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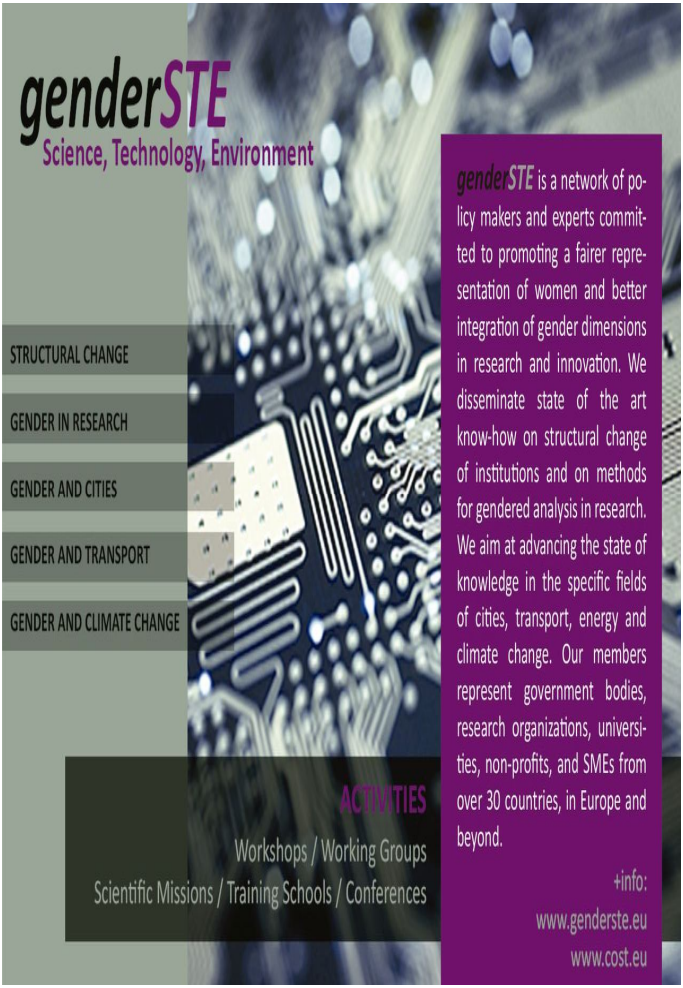
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Brazilian and Portuguese Writers: Writing, Ideology, Gender

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Interinstitutional Research Project
Federal University of Ceará / New University of Lisbon

Abstract:

This research aims to investigate certain literary projects as resulting from tensions and conflicts portrayed in the works of Brazilian and Portuguese female writers, in light of pressures and choices dictated by the literary and artistic tradition, whose tracks lead us to the grand themes of the human condition.

Within an environment of coexistence between literature and writing, a few female writers began the production of their body of fiction work, among them the Portuguese Agustina Bessa-Luís (1922 -) and Maria Judite de Carvalho (1921-1998), as well as the Brazilian Clarice Lispector (1920-1977) and Rachel de Queiroz (1910-2003), by means of intense discussions with their "fellow travelers", books, other poets, creators of fiction, essayists, philosophers and critics, in the words of Goethe.

Through the different types of text they cultivate, these writers present curious and challenging discussions that run through a poetics of the female condition and a reflection of complex nature (Edgar Morin), towards a dialogue of ideas and postures regarding fundamental values of life in the twentieth century, and which are still considered in the current century.

For such a study of comparative nature – involving readings, experiences and relations of alterity and gender highlighted by the aforementioned writers -, we shall rely on the essential contributions provided by categories that will guide the research, such as *crisis* (Gilberto de Mello Kujawski), *literary system* (António Cândido), *comparatism* (Tânia Carvalhal, Sandra Nitrini), *context* (Dominique Maingueneau), *literary field* (Pierre Boudieu), *reading* (Paulo Freire), *unreading* (Harold Bloom), *existence* (Ortega y Gasset), *writing* (Roland Barthes), and *contemporaneity and liquidity* (Zygmunt Bauman).

In effect, this research rests upon a double purpose: first, to listen to the poetics of the corpus writers, through speeches and situations dramatized by their fictional characters or by virtue of

other forms of expression, such as those found in writing spacesgenerated from interviews, letters, confessions, etc., therefore imbued with an hermeneutical imprint.

Tied to the first one, the second purpose, didactic in its nature, is to stimulate a learning-educational discussion around some of the possible meanings of rediscovering life and ways of being in the world through literary reading, taking as principle ideas and projects belonging to the personal library spaces of writers, such as in-between places (Homi Bhabha, Silviano Santiago), places of intervallic dimension (João Alexandre Barbosa), symbolic places (readings) wherein the human condition is inscribed and recreated, as well as representations of social, political and ideological pressures concerning achievements and defeats of women in western world societies, from the nineteenth to the twenty-first century.

The writers quoted in this project have been studied according to the aforesaid purposes, both through classes, essays and articles and through lectures and conferences, and also within the activities developed by the Study Group.

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The Spanish Society for Women's History (Asociación Española de Investigación de Historia de las Mujeres-AEIHM) was founded in June 1991 as a development of the National Commission of the IFRWH (International Federation for Research in Women's History), federation of which it is now a member. For over twenty years, it has developed many activities in order to promote research, teaching and dissemination of women's and gender history, as well as the theoretical and methodological renewal of the historical discipline, through conferences and seminars, workshops, publications, awards, dissemination of its own and others' activities through website and mailing list and participation in collective actions. It has currently 300 members.

Its aims are to promote and spread women's and gender history through research, teaching at different academic levels, and outreaching to society at large. On an annual basis, and continuously since 1993, AEIHM has been held international conferences and seminars for discussion between national and foreign specialists in women's and gender history.

The last ones held are: Salamanca (2012): *XVI International Symposium AEIHM*. "Eating the Forbidden Fruit: Women, Science and Creation through History;" Madrid (2011): *IV International Seminar AEIHM*. "Foucault's Influences in Historiography. Powers, Bodies and Desires;" and Bilbao (2010): *XV International Symposium AEIHM*. "Women and History. Dialogues between Spain and Latin America."

To these regular meetings it should be added the co-organization of: Gender and Postcolonial Studies in Question (s). III European Meeting (Barcelona, June 2012), in collaboration with: Fédération de Recherche sur le Genre (RING), Institut Interuniversitati d'Estudis de Dones i Gènere; Grup de Recerca Consolidat Multiculturalisme i Gènere (Universitat de Barcelona).

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WOMEN, DDR AND POST-CONFLICT TRANSFORMATION: LESSONS FROM THE CASES OF BOSNIA AND SOUTH AFRICA

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ABSTRACT. Men and women often have different approaches to and understandings of issues of war and peace, ending conflict, post-conflict disarmament, demobilization and reintegration (DDR) and reconciliation, and different expectations for their society's future. This article focuses on a series of critical research questions regarding the post-conflict period and DDR process: How were women affected by the conflict and what role(s) did they play in ending the conflict? What are the lessons from previous conflict situations that can be applied to current or future conflict situations? What are the practical applications of what we have learned to date? DDR is a process, and the way in which it is handled, specifically who is involved and how inclusive it is, has implications for the society that emerges at the end of the conflict. This is especially true regarding the roles that women do – or too often do not – play. The literature, as well as lessons of past cases, is instructive in reinforcing the importance of including women in the DDR process, yet they are often omitted for structural as well as political reasons. This article examines two case studies, Bosnia-Herzegovina and South Africa, in order to draw some general conclusions about women and post-conflict transformation and why their inclusion is so critical to the future "peace" in a society that had been in conflict. Drawing on the literature as well as interviews and archival research, the authors arrive at some conclusions that could provide a basis for broader generalizations to other cases.

Keywords: women; disarmament; demobilization; reintegration; post-conflict transition; South Africa; Bosnia

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1. Introduction: Framing the Research

Men and women often have different approaches to, and understandings of, issues of war and peace including what it means to end a conflict. Included in their understandings are larger issues of social and political integration following the conflict, varying perspectives on post-conflict disarmament, demobilization and reintegration (DDR), and different expectations for the future of their society including the reconciliation that is required to move forward after the conflict ends. While these are broad generalizations, they are often played out in the political sphere as countries begin the process of transitioning from war or conflict to peace. It is important to remember that this is a *process*: who is involved and how inclusive this process is has implications for the society that emerges at the end of conflict. Just as men and women are affected differently by the social and political changes prior to the conflict as well as during the conflict, so too "peace" can mean different things and affect them differently.

Different expectations about what the society *should* look like after the conflict ends affect the ways in which men and women approach peacemaking, post-conflict transformation, and rebuilding.[1] In turn, these different expectations make it more difficult for the country/nation/society to be knit together after the conflict ends. This research frames a number of questions and provides some preliminary answers based on important theoretical work with the answers arrived at through a number of cases studies.[2]

While there has been a great deal of literature that explores various aspects of women's roles in DDR processes and post-conflict reconstruction and reconciliation, there is little that has systematically been done that would allow for comparison across cases and could contribute to larger generalizations.[3] The work presented here is one step toward doing that. While the cases of Bosnia and South Africa are very different in some ways – European versus African country, ethnic conflict versus racial conflict, violent civil war versus civil violence – what we learn from them can provide insight into the role of women and why their participation in ending conflict and the post-conflict processes is so important.

In this article, we begin by addressing the larger question of: Where are the women in post-conflict transformation processes? We briefly discuss the role of UN Security Council Resolutions, beginning with Resolution 1325, in terms of the international community's recognition of the important role that women can and must play in peace negotiations and the post-conflict reconstruction that follows the end of a conflict. We highlight the challenges facing women as the society is in the post-conflict transformation stage. The next section examines two case studies, Bosnia and South Africa, to illustrate the connection between women and post-conflict transformation,

highlighting the similarities as well as differences in both cases and we discuss the lessons learned from these two cases. We then turn to alternative thinking, or approaches, to the issue of women and peace processes, and post-conflict reconstruction. We conclude with preliminary conclusions and admonitions as the research into this topic continues.

2. Where Are the Women?

Approaching this broad set of issues required us to start with one basic question asked by Cynthia Enloe and other feminist thinkers: Where are the women? Our goal in the larger project is to reframe some of the issues surrounding DDR and to change the conversation. In so doing, we can better address "big picture" questions, of which UN Security Council Resolution 1325 (and subsequent resolutions) is one part. In other words, we would like to alter or expand the conversation pertaining to women in a way that connects them to broader sets of issues. The questions that we think should be asked and/or included in any conversation about women and DDR include not only "where are the women," but also *which* women? What broad roles have women played or can play in the DDR process at all levels? From that perspective, why is it important to have women involved? And ultimately, what happened to the women who are and have been involved in the conflict, but also the peace process? In effect, we are asking about whether there is a gendered concept of security and peace, and whether, by focusing on 1325, we are perpetuating that notion. Thus, changing the discourse has policy implications not only for women, but for the society as a whole. The result should be a more complete understanding of what "gendered security" is and means. This article focuses on two of the cases as an example of the approach that we are taking.

There has been a great deal of scholarly work on the role of women in post-conflict processes with a focus on UN Resolution 1325 and subsequent resolutions, all of which explicitly acknowledge the need to include women and girls in DDR programs.[4] Although 1325, adopted in 2000, was considered to be a significant step forward for women, implementation has proven to be problematic. According to Margaret Ward: "While Resolution 1325 provides for women's voices to be heard, it does not emphasize their role as agents of social change but merely reiterates the importance of their participation for the maintenance of peace and security. Therefore, while women are being included within organizations, they often remain mere token presences. Increasingly, they are making it plain that much more will be necessary before women can effect meaningful change in society."[5]

Since the passage of Resolution 1325, the UN has continued to promote the idea of women's participation in peace processes and post-conflict recon-

struction. UN Security Council Resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), and 2122 (2013) all call for women's participation in peace building, a role in the maintenance and promotion of peace and security, and their role in decision-making in terms of conflict resolution and prevention. Yet the reality is that structural barriers continue to hinder women's inclusion in peace processes. Resolutions and other policy documents continue to represent women in "gendered terms." Further, the lack of an analysis and consideration of the intersectionality of gender, age, class, ethnicity, nationality, religion, sexuality, and so forth in a society "has particular consequences for how women's agency is perceived."[6]

Importantly, ample evidence suggests that society will benefit from the inclusion of women in all aspects of the peace process but women often are barred from participating for a host of reasons. Here we need to start with a very basic question: When is war actually over? As Ann Jones astutely remarks, "Long after treaties are signed, soldiers live with injuries, flashbacks, anguish, and remorse about things they saw and did during the war. Women live with consequences of what was done to them."[7] Violence against women continues and often gets worse; empirical evidence indicates that there is a direct correlation between an increase in domestic violence and conflict, a pattern that does not end once the conflict officially ends.[8] And that is only one of a list of issues that a society – and women – face in dealing with the transition from violent conflict to peace. This also tells us much about how we need to redefine what we mean by security and peace when the formal hostilities end.

Naomi Cahn, Dina Haynes, and Fionnuala Ní Aoláin list some of the pressures on societies that are trying to recover from conflict: displaced people, deterioration of schools, roads, health clinics, businesses, and so forth, all of which have to be rebuilt and strengthened.[9] They also note the ways "the transformation of a country from 'conflicted' to 'peaceful' is partial and exclusionary" for women.[10] They continue, "The term 'peaceful transition' is highly contested for women, as it assumes a linear movement from violence to non-violence, which is rarely the case for women in post-conflict societies."[11] And they provide a warning call about post-conflict reconstruction and transformation: "A post-conflict process will fail if it focuses only on separating the warring parties, on restoring earlier institutions, or even if only on rule of law reform along western democratic lines allied with market liberalization. Instead, the transition process must somehow manage the impact of social injustices that often helped cause or exacerbate the conflict, and the high levels of violence that may accompany the end of the 'official' war."[12]

After the conflict ends, as Donna Pankhurst argues, the peace that follows is often a gendered peace.[13] Thus, the difference in approach to ending

the conflict and subsequent rebuilding suggests that women are deeply affected but also will be omitted from the discussions, and then once decisions are made, they are made by the men involved with the negotiations with little regard for women's priorities or needs.

There is a final consideration that could also affect the role of women in post-conflict reconstruction and reconciliation and that is what, if any relationship exists between the status of the country and women's rights/gender equality within it? The pre-conflict situation could be a guide to answering that question. For example, in the case of Bosnia, prior to the break-up of Yugoslavia "socialism provided space for women to participate as equals in the private and public spheres."[14] Interestingly, however, that equality is not seen in the Bosnia that emerged after the conflict ended. In the case of South Africa, there were a group of women, especially among the ANC, who advocated the position that women in the country would not be truly liberated until the country was. Yet it was the very militarization of women in support of the struggle that was seen as a setback for women, a position advocated by freedom fighter Albie Sachs, among others.[15] While intuitively it would appear that women who are engaged in the struggle for a country's rights would benefit from the peace that follows, the reality is that that is not necessarily the case.

