Syrian Refugee camp in Jordan as an intern for CARE International, researching the stories of refugees who fled their homes, gender dynamics, and the security situation as it relates to the refugee crisis. The previous summer, she worked as a Foreign Policy intern in the United States Senate.

JENNIFER K. JOHNSON is a first year MPA candidate at the Woodrow Wilson School of Public and International Affairs at Princeton University. She graduated in 2015 with high honors from The University of Texas at Austin, completing a thesis on ethnic federalism in post-communist Russia and studying abroad at Sciences Po-Paris and the Moscow Higher School of Economics. During her undergraduate career, Jennifer spent two years as an undergraduate researcher in the Innovations for Peace and Development Lab, investigating the relationship between development aid and conflict. She also completed internships at

the Supreme Headquarters of NATO, the International Institute for Strategic Studies, and a think tank in Dakar, Senegal. Prior to Princeton, Jennifer spent two years working as a Program Coordinator for the Clements Center for National Security, facilitating the center's research and programs on the role of history in policymaking. This past summer, she returned to Brussels to work with the Policy Planning team of the Secretary General at NATO HQ.

MIKAYLAH LADUE is a junior in the Anthropology department, with a sociocultural focus, and is pursuing certificates in Gender and Sexuality Studies and Latin American Studies. Her independent work for the academic year will focus on the intersection of health and law with regard to the opioid overdose epidemic. As a GGC fellow, she hopes to research the misrepresentation of women in law, concentrating on sexual violence. On campus, she is involved with curriculum development for the Prison Electives Project, is a core tutor for ESL: El Centro, and is outreach director for Finding the Match.

GRACE LEE is a MPP candidate at Princeton University's Woodrow Wilson School.

ANANYA AGUSTIN MALHOTRA is a junior from Atlanta concentrating in the Woodrow Wilson School, pursuing certificates in French and Humanistic Studies. Her academic interests include international law, transitional justice, human rights and international relations, as well as their intersections with critical gender and race theory and postcolonial studies. She serves as the Vice President of Internal Development for the SHARE (Sexual Harassment/Assault Advising, Resources, & Education) Office's Peers Program, and is also involved in the European Union Program and the Behrman Society.

AMANDA MORRISON is a senior from Helena, Montana, majoring in international affairs and minoring in East Asian studies and film production. Amanda has worked at the U.S.-Asia Law Institute in New York City, focusing on gender discrimination and censorship. She has also worked as an executive assistant to film producers in Los Angeles and is president of Princeton's only visual journalism organization as well as a managing editor for the Business Today magazine. Alongside her senior thesis about Chinese media and women, Amanda is currently directing and producing a documentary about Chinese feminism. Outside of her studies, Amanda is an avid ballet dancer and mountain climber.

KATHERINE (KAT) POWELL is a junior in the African American Studies Department, proudly hailing from Chicago. Her research interests include: African and African Diaspora women's literature, the sociology of identity formation, and how women throughout history have used literature to rewrite the worlds around them. She is excited to be a member of the GGC seminar, as it will allow her to learn about the ways in which women across the University and the globe see themselves moving towards liberation. On campus, she dances, gives tours with Orange Key, writes for the Nassau Literary Review, and builds community with Princeton Association of Black Women.