3. Snapshots from Two Cases: Bosnia and South Africa

What follows are two of the cases from the project[16] that illustrate the approach that we are taking and some of the consequences when women are not actively involved in the peace/transition process. In the case of Bosnia, the war that wracked that country had a direct impact on women, yet women were not included as part of the mediated settlement that ended that war. Women experienced an increase in domestic violence after the war ended, and while legislation has been passed to promote gender equality, women's gains in political, economic and security realms are minimal. In the case of South Africa, the country was deeply divided by the policy of apartheid that was officially in place from 1948 until 1993. Here women were instrumental in bringing about an end to apartheid and on the surface seem to be an integral part of the post-apartheid political system. Yet, more than 1,000 women each year are killed by their intimate partners in acts of domestic violence.[17] That clearly raises questions about what type of "peace" has emerged following the end of apartheid and the security – or lack of it – women are facing.

We have selected these two cases by way of contrast. One was a civil war in Europe that was both nationalist and ethnic in character, and that ultimately involved the larger international community to bring it to an end.

Yet women were not included in the negotiation or post-conflict transition process. South Africa was not a civil war but was in fact a violent conflict in Africa in opposition to the repressive policy of apartheid. It was primarily domestic in scope and here, too, when the violence ended, women were not major players in the post-conflict restructuring that followed, despite the rhetoric of the creation of a "new" South Africa characterized by racial and gender equality.

4. Bosnia: Women and Gender in a Post-Dayton World

The end of the Cold War seemingly ushered in a new world order, with the East-West conflict no longer the main focal point for much of international relations, and peace and cooperation within and among states the norm. Yet the Bosnian[18] War of 1992–95 belied that assumption. A civil war that erupted in what was then-Yugoslavia on the heels of the end of the Cold War did not bode well for the post-Cold War period. The Bosnian war led to the violent break-up of a state in the center of Europe, with the emergence of several new independent states in its wake. The war became synonymous with the term "ethnic cleansing" as the conflict raged between Bosniaks (Bosnian Muslims), Bosnian Croats and Bosnian Serbs. Moreover, it is estimated that more than 100,000 people were killed during the three year war, with more than 2 million displaced.[19] In addition to the deaths and displacement, gender-based sexual violence, including rape and sexual enslavement, was a systematic war strategy.

During the conflict, women's roles varied from peace activists, refugees, supporters of one side or another and even as combatants. After the war formally ended in 1995 with the Dayton Accords, women were expected to focus primarily on their roles as mothers and wives, and not in the formal political sphere. Women were not included in the peace talks nor did the peace agreement include gender-differentiated language; it was gender-neutral. What has happened to women and gender relations in the nearly two decades since the formal end to the civil war? How have women faired politically in the post-conflict transition? More specifically, what was the DDR process? What does this case tell us about the challenges for post-conflict transformation?

The Dayton Accords and Post-Conflict Transformation

The international community (primarily the EU/EC, UN) attempted to end the war through the presentation of various peace plans over many years, to no avail. Only with a stronger response by the international community – namely the threat of NATO airstrikes following the Serb shelling of a market in Sarajevo in August 1995 – was an end to the conflict possible. The

Contact Group (Britain, France, Germany, Russia and the United States), created in 1994, put forth the final peace plan. The Washington Framework Agreement created a Bosnian state with two "entities:" the Federation of Bosnia Herzegovina (FBiH) and Republika Srpska (RS, Bosnian Serb Republic). While fighting continued in 1994 and 1995, the increased combat capability of the UN and the use of NATO airstrikes eventually led the warring parties to the peace table, with the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), informally known as the Dayton Accords, in late 1995.[20] Neither the Bosnian Serbs nor Croats accepted the Accords (they had been negotiated by the political leaders of Serbia and Croatia, respectively), and the agreement was not put to a vote by the Bosnian people.[21]

In terms of the security/military aspects of the Dayton peace agreement, NATO instituted the Implementation Force, IFOR, which lasted until 1996, when replaced by the Stabilization Force (SFOR) in December 1996. SFOR's mandate, to maintain and assist in civil and political reconstruction efforts, continued until 2004.[22] SFOR was then replaced by the EU force, Operation EUFOR Althea, which continues to operate in Bosnia and Herzegovina today.[23] In addition to the security/military aspects of the agreement, the international community recognized the need for transitional justice through the creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993 with the UN Security Council's passage of Resolution 827. The ICTY has the authority to prosecute individuals for war crimes (including wartime rape). The majority of individuals arrested and prosecuted have been Serbs or Bosnian Serbs, but Croats and Muslims have also been tried.[24] As a 2014 Human Rights Watch report stated, "Implementation of the national war crimes strategy is hindered by insufficient capacity and funding, particularly at the local level."[25] Notably, there is no official truth commission for Bosnia primarily because of "the fear of the potentially destabilizing effects of truth-seeking." In terms of reparations for victims of serious human rights violations, "reparations laws aiding civilian victims of war" do not exist, while "property restitution laws do exist…to facilitate the return of displaced persons and refugees." While there is a state law (passed in 2004) that calls "for financial support to the relatives of missing persons," the lack of sufficient funding available is such that implementation of the policy is difficult.[26]

It is apparent that challenges for long-term peace and stability remain. Nearly twenty years after the peace agreement was signed, the country is still considered an "emerging federal democratic republic."[27] Bosnia continues to be a state in post-conflict transformation and transition; another area of post-conflict transformation is disarmament, demobilization, and reintegration of former combatants, as the next section examines.

Dayton, Defense Reform, and DDR

Prior to the outbreak of war in Bosnia in 1992, paramilitaries were formed by the various nationalist parties in 1991.[28] During the Bosnian War, "most of the male population and several thousand women were mobilized into Serb, Bosniak, and Croat forces. In the course of the interethnic fighting, there were three armed forces in existence: the Army of the Republic of BiH (ARBiH, mostly Bosniaks), the Croatian Defense Council (HVO, mostly Croats), and the Army of Republika Srpska (VRS, mostly Serbs). Each of the armies was composed of a mixture of regular soldiers, paramilitaries and young men and women drafted on an *ad hoc* basis."[29] Importantly, the data as to exact or rough numbers of the population under arms is not reliable. Estimates range from over 400,000 people to as low as 175,000 people, in large part because some data includes paramilitaries and "weekend-fighters" whereas other data excludes them, focused primarily on "real" armies. The fact that the data is unreliable has been problematic for defense reform in the post-conflict period.[30]

In the Dayton Peace Agreement, according to Tobias Pietz, "the international community neglected the most important part of the defense reform equation: to control, disarm, demobilize and reintegrate the various military groups, factions and individual combatants." Given that during the war there were significant numbers of people in armed groups, once the war ended, they "posed a corresponding threat to security in the aftermath of the peace treaty."[31] As Moratti and Sabic-El-Rayess astutely observe, "At a time when the international community could hardly bring the warring parties to the negotiating table, the cessation of violence was its primary goal. Thus, the international community did not concern itself with the particulars of the DDR process. Any discussion of a DDR process that required dramatic downsizing of the armies likely would have created anxiety among the warring parties."[32]

With the end of the war and the signing of the peace agreement, forces were not demobilized nor was there a "controlled reduction." Instead, the forces of all the nationalist/ethnic groups disintegrated. According to Pietz, the international community did try to address the situation of the armed forces and the issue of defense reform in three phases. The first phase focused on stabilizing the truce that ended the war, through the peace agreement itself and the IFOR deployment. As discussed earlier, IFOR focused on the military aspect of the agreement; provisions for DDR were not included. The second phase called for confidence and security-building measures, while the third phase focused on creating a common security and defense policy at the central government or state, rather than entity, level.[33]

With regards to DDR specifically, the peace agreement stipulated that the number of soldiers in the ethnic armies needed to be reduced. That said, in 1998, three years after the signing of the agreement, the international community as well as Bosnian government officials began the restructuring and reduction of forces at the entity level as well as the reduction of military sites in the country. Concerned about the potential threat to Bosnian society from discharged soldiers, particularly if they became involved with organized crime and thus the potential to reignite ethnic violence, the international community and Bosnian officials focused on programs to assist in the reintegration of former soldiers into society.[34]

There were three phases, or "waves," of DDR: 1996, 2002–2004, and 2006–2007. In the first phase, those former combatants who demobilized voluntarily in 1996 were not provided any assistance for reintegration (including from their own ethnic entities). Many of these former soldiers did not have an adequate education or employable skills and many suffered from PTSD. With the economy in shambles as a result of the war, there were very few jobs available. As a result, many of these ex-combatants engaged in human trafficking and organized crime. Recognizing this dire situation, the Emergency Demobilization and Reintegration Project, created by the World Bank's International Development Agency, provided assistance for former combatants (and disabled civilians, unemployed, refugees and widows). Such assistance included educational services, job search assistance, and training.[35] Cuts in defense spending in the second phase, or wave, (2002–2004) led to the demobilization of about 9,000 soldiers from the Bosnian army and 4,000 Serbian entity forces. Unlike the first phase of DDR, in the second phase a severance package (of varying amounts depending on the rank of the combatants) was given to former combatants. The final phase of demobilization, 2006–2007, was handled by the Bosnian government (although the IOM provided assistance). Severance packages were provided for ex-combatants who were not part of the second demobilization phase.[36]

Overall, the Dayton Accord had weak provisions for the DDR process. As Inger Buxton notes, "No proper vetting or census was carried out to assess needs and there was no overall planning of the process." Instead, even though the parties agreed that demobilization of forces was necessary, "the authorities in the entities were too weak to exercise effective leadership and lacked sufficient resources." Moreover, there continues to be a problem with the proliferation of Small Arms and Light Weapons (SALW) – the Dayton Accords did not have any provisions to address these types of weapons. Given that such arms continue to proliferate, insecurity remains a problem and thus a challenge for the continued peace process and transition to a stable peace.[37]

Bosnia and Post-Conflict Transformation:
Where are the Women? Where is Gender?

Even though the peace negotiations to end the Bosnian War occurred on the heels of the 1995 adoption of the Beijing Declaration and Platform for Action (PFA) at the 4th World Conference on Women, Bosnian women did not participate in the peace negotiations leading to the Dayton Accords.[38] It did "not call for gender equality and fails to address the legacy of gender-based crimes pursued during the conflict."[39] Interestingly, the same day that the peace agreement was signed, a letter signed by several international NGOs addressed to U.S. Ambassador to the UN Madeleine Albright "challenging the lack of sensitivity in the peace process to women's interests,"[40] to no avail. As noted by Cynthia Cockburn, "the Dayton Peace Agreement did not diminish, but rather affirmed, patriarchal nationalism as a dominant ideology and social system in post-war BiH."[41]

While the peace agreement did not include gender, in the years following the end of the war the international community's increased concerns about women and gender did lead to measures in Bosnia focused on gender and women's rights. For example, each party's list of candidates had to have at least 30% women, as stipulated in the 2001 Electoral Law.[42] In yet another example, chaired by the OHR (as of this writing, a woman has not served as the Chair of the OHR), a Gender Coordination Group (GCG) was formed. This group consisted of the UN Office of the High Commissioner for Human Rights (UNHCR), The International Human Rights Group, OSCE, Kvinna Till Kivinna Foundation, UN Development Programme (UNDP), and other international organizations. The Gender Coordination Group was tasked with implementing CEDAW as well as integrating gender into various government laws and policies.[43] The work of the Gender Coordination Group and the Gender Equity and Equality Project "helped sponsor" the 2003 Law on Gender Equality.[44]

Importantly, UNSCR 1325 played a significant role in various laws and policies to promote gender equality in post-war Bosnia and many organizations were initially optimistic, especially given the fact that women had been active in civil society for many years. Yet, as Irvine asserts, the reality was that neither UN personnel nor other international agencies were particularly "concerned about enforcing gender equality in their own institutions and practices."[45] This mattered because Bosnia was being administered by the UN (including the United Nations Mission in Bosnia and Herzegovina, UNMIBH, and OHR) following the signing of the Dayton peace agreement. The women's organizations looked to 1325 as a means to put pressure on "the UN and other international actors and to advocate for increased participation, improved security and access to transitional justice."[46] Thus, with the passage of the 2003 Gender Equality law, there is "an affirmative

approach requiring gender parity in the allocation of public posts."[47] This is particularly notable given that women's representation in the formal political sphere decreased significantly in the first elections after the war ended, held in 1996. While women had been well represented in NGOs, they were unable to convert that level of participation into the formal political sphere.[48]

The Law on Gender Equality "prohibits discrimination on the grounds of gender and sexual orientation." Further, the Law "established gender institutional mechanisms – the Gender Equality Agency at the state level and Gender Centres at the entity level – to monitor and ensure implementation of the Law and the BiH Gender Action Plan. Furthermore, all other public bodies have a duty to take all appropriate and necessary measures in order to implement provisions prescribed by this Law and the BiH Gender Action Plan."[49] Citing the women's organization Zena Zenama, Irvine notes that "interviews with activists suggest that UNSCR 1325 was a valuable tool in these efforts." Zena Zenama was instrumental in monitoring "international as well as national implementation of UNSCR 1325."[50]

Yet, even with the Law on Gender Equality and other measures to increase women's participation and representation, women's gains have not been significant at all levels of government. At the state level, in the 1996 elections women comprised only 2% of the members in the House of Representatives of the Parliamentary Assembly of BiH. That number has increased as a result of the introduction of quotas in the Election Law in 1998. Women's representation at the state Parliament level increased to approximately 17% (from the low of 2% in 1996), but it has not remained at that level. For example, in the 2006 election, women were 10.5% in the House of Representatives of the Parliamentary Assembly of BiH, 13% of the House of Peoples of BiH, 20% of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, and 24% of the National Assembly of RS.[51] Moreover, at the local level women do not fare well. For example, in the 2012 local elections for position of City Mayor/ Head of Municipality, there were 140 candidates elected: 135 male (96.4%) and 5 female (3.6%).[52] The challenge for women's increased political participation and representation comes from the constitutional provisions for ethnic representation. As noted earlier, each of the three ethnic/nationalist groups are equally represented at the state level. As Vanessa Pupavac notes, "gender parity will have to be implemented taking into account the extensive quota requirements which already exist for ethnic representation. Achieving gender parity and the required ethnic representation would only be possible with complex bureaucratic planning."[53] She further critiques the Law on Gender Equality, arguing that "requiring measures to ensure equal gender representation 'at all levels of government' – does not involve any

commitment to broader social changes which would enable ordinary women to realize parity of opportunities or of incomes."[54]

Most recently, given the discussion for the need for constitutional reform, women's organizations have sought to have more inclusive gender language to ensure gender equality is included. While there are already political quotas for women's representation, more often than not, the quota is not met. Thus, the argument was made to include quotas in the constitution. Women activists created the *Women citizens for constitutional reform*, aimed at ensuring a gender equal constitution. They have formulated a platform with specific language. While 17 civil society organizations have shown their support for the platform through signing the platform (and these are organizations from both entities), the next steps are to present the platform to the political parties and political leaders, the Bosnian parliaments (state level and entity level), and the public.[55]

In September 2006, the Council of Ministers of Bosnia and Herzegovina adopted the Gender Action Plan (GAP) of Bosnia and Herzegovina. This GAP was a "5-year strategy for gender mainstreaming in BiH" in an attempt "to reach equality of women and men in Bosnia and Herzegovina." The GAP, referencing several international documents, including CEDAW, the Beijing Declaration and Platform for Action, EU directives, as well as national documents such as the Gender Equality Law in BiH, comprised 15 areas in which to achieve equality, including health, prevention and protection; social inclusion; political life and decision-making; macroeconomic and development strategies; domestic violence, gender-based violence, harassment, sexual harassment and human trafficking; and the role of men. It is considered "the single most important strategic document for the direct integration of gender equality in all spheres of public and private life." In the same year, 2006, the BiH Gender Coordination Board (GCB), comprised of the directors of the Agency for Gender Equality (state level) and the two Gender Centers (RS and FBiH), "has a coordinating and monitoring role of GAP implementation."[56]

Following the passage of UNSCR 1325 and the need for countries to develop National Action Plans (NAP) for implementation of 1325 (as well as subsequent UNSC resolutions related to women, peace and security), in 2010 Bosnia and Herzegovina's National Action Plan was introduced. As Samra Filipovic-Hadziabdic and Mariam Mansury note, "It was the first NAP of its kind in southeast Europe and one of the first to be adopted in a post-conflict country." The NAP (2010–13) is the result of the work of the BiH Agency for Gender Equality, which consulted with various government officials and civil society actors. In June 2011, a 21-member coordination board was created, tasked with monitoring the implementation of the NAP. Members of the board include representatives from different ministries and

agencies, including the ministries of defense and foreign affairs. In addition, members also included representatives from civil society organizations. An assessment from Resolution to Act, commissioned by the Agency for Gender Equality, found that the NAP was very successful – "the country has even received awards from the United Nations and the North Atlantic Treaty Organization (NATO) for effective implementation." The NAP is considered to be "an organic national strategy rather than an international obligation" and that the members involved in preparing the document were committed to its successful implementation. In addition, it "is a platform for realizing meaningful change" in working with local government entities, the Agency for Gender Equality was able "to develop localized NAPs in municipalities that experienced some of the most intense violence during the war. These plans focus on addressing women's most pressing daily security concerns.... [and] has been used to prioritize the recruitment and retention of women police officers, offering a fresh face to a security force that is all too often associated with the past conflict." The NAP was scheduled to expire in 2013, with a new NAP to be initiated sometime in 2014 (as of this writing, the new NAP has not been released) that is intended to address some of the outstanding issues, including that "NAP goals are not prioritized within institutional strategies, resulting in inadequate funds for implementation."[57]

With regards to DDR, while the International Organization for Migration (IOM) and the World Bank were involved in the DDR programs, such programs did not have provisions aimed specifically for female ex-combatants.[58] For example, the World Bank's Emergency Demobilization and Reintegration Project (EDRP), a program for demobilized soldiers in both entities, did not disaggregate the data by sex.[59] Thus, there was no attempt to discern the needs of men and women ex-combatants (it is estimated that 10% of the BiH armed forces were women), even though their needs may have been quite different. An assessment and evaluation of the impact on gender relations as these former combatants re-entered and reintegrated into their communities and families was lacking.[60] Pietz notes one exception, the International Catholic Migration Commission (ICMC), which was subcontracted by EDRP. The ICMC set up "a school for secretarial education in Canton Sarajevo, serving about 2,500 female ex-combatants…." The Bosniak Veterans Association had asked that such assistance to these former soldiers be provided, in large part as a result of "the high demand of the international organizations coming into Bosnia for secretarial and administrative staff." Pietz astutely concludes that this program, in effect, perpetuated and reinforced "to some extent the old division of labor with male demobilized soldiers getting the biggest share of the jobs in reconstruction (where most jobs were created in the aftermath of the war) and female demobilized soldiers becoming secretaries in the offices of the international organizations."[61]

Overall, according to Pietz, the DDR projects "were completely 'gender-blind.'" The projects did not differentiate between male and female former combatants in any of the stages of the projects: design, implementation and evaluation.[62]

Bosnia, Dayton and Lessons to Be Learned?

In the first decade after the signing of the Dayton Accords, it was evident that the international administration of Bosnia included little input from local actors and civil society organizations, including women's NGOs, in terms of the policies and the implementation of those policies. The country continues to be plagued by serious political, economic, and security challenges. By far "the most serious macroeconomic problem" is the high unemployment level. While in 2006 the government instituted a value-added tax as a means of gaining "a steady source of revenue for the government….a large share of economic activity remains unofficial and unrecorded."[63] Politically, the process of state integration and consolidation remains stagnant. Attempts at concluding an agreement on constitutional reforms in the last five years, for example the replacement of the three-person presidency with a single president and strengthening of the Bosnian state parliament, have not materialized.[64] After the 2010 state elections, a new central government was finally formed in early 2012. But that new government has not been effective in large part because of political squabbling that negatively affects the country's "ability to engage in reforms needed to boost its economy and move it closer to the EU" since "major decisions have to be made by a consensus among the main ethnic parties." The problem is that the different entities do not share the same vision of what Bosnia's future should be.[65] Without a shared vision for moving the country forward, the post-conflict transition will remain just that – a transition, with lack of stability and sustainability.

In considering the political, economic and security challenges facing women in Bosnia in a post-Dayton world, it is clear that the country has, in many ways, made progress in terms of post-conflict transformation in the area of women's rights and gender awareness through formal legislation at the state (Law on Gender Equality; gender quota in Election Law) and entity level (including legislation addressing domestic violence), action plans (Gender Action Plan at the state level), and as a signatory on international documents (CEDAW, etc.). Yet, as Bosnian women's activist Aleksandra Petric makes clear: "women remain deprived of possibility to enjoy human rights in both private and public sphere." Women continue to remain underrepresented in formal political decision making at the state, entity and canton levels. There are ministries with no women members. And, she notes, "there is continuous lack of political will by key political leaders and parliamentary political parties to provide equal chances for women to be elected and

appointed at government posts. It is ironic that BiH Parliamentary Assembly adopted the Gender Equality Law, while at the same time continuously rejects proposals from the women's NGOs to increase gender quota in the Election Law....It is obvious that formal recognition of rights did not bring positive change for women in BiH."[66]

Bosnia's post-conflict reconstruction and transformation failed to adequately (if at all) include women's NGOs as part of the peace process. The failure to include women's civil society organizations, which had been active during the war, was a missed opportunity for the post-conflict period. As a report published by Kvinna Till Kvinna in 2000 concludes: "The knowledge within civil society, usually accumulated by women's NGOs during conflicts, is a valuable contribution that should not be ignored. It is essential that gender awareness and recognition of the role of NGOs are included in the different mandates spelled out in a peace agreement. If these factors are left out, sustainable peace can hardly be achieved."[67] Relatedly, while women's organizations have looked to UNSC Resolution 1325 (and subsequent resolutions) as "a useful, though limited, tool of empowerment and advocacy," challenges still remain. As Irvine states: "using 1325 appears to result in both mainstreaming, which has bureaucratized and diluted feminist goals," but it has also resulted in "side-streaming, which has isolated gender from other post-conflict concerns."[68]

5. South Africa: Women and Apartheid, Plus Twenty Years

South Africa was formally subjected to apartheid from 1948 until 1994, although the policy was introduced far earlier, going back to the country's colonial history. Thus, it was a deeply divided country for decades, if not centuries. The election of Nelson Mandela in 1994 as the country's first black president heralded the start of a new era for that country. But there was a lot of work to be done if the country was to address its past and move forward as a united society.

For decades apartheid defined South African society and politics; virtually no aspect of the country was untouched by it although women were especially affected by this policy. Societal gender biases inherent in a patriarchal society affected all women, and apartheid exacerbated the differences among groups of women. It is clear that there were some issues that brought women together as they fought for gender equality while, at the same time, women were often pitted against one another on other issues.

Because of its nature, when apartheid ended there was no formal DDR process in traditional terms. Rather, the process of moving forward was an internal one that in many ways was unique to South Africa and was tied to the belief that if the country was to move forward, perpetrators and victims

needed to be able to step forward and confront one another and the past. Thus, a formal process was created that was envisioned to be the means by which this process of restorative justice and reconciliation was to be accomplished. Nonetheless, the basic principles that contributed to the subsequent passage of UN Resolution 1325 and the need for involvement of women in the peace and reconciliation process are significant here.

The Politicization of South African Women

Women's involvement in politics in South Africa is not a recent phenomenon. By the 1940s women of all races were getting involved politically, but they were far from unified in their approach or their support for one another. Hassim makes the point about the emergence of women's political activism that "women do not mobilize as women simply because they are women…. In other words, *women do not mobilize for a single reason*" (emphasis added).[69] Although apartheid affected black and colored women the most, white women, too, were not viewed as equal to white men. Some of this gendered attitude toward women became part of the struggle for equality for all women, which ultimately became intertwined with the struggle against apartheid.[70] As the government continued to become more repressive in its policies, women became even more politically active in response. If apartheid was the division between the classes with the assurance of white superiority, so all women were seen as lesser beings with their own struggles. While white women were given the right to vote (in 1930) and therefore had some input into the political system, they still faced social and political discrimination in a patriarchal society; black and colored women had even greater battles to fight.

With the banning of the ANC in 1960 many ANC leaders, male and female, were forced to go underground or flee the country and the role of the MK,[71] the military wing of the ANC, became more important with its emphasis on armed struggle to challenge the state. Women, both black and white, were among the earliest trainees of the MK and they became involved in increasingly greater numbers through the 1960s and into the 1970s.[72] They were drawn to what was seen as a nationalist struggle to rid the country of the white oppressors, and they saw themselves as important members of the group. But women were far from equal members and some actually saw women's participation as a setback for women due to the fact that they often played auxiliary roles relative to men.[73] However, women clearly demonstrated their commitment to the cause, and did receive military training as well as access to the ANC leadership-in-exile. This dichotomy regarding the role of women in the MK reflected the divisions within the society as a whole and within the ANC specifically, which was divided as to what position it should take regarding women. On the one hand, women were part

of the liberation struggle and could be important participants engaging in acts of political violence as well as in more traditional support roles. On the other hand, due to the hierarchical and patriarchal structure, they could never be truly equal members of the organization. The putative commitment to gender equality advocated by the ANC leadership was belied by the reality. According to Hassim, "the ANC did not see women as political agents and perhaps not even as part of their core constituency."[74] Within a patriarchal society, even the groups fighting for equality by ending apartheid did not see women as equal members; it was men who remained the primary actors.

There was also a division among the women of the ANC as to the primary focus: was the women's section to be a feminist organization that would address larger "women's issues," or was it to be about mobilizing women in support of the ANC and its immediate cause which was to end apartheid and "liberate" the country?[75] In 1984, when the ANC executive designated "the Year of the Woman" in commemoration of the 40th anniversary of the signing of the Women's Charter, the "ANC's weaknesses in integrating gender equality into the core work of the movement" were clearly exposed.[76] Despite the rhetoric about the struggle for equality for all, this was not a reality within their own organization, given the absence of women in the ANC executive committee.

In 1985, a delegation of women from the ANC attended the Nairobi Conference of the UN Decade for Women, which put them in touch with activists from all over the world. To many, what they experienced there reinforced the belief that there could be no women's liberation without national liberation, resulting in greater pressure within the ANC to recognize the role of women as equals.[77]

Increased Militarization of the State: Understanding the Context of the Struggle

Concomitant with this increased politicization of the people was the increased militarization of the state. Here the international context becomes especially important. During the 1950s and 1960s, many of the countries in Africa were rebelling against their colonial past and seeking independence.[78] These so-called "wars of national liberation" gave rise to the fear within the white National Party (NP) government that these uprisings would spread to South Africa, which was not irrational in light of the self-imposed exile of many of the ANC leaders (including Nelson Mandela) who fled their own country in part to learn more about the military struggles of other countries. This international context needs to be further viewed against the backdrop of the Cold War, where many of the civil wars were seen as "proxy wars" between the United States and the Soviet Union. The confluence of these events – the Cold War, fears of communism internationally, concern that

uprisings would spread to South Africa, association of many of the black leaders of the ANC, PAC, IFP as well as white activists with communist causes – further contributed to the government's desire to ensure its own security by becoming more militarized and therefore, violent. That, in turn, contributed to the atmosphere of fear and persecution within the black communities contributing to a similar increase in violence as the response.

This resulted in a pattern of increasing violence within the country, which stopped short of civil war. The violence can be seen existing in a number of phases: 1948–1960, the governing NP (National Party) passed a series of increasingly repressive laws which were met by politicization of the black population, both men and women (both black and white women); 1960–1975, beginning with the Sharpeville Massacre of March 1960,[79] this was a period of increased violence perpetrated primarily by the South African Police against the black population; 1976–1982 the violence increased, including increasing levels of political violence perpetrated by the ANC, which was largely black on white violence; 1983–1993 was a period of increasing violence by the ANC but also by other groups as well, including the Pan African Congress (PAC) and the Inkhata Freedom Party (IFP), resulting in black on black violence as well as white on black violence, even during the period (1990–1993) that negotiations were underway between the ANC and governing NP.[80]

When Nelson Mandela was advocating for negotiation and the end to violence, others within the ANC and other groups (such as the PAC and IFP) and his then-wife, Winnie Madikizela-Mandela, were opposed to those options. Like other women who were arrested and detained for their commitment to the struggle, she became radicalized from her experiences. During the period between 1963 and 1982, she spent most of her time in prison or under house arrest. In 1982 she was banished to the rural town of Brandfort, in the Orange Free State province, breaking the banishment to return to Soweto in 1985. By 1986, she was becoming more outspoken in advocating the use of violence for the cause, which coincided with the period of increasing violence in the country, including black-on-black violence, something her husband could not comprehend. She writes, "Tata [Nelson Mandela, nicknamed 'Tata' or 'father' for 'father of the nation'] could not comprehend how I had become so violent in the eyes of the police. They knew that I was involved with the military wing of the ANC and they knew I was a leader of the struggle underground."[81] Winnie Mandela was one of the most prominent of the women involved in the violent aspects of the struggle. But she was not the only one. As noted in hearings of the TRC, women were perpetrators as well as victims of the violence (see below).

The Women's National Coalition

The Women's National Coalition (WNC) was created in 1992 and brought together about 70 women's organizations including the ANC Women's League, Black Sash (an activist organization composed of primarily white women), Planned Parenthood, and Soroptimist International of South Africa (the professional women's organization). One of the underlying assumptions of the WNC was that while women's needs are diverse, concerted action on some issues of common concern to all women was possible. But those similarities could not mask the differences that existed including areas of tension between white and black women and even within the groups. For example, Fouche illustrates how motherhood, something that generally brings and holds women together, can be subject to different interpretations in conflict situations. She writes of one black woman's plea to white women: "'My approach to my white sisters is Our children are dying in the townships, killed by your children. You are mothers. Why do you allow your children to go to train for the army? There is no country that has declared war on South Africa. Do you want your children to come and kill our children? Because this is what is happening. We want to know from our white sisters why there is not a word from them about this.'"[82]

This example shows that while women in South Africa were fighting for similar things including gender equality, there were also significant differences among them. It should also be noted that the differences were not just between black and white women, but also rural and urban, educated and not, middle and working class, etc. Ultimately, even though white women were not equal to white men, they still had a certain amount of privilege and power that black and colored women did not have. This, in turn, leads to the notion of black women in South Africa as "triply oppressed" by virtue of their gender, race and class, "while white women are the victims only of gender oppression."[83]

The April 1992 meeting of the WNC opened with a statement by Frene Ginwala,[84] then-deputy head of the ANC's Emancipation Department: "The future depends on us whether there is to be a non-sexist South Africa. No one is going to give it to us. … Now we have to force open the doors through the voices of millions of South African women. We here must do it!"[85] She was followed by women from a range of political parties and groups, all of whom agreed that despite their political differences, women must unite to "force open the doors." They spoke of the need for the Coalition to "make sure women's rights are included in the laws and constitution of the 'new' South Africa."[86] And to ensure that women's voices are heard and women's rights are represented they agreed to draw up a women's charter for inclusion in the constitution and that women had to sit on the committees drafting the new constitution. One representative of the ANC

Women's League noted that "'White ladies have always looked down on us but this forum will prove to them black women are just as capable. We don't all feel comfortable with each other, but time will solve this."[87]

The End of Apartheid

The end of the ANC's ban in February 1990 by President F.W. De Klerk was the real indicator that apartheid was ending. That announcement was followed two weeks later with the release of Nelson Mandela and other political prisoners. In April, an agreement was signed between the ANC and the governing NP to pursue peace negotiations, which was followed in August by another agreement to release more political prisoners. Importantly, the ANC agreed to end its armed struggle and move towards a negotiated settlement and, in February 1991, the ANC promised to lay down its arms, although the political violence continued by other groups. Negotiations continued in fits and starts until February 1992, when the NP accepted the ANC demand for an interim government and "the principles that a new South Africa be non-racial, non-sexist and democratic."[88]

Despite its commitment to equality and democracy, only two women participated in the early negotiations between the ANC and the government, and both were representatives of the ANC. According to Carol Carolus, one of the two women at the talks, the absence of women was the result of sexism, tradition and socialization. Her point was that society socialized women with insecurities which, in turn, prevented them from standing as equals with men but that it did not have to be that way. In her case, she said, "We were there not as token women, but as women in our own right: as South Africans."[89] However, she also noted that "[T]he irony of trying to overcome gender oppression is that it is far easier to convince people racism is a problem that must be done away with. Not so sexism."[90]

An all-white referendum was held in March 1992 which affirmed popular support for the reforms. But the process was set-back due to growing violence. Negotiations were held in April to define the issues that needed to be addressed in subsequent negotiations. When they resumed, in October 1993 the ANC and NP reached agreement on the creation of a government of national unity with two deputy presidents. They also agreed on cabinet positions. But violence continued to escalate; the IFP (Inkatha Freedom Party) raised concerns about the direction of the negotiations. In April 1994, days before scheduled elections, agreement was reached and the IFP came on board. South Africa's first non-racial elections took place on April 27, 1994 and on May 10, Nelson Mandela was inaugurated as democratic South Africa's first president. The election resulted in 400 members in the National Assembly and 90 in the Senate. The text of a new Constitution was adopted

in May 1996 with the final text certified in December 1996. This was the start of the "new" South Africa.[91]

The Constitution of the "New" South Africa and the Women's Charter

The Constitution was drafted with an awareness of the country's undemocratic past and was designed to redress those grievances and ensure human rights for all. Thus it codifies the importance of a democracy that is non racist and non-sexist, establishes the Constitution as the supreme law of the land, and guarantees universal suffrage with regular elections and a multiparty system of government. "We, the people of South Africa, recognize the injustices of our past; honor those who suffered for justice and freedom in our land; respect those who have worked to build and develop our country; and believe that *South Africa belongs to all who live in it, united in our diversity*" (emphasis added).[92] One of the cornerstones of that rebuilding process was to engage *all people* in the transition process. The establishment of a democratic government in South Africa raised an important question about the role of women both in establishing the new government and in playing a role in its implementation, at least in theory.

As early as 1991, the ANC Women's League (ANCWL) began developing the concept of a "women's charter" as a set of demands to be included in the constitution. The concept was adopted by the WNC which "sought to develop some consensus around major issues of gender inequality," and began a campaign to draft a "Women's Charter" to serve as a "gendered bill of rights."[93] Based on discussions and research, the WNC proposed a women's charter to be included in the new constitution which would reflect a broad range of issues pertaining to women. Despite the apparent differences that remained among groups of women, the campaign accomplished an important goal: "It publicized gender-specific demands, detailing the ways in which women experiences and access to resources differ from men's."[94] And it also succeeded in raising public consciousness on the perception of general support for gender priorities. It is important to note that the document does not distinguish between white and black women or women of color. Rather, it speaks to the ongoing subordination of women that had been an ongoing part of life in South Africa and that needs to be addressed and changed. This document became an important political tool around which women could coalesce and lobby the new government.

But the document, and the process surrounding its adoption, also reinforced the differences in perspective between those feminists who wanted to mobilize grassroots support for feminist goals writ large versus those who wanted to ensure that women were represented in the new governmental structures. ANC activists especially saw South Africa's first democratic elections as an opportunity to ensure women's representation by setting

quotas.[95] This push is one of the reasons that women's representation in the South African government is as high as it is today. There were a number of feminists, however, who saw the issue more broadly, believing that women's liberation could truly not be achieved unless the country was liberated from the white oppressors. The latter position was deferred in light of the push to get women into the government which was seen as a higher and more immediate priority.[96]

Women and the Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC) was to be one of the primary vehicles for moving the country forward and its framework was enshrined in the new constitution. The TRC was the vehicle created to move the country forward. And while it was an important tool, it was one that in many ways failed women for a host of reasons, some of which could not be anticipated at that time. With the advantage of hindsight, it is important to examine both the strengths and the weaknesses of the process.

The interim Constitution of 1993 established the framework for the transition to democracy and was followed by the "final" constitution of 1996. The interim constitution laid out the framework for the TRC: "The pursuit of national unity, the well-being of all South African citizens and peace require *reconciliation* between the people of South Africa and the reconstruction of society" (emphasis added).[97] The TRC was officially established by the Promotion of Unity and Reconciliation Act (1995), and it was to be in place from December 1995 through 1998, but its tenure was extended through 2002. Its mandate years covered the period from March 1960, and the Sharpeville Massacre, until the country's first democratic election in April 1994. While it was envisioned to help move the country forward to reconciliation, the underlying question remains regarding how effective this process was in achieving its stated goals and, specifically, the role women played in creating this institution as well as participating in it.

As noted by one important study, "Women were influential in ensuring that the design of the Truth and Reconciliation Commission (TRC) and the selection of commissioners were conducted through extensive consultations with representatives of civil society. The inclusiveness and transparency of the process...contributed significantly to the participation of women witnesses."[98] Chaired by Archbishop Desmond Tutu, the TRC was made up of 17 commissioners, nine men and eight women. The same study also acknowledges that women often experience conflict differently than men and that it is important to understand these differences if there is to be a true transition to democracy in South Africa and, by extension, to other countries as well.[99]

In March 1996 a workshop was held at the University of Witwatersrand in Johannesburg, specifically to address "Gender and the Truth and Recon-

ciliation Commission." The issues raised at the workshop were formally submitted to the TRC as a starting point in understanding how gender could inform the truth and reconciliation process. In addition to the workshop, the principals interviewed women whose experiences they deemed relevant and drew upon the then-existing literature. The findings of this group concluded that there clearly was a gendered perspective to the power relationships during apartheid which leads to the inevitable conclusion that men and women experienced the period following the end of apartheid differently.[100]

In examining questions pertaining to women and the TRC, it is important to remember that like men, women were perpetrators of acts of violence both as representatives of the state (e.g., as warders in prisons), but also as political activists. Jessie Duarte, an activist and recently a member of the ANC executive, presented a paper at the workshop "Gender and the TRC" in which she addressed the need to confront the full range of women's experience, including women perpetrators. Her argument was that if human rights were being examined, then the rights of women, both as victims but also perpetrators, must be examined.[101]

Her points were echoed by Nomvula Mokonyane, also an activist and former political prisoner, who spoke not only about women as perpetrators and victims, but who also issued a reminder that many of these people who suffered the most are the ones who would not have access to the TRC. Underlying her concerns were issues of trust, which was an implicit part of the role of the TRC, specifically, to rebuild that trust so the country could move forward. Yet, as Nomvula noted, "Some of us do not even have trust in the current judicial system or even the government. It is the government they voted for but they see it as a government that can enforce even repression because of their past experiences."[102]

As the report from this workshop notes, women especially had difficulties confronting their experiences of the past. The loss of pride or sense of shame that many women felt about what they had experienced even decades earlier, especially pertaining to sexual violence, undermined their willingness to come forward. Coupled with that was the fear that even if they did come forward, a woman might never see justice served, thereby running the risk of opening old and deep wounds for what appeared to be minimal impact. In effect, the TRC process required women to make public the abuse and suffering that would normally reside deep within the private sphere. In other common examples, women lost their jobs because of the imprisonment of their husbands, children had to leave school, and families lost housing because of government repression. How could the reparation and rehabilitation process account for those things that had taken place decades earlier and had a deep impact on the women and their families?[103] Doing so would require that the TRC take into account the specific needs

and interests of women yet, in retrospect, it seems that the process dealt primarily with men, both as victims and perpetrators of the acts of violence as they were the ones who were the most visible.

The report by Meintjes and Goldblatt, which grew from the workshop and interviews in May 1996 while the TRC was relatively young, suggests that "the TRC actively rejects a gender-neutral approach towards its analysis of evidence and in all other aspects of its brief. This means that gender must be incorporated in the TRCs policy framework, for without this framework, gender issues, and women's voices in particular, will not be heard and accurately recorded."[104] They then offered a number of policy prescriptions to ensure that this approach could be followed.

In August 1996 the TRC issued a report in which they approved a proposal "that special hearings dedicated to women's testimony should be arranged in different parts of South Africa." The Commission, meeting in Johannesburg, also resolved that "'women need to be encouraged to speak out' about human rights violations which they have suffered. There is a need to break the silence….There is a lot of evidence of abuse of women in a political context, but this is in the private domain.'"[105] The TRC then noted that the women needed to empower other women to tell their stories.

The Women's Hearings

In recognition that women had a vital role to play in the TRCs mandate, and in response to the recommendations about gender issues, the TRC agreed to create Special Women's Hearings to take place throughout South Africa,[106] specifically to encourage women to come forward and tell their stories. "Provided with a space specifically dedicated to ensuring that women felt 'safe' as witnesses, many women used the platform… to share their experiences of human rights violations within the TRC."[107] The Commission wanted to make clear that the purpose of these hearings was to meet the criticism of gender bias and, specifically, "to substantiate the fact that women were subject to more restrictions and suffered more in economic terms than men did during the apartheid years."[108] In this admission, the TRC also recognized that women were subjected to different types of violations than men, and that those violations and women's suffering needed to be an explicit part of the process. In that sense, the TRC was sensitive to women and their specific needs.

The Women's Hearings were an important aspect of the work of the TRC especially in addressing human rights violations pertaining to women. However, as noted in the workshop, it remains unclear how the reparation and rehabilitation process associated with the end of apartheid could ever account for all that women experienced. And one of the remaining issues

pertains to those women who could not come forward and tell their stories and their reconciliation with the society as a whole.

Women and South Africa Today

In order to truly understand this case it is important to look at women in South Africa today. Women played an important role in bringing apartheid to an end as well as the transition the democracy through institutions such as the TRC, and, for the most part, they have been rewarded. But the reality is more ambiguous. On the one hand, the country has one of the largest percentages of women in the government.[109] Yet it also has one of the highest rates of domestic violence and poverty, which especially affect women. Where is the disconnect? Despite the promises of democracy and equality, the country has failed women, and the question is why? After their participation in the struggle, their willingness to engage in peaceful demonstrations but also acts of political violence, their commitment to a democratic South Africa, they are not reaping the benefits. Why?

With the advantage of 20 years since the end of apartheid, some of the successes, but also failures, of the process have become more apparent. One TRC Commissioner and activist for women's rights recently admitted that at the time, no one realized how difficult it would be to try to move forward. She noted in a meeting that the strong civil society of the country has been very important and that the country should be "incredibly proud" of all that has been accomplished in only twenty years. But problems remain, including a continuation of a patriarchal structure within the government that has made it difficult to make a difference for women.[110] Goldblatt and Meintjes describe South African society today as "a society living in an aftermath. The victims and perpetrators of terrible violence are still living together in the same society….This too is the legacy of apartheid and the socio-economic violence it wrought on our country."[111]

One of the things most apparent about the country today is the optimism born of the fact that apartheid died twenty years ago so the country has experienced only twenty years of democracy. But there is also a sense of cynicism and disillusionment that is the result of the failures of the post-apartheid government to keep many of its promises. For some women, the optimism pertains to the strength of civil society and the important roles community-based organizations have filled. Groups like Black Sash have morphed from one that was activist in addressing the inequalities of apartheid from the 1950s into the 1990s to a community-based organization that now works on issues such as HIV-AIDS education, promoting health care for women, etc.[112] While this is seen as very positive, the cynicism is the result of questioning why these community-based organizations have to fill

this void that the government has been unwilling or unable to, which is seen as one of the unfilled promises of the government.[113]

In many ways, South Africa remains a deeply divided society in terms of gender, race and economics. More than 31% of the population continues to live below the poverty line, many of them in the black townships. The rate of HIV/AIDS is among the highest in the world, and the youth unemployment rate is over 50%.[114] Those who suffer the most are blacks and coloreds. Although women make up half the labor force, many remain in lower-wage sectors such as domestic service and they earn less than two-thirds of what men do.[115] Thus, while the TRC made some inroads in helping the country move forward beyond apartheid, it did little to change the underlying social or economic structures that continue to plague women, especially black and colored women, today.

The gender-based violence that was so much a part of women's experience during apartheid remains a reality in South Africa today. A women's rights lobby, the Sonke Gender Justice Network, is fighting to end gender-based violence, seen as part of male-female relations within the country and culture. According to their web site, "more than 1,000 women a year are killed by their intimate partners in South Africa, one every 8 hours."[116] Not only are there real social and political costs of such violence, there are financial costs associated with medical care, lost wages and income for the women, and the economy suffers from loss of productivity. And, as the group also notes, incidents of gender-based violence remain underreported.

The good news is there is little doubt that women have made progress, at least politically, since the end of apartheid. For example, from 2005 to 2008 Phumzile Mlambo-Ngcuka served as Deputy President of South Africa, the first women to do so and the highest ranking female politician in South Africa. (She is currently serving as United Nations Under-Secretary-General and Executive Director of UN Women.) According to data compiled by the Inter-Parliamentary Union, as of December 2014, South Africa had the eleventh largest percentage of women in the lower house of Parliament, 166 women out of 400 seats, or almost 45%, and among the highest number of women (19 out of 54, or 33.5%) in the upper house, out of 189 countries studied. In contrast, the United States is ranked 75th with 19% of the seats in the House of Representative held by women and 20% of the Senate (20 women out of 100 after the November 2014 elections), which is the largest number of women in the Senate to date.[117]

To some extent, this political success can be attributed to the Women's League of the ANC. As Hassim notes, this organization was never a feminist organization fighting for gender equality, and "it has not been able to provide clear political leadership for the women's movement." But, on the other hand, the WLANC "has been most adept at ensuring that there is increasing

equity in the distribution of posts in government and its associated institutions."[118] We see that bearing fruit in South Africa today.

In contrast, there are countless issues that women in South Africa still face. On measures such as the World Economic Forum's "gender gap index" and the UNDP "gender empowerment measure" the country looks impressive. "The Index is designed to measure gender-based gaps in access to resources and opportunities in individual countries…" thereby accounting for a country's level of economic development.[119] As of the 2013 data, South Africa ranks 17 overall, although that summary figure looks far less impressive when looking at specific indicators that show that women still achieve far less compared to men in areas such as access to management positions and political access overall.[120]

Looking beyond those statistics at others, such as the UN's "gender-related development index," the country is ranked only 129th out of 182. As noted in an article in *The Economist*, "Such a wide discrepancy is not simply because the various bodies measure different things, but also *because the picture of women in South Africa is so mixed*" (emphasis added).[121] Since the end of apartheid, South Africa seems to have been more active in protecting women's rights. "To promote women's rights in what had been a predominantly patriarchal society among whites as well as blacks, the ruling African National Congress (ANC) has brought in a slew of laws over the past 16 years, legalizing abortion, giving women equal power in marriage, cracking down on domestic violence, criminalizing sexual harassment at work, banning all gender discrimination and providing women of any skin color with the same degree of affirmative action in education, employment and politics as blacks, coloreds (people of mixed race) and Indians."[122]

South Africa: Lessons Learned

If the case of South Africa is to resonate more broadly than simply what one country experienced, it is important to take the lessons learned and put them into a broader political and social context. The strong civil society of the country fostered a framework that allowed the country to address some of its domestic issues, especially those that the government has not been able to do. NGOs and community-based organizations were in place and have played an important role, thereby allowing women to play an important role at the grass-roots level. These activities were noted as critical to the transition process by a number of authors, as noted above.

A report by UNIFEM in 2005 on "Women and Peacebuilding in Africa," reviews the progress of UN Resolution 1325 in Africa in general since it was adopted in 2000. While most of the focus was on violent conflicts in which women not only were affected but were combatants, such as Liberia and Sierra Leone, there are some lessons for the South Africa case as well.

It would not be a surprise to anyone who studies issues of women and political violence that "A key limitation has been the perception of the purpose of DDR, which is often viewed as being solely the disarming of men with guns." The report also states that "Resolution 1325 makes an explicit recommendation that all actors in negotiations to end armed conflict should recognize the 'special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.'"[123] Although UN Resolution 1325 was enacted six years after the end of apartheid and the subsequent creation of the TRC, this passage points to the difficulties that women in South Africa faced when the conflict ended and that they continue to face.

For South Africa, the notion that victims and perpetrators had to confront the past if the country was to move forward created a model for post-conflict transformation. The Amnesty Hearings and the recognition of the importance of forgiveness and transitional justice also allowed the members of the society who were formerly enemies to co-exist relatively peacefully. But the process failed women in some ways by not acknowledging some of the deep-seated social and cultural issues that contributed to the lack of gender equality within the larger policy of apartheid. The recognition of those failures has been an important step in moving forward, and the country is rightfully proud of all that it has done in 20 years due, in some measure, to the role that women have played. But there is still more hard work ahead and women must continue to be part of the process.

6. Bosnia and South Africa: Lessons of the Cases

Both Bosnia and South Africa experienced violent civil conflict that directly affected women. In both cases, at least one goal of the negotiated settlement that ended the conflict was to ensure a measure of political representation for *all* citizens. As the cases show, neither has proven to be particularly successful at achieving that goal. While South Africa does have a relatively large number of women in the government, that is because of constitutionally-mandated quotas that were the result of demands by women in the ANC prior to the end of the struggle to end apartheid. However, the presence of women in the government does not translate into a better quality of life for women. While a number of women clearly have benefitted, there are many who remain living below the poverty line, work in menial jobs, and are the victims of domestic violence. In Bosnia, while there is a quota for number of women on party lists as stipulated in the Election Laws, there has been lackluster implementation. Consequently, one of the important lessons is the imposition of policies that could benefit women after a conflict will not be effective without the means or desire to enforce them.

In both cases, it was NGOs and civil society that became especially important in working for the protection and advancement of women rather than the government or even the international system. Both countries were deeply divided and faced the struggle of how to knit the country back together. In the case of former Yugoslavia, the decision was made to work through the ICTY to bring the perpetrators to justice, while in the case of South Africa, the process was an internal one, the TRC. While each example had its successes, it can be argued that both also failed women. In the case of Bosnia, many of the men who were in the militias who committed acts of rape and other forms of gender-based violence were never brought to trial. In South Africa, despite the fact that women were involved with the creation of the TRC and served as commissioners on that group, there existed gender biases that had not been anticipated, and mitigated against many women ever being heard, nor were they compensated for their losses. Neither country was well-equipped to deal with women perpetrators of violence or combatants, probably because that notion flies against gender stereotypes so was not truly anticipated. Although South Africa never went through a formal DDR process, one result of the negotiations that ended apartheid was demobilization and disarmament that has contributed to relatively little political violence today. Bosnia did go through aspects of the DDR process, yet, as noted earlier, some of the members of the militias have now turned to organized crime of various types.

Was one country more successful than the other? Clearly both speak to the need to include women in every stage of the negotiation and DDR process. Involving women in the government has to be more than determining quotas – in essence there needs to be a mainstreaming of gender in all aspects of post-conflict transformation and reconstruction. While it is important to have women in the government, the priorities and needs of women must be translated into policies that benefit them. That, in turn, suggests that the priorities and needs of women must be articulated and be embodied in the negotiation process *prior to* the formal end of conflict. As convincingly argued by Ni Aolain et al., what is needed is gender centrality in order to ensure gender equality in the various legal, political, social, and economic mechanisms for post-conflict transformation and reconstruction.[124]

7. Alternative Thinking/Approaches

It is clear that 1325 was designed to ensure the inclusion of women into the peace process, including DDR processes. However, it is also clear that the weakness of this Resolution and those that followed lies in their *implementation*, which ultimately is generally contingent on male decision makers. The apparent flaws in 1325, which have become the basis for much of the

study of the DDR process, and discussions among the members of our project team,[125] have led us to consider whether we are asking the wrong questions. Rather than asking broad questions about what roles women play in the DDR process tied specifically to 1325 and about their experiences, what we are attempting to do in this project, and what we urge many in our field to do, is reframe the question to ask what would a conversation about DDR look like *absent* 1325? What we argue in our research is that focusing primarily on 1325 (and the subsequent resolutions) actually *obscures* the role that women have, do, and could play in DDR and post-conflict transformation. With its focus on the formal processes, 1325 omits or minimizes the impact of women at the grassroots levels, nor does it accurately portray some of the larger issues that affect women not only during conflict but during the post-conflict period. In other words, we would like to alter the conversation pertaining to women in a way that connects them to larger sets of issues. Thus, changing the discourse has policy implications not only for women, but for the society as a whole as it transitions from conflict/war to peace.

In looking at 1325 and the subsequent resolutions, what seems to be ignored or overlooked is the fact that, as Elisabeth Porter argues, "many women are already involved in community groups. Their political skills are not recognized, and they are not harnessed in more formal political arenas."[126] Women bring skills they have cultivated and developed from their work at the community and grassroots levels that can be of importance in the post-conflict peace talks and the peace building that ensues after the fighting is over. We certainly saw this in the cases of Bosnia and South Africa, and it can be seen in others as well. In addition, many of these are women trained and experienced in peace negotiations.[127] However, those experiences (and women) are often not valued by the men who generally oversee the negotiation process and therefore downplay or diminish the role women could play if they were to be permitted to be included at all.

In a preliminary piece for this project, Fionnuala Ni Aolain[128] raised other important points that are directly relevant here. For example, she asks us to think explicitly about whether when we talk about the post-conflict process we are really addressing ending the conflict or just ending the overt violence. As anyone who has studied Johann Galtung knows, structural violence is endemic to most social and political systems, and ending violence does not equate with ending the conflict that is the result of that structural violence.[129] Or, as Ni Aolain astutely notes regarding "ending violence," "For women, it means that while guns may physically no longer be present in public spaces, this does not change a social pathology that makes the use of violence acceptable (whether in the private or public sphere)."[130] This, too, suggests the need to rethink our understanding of "peace" and "security"

but in non-gendered terms or, put another way, the need for us to focus on gendered security as a larger issue than UN Security Council resolutions currently allow us to do.

We can look at cases where the formal end to the violence associated with the conflict does not equate with peace, at least not for the women. In Northern Ireland, despite the Good Friday Agreement of 1998 and the subsequent decommissioning by the militias, an undertone of violence remains, and domestic violence against women is especially prevalent. The impact of gender-based violence and the specific issues faced by women during apartheid in South Africa could not be addressed in a "gender neutral" forum despite the input that women had in helping to frame the TRC. The gender-based violence that was so much a part of women's experience during apartheid remains a reality in South Africa today.

Megan MacKenzie, who studied women in Sierra Leone,[131] admonishes all of us who work in this field to push even further in considering the questions we ask and in understanding the context of the conflicts we study. As she reminds us, many of us study conflicts that are directly or indirectly the result of a country's colonial experience. Thus, she asks us to consider whether parts of the DDR process that we study from the outside are part of an "imperial fantasy" and whether "disarmament, demobilization, and reintegration programs [are] a continuation of civilizing efforts born out of colonial rule."[132] In fact, how *should* we consider the DDR processes but especially the roles of women and girls? And if we are to look at this issue from a post-colonial perspective, we also need to ask what role external actors, especially international financial organizations such as the World Bank and IMF, played in determining what the reconstituted society should look like after conflict.

As we study these issues and address the successes – or failures – of 1325 and subsequent resolutions, we also ought to ask ourselves whether (and which) women and girls *want* to be included in the formal DDR process as one way to address their post-conflict needs. In fact, referring back to Porter's comments earlier, inserting women into the process through international resolutions or national legislation diminishes or even ignores much of the good work that was in process at the grass-roots level, which perhaps is a more authentic representation of the complexion of the post-conflict realities in some situations.

The emphasis on women and girls and the concomitant focus on the gendered construction of DDR also ignore the role of men or makes assumptions about the benefits that accrue to men and boys at the expense of women and girls. This suggests, again in the words of MacKenzie, "that DDR was never designed to meet women and girls' – or men and boys' – needs. In other words, that the DDR did not have some small gender flaws, but that

the entire project was problematic, exclusionary and oppressive by design."[133] If we start with that assumption, will we be able to address and evaluate what the successes and failures are?

8. Preliminary Conclusions and Admonitions

Our research points us to some important conclusions. First, we must move beyond the focus on current UN Security Council Resolutions that address women, peace and security if we are truly to understand the role that women can, have and should play in post-conflict transformation. Second, we need to ask what the relationship is between ending armed violence and conflict, and establishing peace and, more specifically, a peace that can ensure security for women and girls. Third, we should explore the roles that women play at the grassroots/community level during a conflict that helps provide for security post-conflict. Fourth, rather than just asking where are the women we also need to ask where are the men if we are to have complete understanding of social and political reconstruction. Fifth, we need to focus on gender centrality – in other words, focusing on making gender front and center in the various mechanisms for post-conflict transformation and reconstruction. Finally, in the words of Jane Parpart, we need to examine the promises made to all the peoples of the society that contribute to a construction of peace, specifically, how is peace "imagined"?

Feminists admonish us to look at the world through "gender sensitive lenses."[134] So we need to look at DDR and the post-conflict transformation process as a whole through those lenses. We can start, as we do here, by examining a small number of cases in order to begin to draw conclusions. But that is only one starting point. Having conversations and reexamining some of our assumptions will help provide some answers.

NOTES

1. In the context of this project, Jane Parpart refers to this specifically as "imagined peace," or the notion that men and women have different visions and expectations of a post-conflict society.

2. The project entitled "Women and Post-Conflict Transformation: Lessons of the Past, Implications for the Future," was funded by a grant from the United States Institute of Peace. All of us associated with this grant program are grateful to USIP for its support. All conclusions, opinions and errors are those of the authors and should not in any way reflect upon USIP. We are especially grateful to our USIP program officer, Katherine Wood, for her ongoing feedback.

3. Excellent recent works on gender and conflict and post-conflict transformation, which also address DDR, include: Carol Cohn, ed. *Women and Wars* (Malden, MA:

Polity Press, 2013); Fionnuala Ni Aolain, Dina Francesca Haynes, and Naomi Cahn, *On the Frontlines: Gender, War, and Post-Conflict Process* (New York: Oxford University Press, 2011).

4. See, for example, Ni Aolain, et al., *On the Frontlines*; Ann Jones, *War Is Not Over When It's Over: Women Speak Out From the Ruins of War* (New York: Metropolitan Books, 2010); and Sanam Naraghi Anderlini, *Women Building Peace: What They Do, Why It Matters* (Boulder: Lynne Rienner Press, 2007).

5. Margaret Ward, "Gender, Citizenship and the Future of the Northern Ireland Peace Process," *Irish Feminist Studies* 41, 1–2 (Spring/Summer 2006): 15.

6. Nicola Pratt and Sophie Richter-Devroe, "Critically Examining UNSCR 1325 on Women, Peace and Security," *International Feminist Journal of Politics* 13, 4 (December 2011), 494. See also discussion in Joyce P., Kaufman and Kristen P. Williams, *Women at War, Women Building Peace: Challenging Gender Norms* (Boulder: Kumarian Press, 2013), 160–61.

7. Jones, *War Is Not Over When It's Over*, 19.

8. See for example, J. Ann Tickner, *Gender in International Relations: Feminist Perspectives on Achieving Global Security* (New York: Columbia University Press, 1992); Cynthia Cockburn, *The Space Between Us: Negotiating Gender and National Identities in Conflict* (London: Zed Books, 1998); and Joyce P. Kaufman and Kristen P. Williams, *Women, the State, and War* (Lanham, MD: Lexington, 2007), 173–74.

9. Naomi Cahn, Dina Haynes, and Fionnuala Ní Aoláin, "Returning Home: Women in Post-Conflict Societies," *Baltimore Law Review* 39, 339, http://law.ubalt.edu/downloads/law_downloads/Cahn_After_First_EIC_Edit%5B1%5D1.pdf.

10. Cahn et al., "Returning Home," 344.

11. Cahn et al., "Returning Home," 344.

12. Cahn et al., "Returning Home," 345.

13. Donna Pankhurst, "Post-War Backlash Violence against Women: What Can 'Masculinity' Explain?" in *Gendered Peace: Women's Struggles for Post-War Justice and Reconciliation*, Donna Pankhurst, ed. (New York: Routledge, 2008): 293–320.

14. Kaufman and Williams, *Women, the State, and War*, 91.

15. Shireen Hassim, *The ANC Women's League* (Auckland Park, South Africa: Jacana Media, Ltd., 2014), 59.

16. When the USIP grant-project is completed in 2015, it will include three theoretical chapters that will frame the specific cases and conclusions drawn from the cases and applications for policymakers. The cases included will be Northern Ireland, Bosnia, Liberia, Sierra Leone, South Africa, Guatemala and El Salvador.

17. Sonke Gender Justice Network, "10 Reasons Why South Africa Can and Must Spend R10 Billion to End Gender-based Violence (GBV)," http://www.genderjustice.org.za/sonke-news/10-reasons-why-south-africa-can-and-must-spend-r10-billion-to-end-gender-based-violence-gbv.html.

18. The name of the republic, and subsequently, country is Bosnia and Herzegovina, but for our purposes, sometimes we refer to it as "Bosnia" for simplicity.

19. Mark Leon Goldberg, "The Civil War Ended 18 Years Ago…But Bosnia's First Post-War Census is in Trouble," (November 25, 2013), *UN Dispatch*, http://www.undispatch.com/the-civil-war-ended-18-years-ago-but-bosnias-first-post-war-census-is-in-trouble (accessed March 17, 2014).

20. Spyros Economides and Paul Taylor, "Former Yugoslavia," in *The New Interventionism 1991–1994: United Nations Experience in Cambodia, Former Yugoslavia, and Somalia*, James Mayall, ed. (Cambridge: Cambridge University Press, 1996), 86–87; James Gow, "Coercive Cadences: The Yugoslav War of Dissolution," in *Strategic Coercion: Concepts and Cases*, Lawrence Freedman, ed. (Oxford: Oxford University Press, 1998), 292–95; Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington DC: Brookings Institution, 1995), 314–15, 320–21; Kristen P. Williams, *Despite Nationalist Conflicts* (Westport, CT: Praeger Publishers, 2001), 105; Steven Woehrel, *Bosnia and Herzegovina: Current Issues and U.S. Policy*, CRS Report for Congress 7-5700 (Washington DC: Congressional Research Service, January 24, 2013), 3, http://fas.org/sgp/crs/row/R40479.pdf.

21. Robert M. Hayden, "Bosnia's Internal War and the International Criminal Tribunal," *Fletcher Forum of World Affairs* 22, 1 (1998): 47, 49.

22. NATO, "Peace Support Operations in Bosnia and Herzegovina," http://www.nato.int/cps/en/SID-5E93C17A-9A9E6639/natolive/topics_52122.htm (accessed July 29, 2014); EUFOR, "EUFOR Fact Sheet," http://eufor.bih.org/images/stories/eufor/Factsheet%20EUFOR%20Althea.pdf (accessed July 29, 2014).

23. EUFOR, "EUFOR Fact Sheet."

24. International Criminal Tribunal for the Former Yugoslavia, "About the ICTY," www.icty.org/sections/AbouttheICTY.

25. Human Rights Watch, "World Report 2014: Bosnia and Herzegovina" (2014), http://www.hrw.org/world-report-%5Bscheduler-publish-yyyy%5D/world-report-2014-bosnia-and-herzegovina (accessed August 4, 2014).

26. Massimo Moratti and Amra Sabic-El-Rayess, "Research Brief: Transitional Justice and DDR: The Case of Bosnia and Herzegovina," International Center for Transitional Justice (June 2009), 3, http://ictj.org/sites/default/files/ICTJ-DDR-Bosnia-ResearchBrief-2009-English_0.pdf.

27. United States Central Intelligence Agency, "The World Factbook: Bosnia and Herzegovina" (page last updated June 23, 2014), https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html (accessed August 4, 2014).

28. Tobias Pietz, "Overcoming the Failings of Dayton: Defense Reform in Bosnia-Herzegovina," in *Bosnian Security after Dayton: New Perspectives*, Michael A. Innes, ed. (Boulder: Routledge, 2006), 157.

29. Pietz, "Overcoming the Failings of Dayton," 156.

30. Pietz, "Overcoming the Failings of Dayton," 156–57.

31. Pietz, "Overcoming the Failings of Dayton," 156.

32. Massimo Moratti and Amra Sabic-El-Rayess, "Transitional Justice and DDR: The Case of Bosnia and Herzegovina," Research Unit, International Center for Transitional Justice (June 2009), 11, http://ictj.org/sites/default/files/ICTJ-DDR-Bosnia-CaseStudy-2009-English.pdf.

33. Pietz, "Overcoming the Failings of Dayton," 159.

34. Pietz, "Overcoming the Failings of Dayton," 162–63.

35. Moratti and Sabic-El-Rayess, "Research Brief: Transitional Justice and DDR,"2.

36. Moratti and Sabic-El-Rayess, "Research Brief: Transitional Justice and DDR,"2.

37. Inger Buxton, "The EU-DDR-Concept: Learning from the Past," in *EU Contribution to Disarmament, Demobilisation & Reintegration (DDR): A Look at Bosnia and Herzevogina* (Berlin: Institut fur Europaische Politik, June 6, 2007), 7, http://www.iep-berlin.de/fileadmin/website/08_Veranstaltungen/Conference_Report_DDR_in_BiH__6_June_2007_.pdf (accessed July 31, 2014).

38. Jill Irvine, "Leveraging Change: Women's Organizations and the Implementation of UNSCR 1325 in the Balkans," *International Feminist Journal of Politics* 15, 1 (2013), 25; "Implementation of the Beijing Declaration and Platform for Action (1995) in Bosnia and Herzegovina," www.unece.org/fileadmin/DAM/Gender/documents/Beijing+15/Bosnia_and_Herzegovina.pdf (accessed July 25, 2014). For a discussion of feminist activism during the war, and the challenges of sustaining that activism following the war's end and the peace process, see Cynthia Cockburn, "Against the Odds: Sustaining Feminist Momentum in Post-war Bosnia-Herzegovina," *Women's Studies International Forum* 37 (2013): 26–35.

39. Moratti and Sabic-El-Rayess, "Transitional Justice and DDR," 17. See also: *Engendering the Peace Process: A Gender Approach to Dayton – And Beyond*, edited by Anna Lithander (Stockholm: Kvinna Till Kvinna, 2000), 9.

40. Cockburn, "Against the Odds," 27. See also *Engendering the Peace Process*, 20.

41. Cockburn, "Against the Odds," 27.

42. Moratti and Sabic-El-Rayess, "Transitional Justice and DDR," 17.

43. Vanessa Pupavac, "Empowering Women? An Assessment of International Gender Policies in Bosnia," *International Peacekeeping* 12, 3 (Autumn 2005), 391. Interestingly, while the OHR was a member of the GCG, the OHR did not have a gender-based action plan and did not have a Gender Advisor at its Human Rights Department until November 1999 – four years after the peace agreement was signed (*Engendering the Peace Process*, 31).

44. Pupavac, "Empowering Women?" 391.

45. According to Jill Irvine, the Balkan wars (including the Bosnian war) were instrumental in that they were "a key impetus for the passage of UNSCR 1325" in 2000. Irvine, "Leveraging Change," 23. See also "Implementation of the Beijing Declaration and Platform for Action (1995) in Bosnia and Herzegovina," for a discussion of the implementation of UNSCR 1325 in BiH and the role of the UNIFEM Monitoring project in assessing the advocacy of 1325 at the national level.

46. Irvine, "Leveraging Change," 24.

47. Pupavac, "Empowering Women?" 392.

48. Pupavac, "Empowering Women?" 392. Pupavac provides a critique of women's involvement in NGOs with regards to their actual impact on improving women's lives. While women lead many NGOs, they have not been as eager to participate in the formal political sphere. Moreover, she argues that "NGOs have failed to galvanize popular support among women and have moreover no formal accountability to the population, unlike elected representatives. Without external sponsorship, many local women's NGOs would collapse" (396, 397).

49. Organization for Security and Co-operation in Europe, Mission to Bosnia and Herzegovina, "Law on Gender Equality in BiH," http://www.oscebih.org/documents/osce_bih_doc_20121101114633 83eng.pdf (accessed July 29, 2014).

50. Irvine, "Leveraging Change," 27.

51. “Implementation of the Beijing Declaration and Platform for Action (1995) in Bosnia and Herzegovina.”

52. “*Conference: ‘2012 Local Elections – Analysis of the Electoral Process’*” (Central Election Commission of BiH, 2013), 6, http://www.osce.org/bih/107925?download=true (accessed July 30, 2014).

53. Pupavac, “Empowering Women?” 393.

54. Pupavac, “Empowering Women?” 396.

55. Peacewomen, “Bosnia Herzegovina: Fighting to Make Bosnia-Herzegovina’s Constitution Acknowledge Women,” (October 25, 2013), http://www.peacewomen.org/news_article.php?id=6126&type=news (accessed December 18, 2013).

56. “Implementation of the Beijing Declaration and Platform for Action (1995) in Bosnia and Herzegovina.”

57. Samra Filipovic-Hadziabdic and Mariam Mansury, “A Model National Action Plan in Bosnia and Herzegovina,” Alliance for Peacebuilding (March 2014), http://buildingpeaceforum.com/2014/03/a-model-in-bosnia-and-herzegovina/?print=1 (accessed July 28, 2014). See also, Peacewomen, “National Action Plans – Bosnia Herzegovina” (May 2014), http://www.peacewomen.org/naps/country/europe/bosnia-herzegovina (accessed July 28, 2014).

58. Buxton, “The EU-DDR-Concept,” 8.

59. Tobias Pietz, *Demobilization and Reintegration of Former Soldiers in Post-war Bosnia and Herzegovina: An Assessment of External Assistance* (Heft 135: Hamburg, March 2004), 34–35, http://www.nipsnepal.org/pictures/document/R7R__IKy__Bos.Herz.pdf (accessed July 31, 2014).

60. Pietz, *Demobilization and Reintegration of Former Soldiers in Post-war Bosnia and Herzegovina*, 35, 42.

61. Pietz, *Demobilization and Reintegration of Former Soldiers in Post-war Bosnia and Herzegovina*, 35.

62. Pietz, *Demobilization and Reintegration of Former Soldiers in Post-war Bosnia and Herzegovina*, 67.

63. U.S. Central Intelligence Agency, “The World Factbook: Bosnia and Herzegovina.”

64. Woehrel, *Bosnia and Herzegovina*, 3.

65. Woehrel, *Bosnia and Herzegovina*, 4.

66. As quoted in Jasmin Mujanovic, “Women’s Rights in Bosnia: An Interview with Aleksandra Petric,” Politics Respun (May 23, 2012), http://politicsrespun.org/2012/05/womens-rights-in-bosnia-an-interview-with-aleksandra-petric/#sthash.DVWvu95K.dpbs (accessed July 28, 2014).

67. *Engendering the Peace Process*, 10.

68. Irvine, “Leveraging Change,” 33–34.

69. Shireen Hassim, *Women’s Organizations and Democracy in South Africa: Contesting Authority* (Madison, WI: University of Wisconsin Press, 2006), 4.

70. Hassim, *Women’s Organizations and Democracy in South Africa*, 24.

71. *Umkhonto we Sizwe*, or “spear of the nation,” was the armed wing of the ANC. It was created by Nelson Mandela in 1960 shortly after the ANC, the Pan African Congress and other organizations were banned by the government. The MK was responsible for the ANC’s campaign of violence which continued until the

ANC agreed to end its armed struggle under terms negotiated with the governing National Party.

72. Raymond Suttner, "Women in the ANC-led Underground," in *Women in South African History*, ed. Nombonisa Gasa (Cape Town, South Africa, HSRC Press, 2007), 237.

73. See Hassim, *The ANC Women's League*, 59.

74. Hassim, *The ANC Women's League*, 23.

75. For more details about these divisions, see Hassim, *The ANC Women's League.*

76. Hassim, *The ANC Women's League*, 75.

77. Hassim, *The ANC Women's League*, 82.

78. Among these were Mozambique and Angola, which were fighting for independence from Portugal, and the then-Belgian Congo. Many of the ANC leaders who fled South Africa went to these countries or to others in Africa that also experienced similar wars for independence.

79. The Sharpeville Massacre took place in March 1960 when police opened fire on a group protesting the "pass laws" resulting in the death of 69 people with 186 wounded, the government declared a state of emergency that lasted until August 31 and resulted in the detention of more than 11,000 people. The *Truth and Reconciliation Commission Report* cites 11,503 people were detained during the period for the state of emergency. Volume 3, *Truth and Reconciliation Commission of South Africa Report*, October 1998, 14, http://www.justice.gov.za/trc/report.final report/Volume%203.pdf.

80. See "National Chronology," Chapter 1, Volume 3, *Truth and Reconciliation Commission of South Africa Report*, October 1998, 12-33.

81. Winnie Madikeizela-Mandela, *491 Days: Prisoner Number 1323/69* (Athens, OH: Ohio University Press, 2013), 235.

82. Fidela Fouche, "Overcoming the Sisterhood Myth," *Transformation* 23 (1994), 81.

83. Fouche, "Overcoming the Sisterhood Myth," 82.

84. Frene Ginwala ultimately became the Speaker in South Africa's first democratic Parliament.

85. Speak, "Forcing Open the Doors: The Women's National Coalition," June 1992, http://www.\disa.ukzn.ac.za/webpages/DC..SPJun92.1684.5161.000.056.Jun 1992/6/SpJune92.1684.5161.000.056.June1992.6.pdf.

86. Speak, "Forcing Open the Doors."

87. Speak, "Forcing Open the Doors."

88. Constitutional Court of South Africa, "The History of the Constitution," http://www.constitutionalcourt.org.za/site/theconstitution/history.htm.

89. Sahm Venter, "Conversations: For Peace and Justice," *Tribute*, August 1990, copy provided by the author without page numbers.

90. Venter, "Conversations: For Peace and Justice."

91. "Preamble to the Constitution of South Africa," http://www.soughtafrica.info/about.democracy/constitution.htm. See also Constitutional Court of South Africa, "The History of the Constitution."

92. "Preamble to the Constitution of South Africa."

93. Gay W. Seidman, "Gendered Citizenship: South Africa's Democratic Transition and the Construction of a Gendered State," *Gender and Society*, 13, 3 (June 1999), 298.

94. Seidman, "Gendered Citizenship," 299.

95. Seidman, "Gendered Citizenship," 300.

96. In her book *The ANC Women's League*, Hassim does a very good job of drawing the distinction between the two groups and the tensions that ensued as a result.

97. Quoted in Desmond Tutu, *No Future Without Forgiveness* (New York: Random House, 1999), 45.

98. Pumla Gobodo-Madikizela, "Women's Contributions to South Africa's Truth and Reconciliation Commission," (Hunt Alternatives Fund: Women Waging Peace Policy Commission, 2005), v, http://www.inclusivesecurity.org/wp-content/uploads/2012/08/11_women_s_contributions_to_south_africa_s_truth_and_reconcilliation_commission.pdf (accessed December 5, 2014).

99. Gobodo-Madikizela, "Women's Contributions to South Africa's Truth and Reconciliation Commission," 3.

100. See Sheila Meintjes and Beth Goldblatt, "Gender and the Truth and Reconciliation Commission: A Submission to the Truth and Reconciliation Commission," May 1996, http://www.justice.gov.za/trc/hrvtrans/submit/gender.htm.

101. Duarte paper, http://truth.wwl.wits.ac.za/doc_page.php?did=1243&li+coll.

102. Nomvula Mokonyane, comments presented at the workshop on "Gender and the TRC," March 19, 1996, part of the Beth Goldblatt and Sheila Meintjies Collection, Traces of Truth Archive, accessed on-line at http://truth.wwl.wits.ac.za/doc_page.php?did=1243&li+coll, March 19, 2014.

103. Meintjes and Goldblatt, "Gender and the Truth and Reconciliation Commission," 36–37.

104. Meintjes and Goldblatt, "Gender and the Truth and Reconciliation Commission," 38.

105. "Traces of Truth: Document Relating to the South African Truth and Reconciliation Commission," August 15, 1996, http://truth.wwl.wits.ac.za/doc_page.php?did=1244&li_coll.

106. Hearings were held in Cape Town, Johannesburg, Durban and East London.

107. Gobodo-Madikizela, "Women's Contributions to South Africa's Truth and Reconciliation Commission."

108. Volume 4, "Truth and Reconciliation Report of South Africa," http://www.justice.gov.za/trc/report/finalreport/Volume%204.pdf.

109. Inter-Parliamentary Union, "Women in National Parliaments," January 1, 2014, http://www.ipu.org/wmn-e/classif.htm.

110. Joyce Kaufman's meeting with women from Black Sash in Cape Town, South Africa, November 14, 2014.

111. Beth Goldblatt and Sheila Meintjes, "Dealing with the Aftermath: Sexual Violence and the Truth and Reconciliation Commission," *Agenda: Empowering Women for Gender Equity*, No. 36 (1997), 13.

112. In a pamphlet distributed by Black Sash today, the organization draws on its legacy of fighting tirelessly "against injustice and inequality for more than five decades." But the Sash today "is an organization of diverse South Africans who

share an appreciation of how policy and administration impact on people's lives. We continue to work to realize the rights of the most vulnerable, with an emphasis on women and children." Their three areas of focus now are "rights-based information, education and training; community monitoring; and advocacy in partnership." *Black Sash: Making Human Rights Real*, pamphlet distributed by Black Sash office in Cape Town, South Africa.

113. This mix of optimism and cynicism was apparent during a trip to South Africa in October–November 2014, when Joyce had the opportunity to talk with a range of South Africans, from women who had been activists working with Black Sash, to "ordinary" people such as cab drivers, but also former political prisoners. They comprised a mix of genders, races, ages and backgrounds, yet the conclusions were very similar. Joyce is indebted to the American Political Science Association for awarding her a Small Research Grant for travel to South Africa and also to the Faculty Affairs Committee of Whittier College for a Faculty Research Grant that also helped fund her travel.

114. "South Africa," *The CIA World Fact Book*, updated March 11, 2014, https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html.

115. "Women in South Africa: Walking Several Paces Behind," *The Economist*, October 7, 2010, http://www.economist.com/node/17204625/print.

116. Sonke Gender Justice Network, "10 Reasons Why South Africa Can and Must Spend R10 to End Gender-based Violence (GBV)," http://www.genderjustice.org.za/updates/highlights/2001516-10-reasons-why-south-africa-can-and-must-spend-r10-billion-to-end-gender-based-violence-gbv.html.

117. Inter-Parliamentary Union, "Women in National Parliaments," December 1, 2014, http://www.ipu.org/wmn-e/classif.htm.

118. Hassim, *The ANC Women's League*, 16–17.

119. World Economic Forum, "The Global Gender Gap Report 2013," 3, http://www3.weforum.org/docs/WEF_GenderGap_Report_2013.pdf.

120. World Economic Forum, "The Global Gender Gap Report 2013," 338–39.

121. "Women in South Africa."

122. "Women in South Africa."

123. "Women and Peacebuilding in Africa," Seminar Report, April 27–28, 2005, http://www.ccr.org.za/images/stories/Vol_9-WPA_Report_Final_Web-small.pdf.

124. Ni Aolain et al., *On the Frontlines*.

125. The project team members also include Fidelma Ashe, Helen Basini, Kara Ellerby, Megan MacKenzie, Fionnuala Ni Aolain, Jane Parpart, Carmel Roulston, and Laura Sjoberg.

126. Elisabeth Porter, "Women, Political Decision-Making, and Peace-Building," *Global Change, Peace and Security* 15, 3 (October 2003): 255.

127. Scilla Elworthy, "Beyond War: Women Transforming Militarism, Building a Nonviolent World," *Open Democracy* (May 20, 2013), http://www.opendemocracy.net/print/72772 (accessed May 29, 2013).

128. Fionnuala Ni Aolain, "The Aftermath of War: Considering Gender in the Process of Disarmament, Demilitarization and Reintegration," unpublished paper prepared specifically for a project meeting on "Women and Post-Conflict Transformation: Lessons of the Past, Implications for the Future," March 2014.

129. See Johann Galtung, "Violence, Peace and Peace Research," *Journal of Peace Research* 6, 3 (1969): 167–91.

130. Ni Aolain, "The Aftermath of War."

131. See Megan H. MacKenzie, *Female Soldiers in Sierra Leone: Sex, Security and Post-Conflict Development* (New York: New York University Press, 2012).

132. MacKenzie, "Disarmament, Demobilization, and Reintegration and the Poetics of Slavery in Sierra Leone," unpublished paper prepared specifically for a project meeting on "Women and Post-Conflict Transformation: Lessons of the Past, Implications for the Future," March 2014.

133. MacKenzie, "Disarmament, Demobilization, and Reintegration and the Poetics of Slavery in Sierra Leone."

134. J. Ann Tickner, *Gendering World Politics* (New York: Columbia University Press, 2001).

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THE PROFESSIONAL IS POLITICAL: THE ABSENCE OF MOTHERHOOD IDENTITY IN MODERN US HEALTH POLICY DISCOURSE

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ABSTRACT. Since the 1960's women have frequently participated in politics. From environmentalism to drunk driving, women have utilized their unique positions in society to speak out. The discourse utilized by women in the political sphere has often framed their participation as legitimate because of their status as mothers or nurturers. Such discourse has been criticized by numerous feminist scholars over the years because of its reductionist and gender-reinforcing norms. Nonetheless, the power of the "personal is political" is strong, calling on emotion to connect the speaker to a broad audience. Yet, recent debates at both the national and local level demonstrate that women may be retreating from the traditional public performance of self as mother in certain political arenas. This article describes this reversal of identity performance as displayed during testimony on health insurance reform. Review of federal congressional hearings and state policy board meetings in Oregon demonstrates that most people, and women in particular, now choose to speak from a position of professional authority rather than personal experience. Such a trend raises new questions about modern identity performance and how media and institutional factors might influence the reflection of personal experience in the public sphere. The trend raises concerns about institutional capture and inappropriate policy formulation as a result of the silenced feminine experience.

Keywords: political identity; public engagement; motherhood; health care; policy; professionalism

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Introduction & Literature Review

Stereotypes about a population and the accepted norms of behavior associated with them are limited world views that can restrict the behavior of the population subjected to them. These stereotypes often find voice during participatory efforts when the process experiences capture. Nonetheless, many populations have also found power in reclaiming and harnessing stereotypes for positive social change (Anten, Tood, 2006; Edley, Paige P., 2000; Henderson, Anita, 2003). Such is the case with women in American politics. Stereotypes about what "true womanhood" means and norms about the role of mothers in society have at times constrained women, but they have also been crucial mechanisms for empowering women in political discourse (Edley, Paige P., 2000; Baker, Paula, 1984; Capdevila, Rose, 2000; Hayden, Sara, 2003; MacGregor, Sherilyn, 2004; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010).

While women now participate in politics more often than in the past, how they participate, the type of discourse they adopt and the public identities that they construct may reveal that capture is still occurring in a more subtle way.

Motherhood as Entry into Politics

Initially, the American political system was not seen as limiting the ability of women to participate in public affairs. While women could not vote, this was not due primarily to their gender but rather to their status as non-land owners (Baker, Paula, 1984). Additionally, early American life left little distinction between the public and private spheres of activity (Baker, Paula, 1984; Snitow, Ann, 1992). It was not until the 1820s as the vote was extended to all white men that it became clear that women's exclusion from politics was intentional and based exclusively upon gender (Baker, Paula, 1984). At the same time, growing divisions between the public and private created new norms of behavior (Baker, Paula, 1984; Snitow, Ann, 1992). Both men and women of the period justified the exclusion of women from politics by appealing to the role of women as mothers and moral caretakers of society (Baker, Paula, 1984; Snitow, Ann, 1992); the most appropriate contribution that women of the period could make to society was to ensure that the citizens they cared for behaved morally.

Despite their official exclusion from public life, however, women in the nineteenth century increased their sphere of activity to a variety of community organizations. Public activities aimed at supporting the poor, the elderly, or children fell neither entirely within men's prescribed roles nor within women's private ones (Baker, Paula, 1984). Thus, women found justification for public, and often very political, activity around these issues.

Although not the traditional private sphere of home and family, women utilized the need to provide care and nurturance as legitimate access points to politics and administration (Baker, Paula, 1984; Snitow, Ann, 1992; Prokhovnik, Raia, 1998). Such activity provided ways for women to indirectly and informally influence political activity. Thus, "political domesticity provided the basis for a distinct nineteenth century women's political culture" (Baker, Paula, 1984).

As federal, state and municipal governments gradually extended their reach into social welfare throughout the nineteenth century, they were increasingly influenced by this culture of political domesticity. The Progressive Era's efforts to improve hospitals, regulate industry, support public schooling, and enhance various other public services shone a light on women's involvement in politics (Baker, Paula, 1984; Prokhovnik, Raia, 1998). Women circulated petitions, founded reform-oriented organizations, filled quasi-governmental roles in public service agencies, organized protests and lobbied legislatures (Prokhovnik, Raia, 1998; Snitow, Ann, 1992).

Through these activities, women gained political skills, a consciousness of shared womanhood, and a sense of competence and self-worth (Baker, Paula, 1984; Prokhovnik, Raia, 1998). As a result, suffragists began to claim that the extension of the vote to women was necessary; it was described as a legitimate extension of women's activity that would benefit society. "True womanhood," a belief in the moral superiority of women as selfless nurturers, was claimed as a much needed private counterpoint to men's public tendencies to be selfish and brutish (Baker, Paula, 1984). Such a counterpoint, suffragists claimed, was equally needed in public, electoral politics (Baker, Paula, 1984). Eventually, such arguments won out.

Once women had won the right to fully participate in American politics, it would have been feasible for them to move away from the traditionally feminine areas of policy. Some did so; however, many women throughout the twentieth century continued to mix the domestic with the political. From Prohibition to nuclear arms to the environment, women's voices claimed a moral high ground and appealed to law makers through stories of motherhood and nurturing (Baker, Paula, 1984; Capdevila, Rose, 2000; Hayden, Sara, 2003; Scheper-Hughes, Nancy, 1996; MacGregor, Sherilyn, 2004; Swerdlow, A.G., 1984). In fact, the traditional roles of women in society provided motivation for political activity among even traditionally non-political individuals. Housewives and conservative women across the country decided to "strike for peace" because of their concern for husbands, brothers, and children during the Cold War era (Swerdlow, A.G., 1984) and numerous women were spurred into more radical political action by claims such as Betty Friedan's popular "the personal is political" (Friedan, Betty, 2001; Hanisch, Carol, 1969).

Feminist Critiques of Motherhood in Politics

Despite the motivating force of traditional personal interactions for women in twentieth century politics, feminist scholars and activists also sought to break free from prescriptive gender-based norms of behavior. As such, feminist scholarship has sometimes been critical of the prominence of motherhood in political discourse (MacGregor, Sherilyn, 2004; Prokhovnik, Raia, 1998; Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997). Many people relied on traditional norms to lend legitimacy to female political activism because gender roles idealized women as inherently less self-interested (Baker, Paula, 1984; Swerdlow, A.G., 1984; Eliasoph, Nina, 1998); however, reliance on those same norms often cast concern on the credibility of women as informed and logical actors (Prokhovnik, Raia, 1998; Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). Discursive appeals to domesticity, it was argued, further entrenched the belief that women were essentially emotional creatures with a limited place in the public sphere (Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010).

While emotion can bring energy to a movement and attract attention, credibility is necessary for meaningful policy change. By reinforcing a belief in the emotional nature of women, feminists were concerned that motherhood discourse would not only lack credibility but cause women to become essentialized. It created a perception of women as "mothers, not persons" (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). A reinforcement of the motherhood role, therefore, gave women legitimacy to speak on certain issues but forced them to remain invisible in others.

Women have utilized their difference from men as leverage to gain voice in politics and to garner votes for elected office (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). However, once elected, many women have personally encountered the effects of the stereotype of woman as mother. Elected women, like women in many male dominated fields, have faced discrimination based upon their status as mothers, being seen as less dedicated or professional than their male counterparts (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010; Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997). Women in politics have found it more difficult to acquire prominent legislative assignments; they are less likely than equally experienced men to be assigned to high-power committees or to chair committees and subcommittees (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010; Dolan, Julie, Deckman, Mellissa, & Swers,

Michele L., 2011). When elected women are assigned to positions, it is frequently to positions on less valued committees and in areas that are considered within a woman's traditional sphere of responsibility, such as education, child welfare, or poverty (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010).

Feminist critiques of the motherhood discourse, thus, appear to be justified. Utilizing personal stories to motivate political action has been both effective and limiting to women seeking to establish an identity within politics. As a result of the contradictory nature of womanhood in politics, political women have had to prove time and again that they are fit professionals (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). And due to cultural beliefs about female leadership, media portrayals of women have tended to focus less on substantive issues and more on personal traits (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010), forcing women in political office to work harder to establish themselves as credible figures.

Furthermore, reinforcement of cultural norms in one area of policy bleeds over into others. One cannot justify action based upon the ideal of motherhood in one instance and then denigrate the same appeals to motherhood in another. Reliance on this discourse may empower in certain instances, but ultimately it risks painting women into a corner. "Woman as mother," "woman as nurturer," and feminized care dialogues all compel men to act to protect the ability of women to behave according to these roles. This need to protect women as mothers, then, may be extended into other arenas with less benign implications.

Feminine Identity in Healthcare

Healthcare is an arena that has traditionally been considered a women's issue in politics (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010; Baker, Paula, 1984; Snitow, Ann, 1992). Motherhood featured prominently in early efforts to improve healthcare (Snitow, Ann, 1992; Baker, Paula, 1984). Nineteenth century women petitioned for improved services and licensing requirements due to the detrimental effects of disease on children and the elderly (Baker, Paula, 1984). Maternal and neonatal care became a prominent issue at the turn of the century (Baker, Paula, 1984). Motherhood was even used to justify, with little initial political conflict, the creation of Medicaid (Thompson, Frank J., 1981; Arrow, Kenneth J., 1963; Soss, Joe, 2002).

As in other areas of political action, feminist scholars were concerned about this use of motherhood to justify action on healthcare issues (Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997). The potential for appropriation of the motherhood ideal by political actors was believed to be

especially high in the healthcare arena (Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997). After all, if woman is primarily a mother and acts primarily to protect children or to care for society, then motherhood and the fertility that support it may be seen as justifiably within the bounds of political regulation. Such a line of reasoning exemplifies the concerns of feminists regarding the intersection of women's rights and health policy. It was of particular concern to feminist scholars because "women cannot be equal to men so long as they do not have control over the choice of whether and when to have a child" (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010).

In fact, ideals about womanhood and motherhood that defined women primarily by their reproductive roles did become a prominent part of the healthcare discourse in the late twentieth century. As birth control became more effective and easily available, the role of woman as mother justified public discussions about ostensibly private matters (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). Additionally, abortion access, legislation, court cases and eventually *Roe v Wade* forced into the political consciousness questions about what it means to be a mother (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010; Jetter, Alexis, Orleck, Annelise, & Taylor, Diana, 1997). These discussions are ongoing in American society, and, as in other areas of politics, women in healthcare have to work harder than their male counterparts to demonstrate that they are professional and credible.

Given the ongoing debate about the appropriate political use of feminine identity, this article seeks to understand how women are participating in the modern realm of health policy formulation. Conflicts over the proper role of motherhood anecdotes in policy discussion currently rely heavily on historic review and normative claims without corresponding contemporary data about how women participate.

Modern Identity Construction in Healthcare: Methods

In order to investigate the role of motherhood as a political identity in modern healthcare discourse, this article examines testimony given by non-healthcare professionals to political bodies considering healthcare reform efforts from 2007 to 2011. Public testimonies provided to the Oregon Health Policy Board and to the United States House of Representative or the United States Senate were identified for the purposes of this research.

National Level Citizen Participation

At the federal level, all congressional testimony provided to any legislative committee within the given time period and available through the Library

of Congress's HeinOnline database was reviewed for incidence of phrases including "health reform," "health insurance," "healthcare," and "health care." All testimonies containing these phrases regardless of the demographics of the speaker were included in the sample. This resulted in identification of 49 committee hearings involving 210 instances of testimony.

The sample was then coded by gender (see Table 1 below). Of these 210 testimonies, 71 (33.8%) were provided by women. This pattern is similar to the underrepresentation of women in national politics that previous scholars have noted (Dolan, Julie, Deckman, Mellissa, & Swers, Michele L., 2011; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010).

Table 1 Federal Testimony on Health Care Reform

Hearing Date	#non-legislative speakers	#M	#W	Hearing Date	#non-legislative speakers	#M	#W
11-Feb-11	4	3	1	10-Jun-09	4	2	2
13-Oct-11	4	2	2	29-Jan-09	4	3	1
4-Feb-09	6	4	2	8-Feb-11	3	1	2
26-Jan-11	4	4	0	16-Jul-09	5	4	1
28-Apr-09	6	3	3	16-Sep-09	7	4	3
24-Mar-09	7	2	5				
1-Dec-10	6	6	0	14-Feb-08	3	3	0
23-Jan-08	6	5	1	17-Jul-08	5	2	3
				23-Feb-09	6	3	3
				24-Jun-09	3	1	2
				17-Sep-09	6	4	2
18-Sep-08	5	4	1	7-Oct-09	6	3	3
16-Feb-11	3	3	0	2-Oct-10	5	3	2
23-Apr-09	5	4	1	9-Feb-11	4	3	1
3-Jun-09	5	4	1	9-Mar-11	5	3	2
10-Mar-09	6	6	0	18-Sep-09	5	4	1
24-Jun-09	17	14	3	14-Oct-09	4	3	1
11-Mar-09	3	2	1	26-Mar-09	3	1	2
26-Feb-08	0			6-May-09	1	0	1
15-Oct-09	7	1	6	20-May-09	4	3	1
				16-Jul-08	3	2	1
10-Mar-11	4	4	0	31-Mar-09	2	2	0
22-Apr-09	6	5	1	30-Sep-09	5	3	2
30-Apr-09	7	4	3	28-Oct-09	2	2	0
24-Feb-09	4	0	4	**Totals**	**210**	**139**	**71**

Local Level Citizen Participation

Although women tend to participate less at the national level, at the local level women have been known to be more dominant (Dolan, Julie, Deckman, Mellissa, & Swers, Michele L., 2011; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). This local level dominance is not entirely well explained, but it is generally believed to be a result of the personal connection that women are more likely to have to local matters (Dolan, Julie, Deckman, Mellissa, & Swers, Michele L., 2011; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). As a result, the testimony provided to a state health policy board would be expected to have more female voices.

Many states have limited the amount of direct citizen involvement sought out for health policy development. In contrast, Oregon has a long history of soliciting citizen input in many policy arenas and in health policy in particular. Most recently, Oregon's Health Policy Board has held monthly meetings about health reform in the state. The board keeps a comprehensive publicly accessible record of its monthly meetings, from January 2009 through the present, available online (Oregon Health Authority, 2013). Review of these recordings resulted in identification of 154 public testimonies provided between 2009 and June 2012 (Table 2). As expected, women did participate in these state level discussions more frequently than they did in national testimony. Of the 154 testimonies, 74 (48%) were from women.

Table 2 Oregon Health Policy Board Testimonies

Oregon Meeting Date	Testimonies		
	All	M	F
Jan-10	4	1	3
Feb-10	4	4	0
Mar-10	0	0	0
Apr-10	1	1	0
May-10	0	0	0
Jun-10	2	1	1
Jul-10	6	3	3
Aug-10	9	6	3
Sep-10	0	0	0
Oct-10	11	8	3
Nov-10	2	2	0
Nov-10	3	2	1
Dec-10	5	2	3
Jan-11	0	0	0
Feb-11	9	4	5
Mar-11	5	3	2
Apr-11	8	5	3
May-11	0	0	0
Jun-11	0	0	0
Jul-11	1	0	1
Aug-11	1	0	1
Sep-11	2	2	0
Oct-11	11	7	4
Nov-11	20	11	9
Dec-11	11	3	8
Jan-12	7	3	4
Jan-12	6	2	4
Feb-12	6	2	4
Mar-12	3	1	2
Apr-12	12	5	7
May-12	2	1	1
Jun-12	3	1	2
Totals	154	80	74

A comparison between the federal and state level participation patterns is included below in Table 3.

Analysis

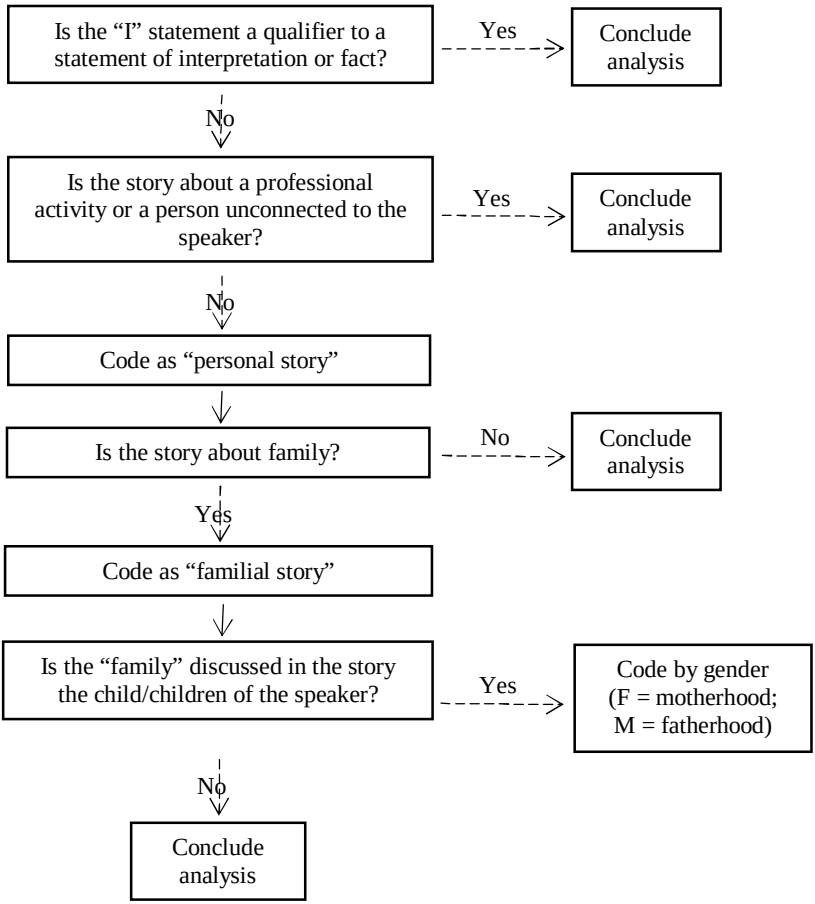
Once relevant testimonies at both the federal and state level were identified, they were reviewed for instances in which the witnesses related a personal story. For the purposes of this research, a personal story is defined as one in which the speaker relates their own *non-professional* experience with a topic (Eliasoph, Nina, 1998). The distinction of non-professional stories is important as many of those presenting testimony related a mixture of general statistics about health insurance and their experiences as business owners having to purchase insurance for employees. In such instances, the story is a professional account of how general trends play out on the ground. This type of story is rarely an attempt to generate emotion or lend credibility to the speaker. In contrast, personal, non-professional accounts are explicitly meant to draw upon emotion and sympathy. Personal stories establish the speaker as someone with meaningful first-hand experience of the topic *despite* an otherwise apparent lack of credentials (Eliasoph, Nina, 1998; Hayden, Sara, 2003). Previous research has demonstrated that even highly informed non-professionals tend to rely upon such personal stories as a means to construct legitimacy when speaking publicly (Eliasoph, Nina, 1998).

Each instance of an "I" statement was flagged for review as a potential personal story. Most of these statements were not stories, personal or otherwise. For instance, a number of them were statements like "I have found that…" or "I interpret this to mean…". These non-story "I" statements were removed from analysis. Stories were then reviewed for context; was the story about professional activity?; was the story about someone not directly connected to the speaker? In such cases, these instances were also removed from further analysis. Personal stories may not always relate to family or motherhood discourse though. Therefore, the instances of personal accounts were then further coded based upon the use of familial stories, motherhood language, and fatherhood language.

Personal stories were reviewed to see if the story was only about the experience of the individual speaking or if the testimony included a story about family of any sort (mother, father, siblings, children, aunts, uncles, cousins, etc.). These stories about family were coded as familial stories. It should be noted that familial discourse does not always indicate mother/father discourse; as generational shifts cause elder care to become a growing concern, a number of familial stories relate to the care of elderly or disabled parents rather than of children. Nonetheless, since elder care is a gendered norm not unlike motherhood, such familial stories may be expected

to retain a pattern of discussion similar to other discussions about feminized nurturing. Those familial stories that specifically mentioned children, however, were coded based upon the gender of the speaker; if the speaker was female, then a familial story about children was coded as motherhood language; if the speaker was male, then familial stories about children were coded as fatherhood language. Figure 1 below illustrates these coding choices beginning from when an "I" statement is identified.

Figure 1 Coding Decision Tree



Modern Identities in Healthcare: Results

The use of personal stories in federal testimony on health reform was rare. Out of the 210 testimonials, only 20 (9.5%) mention a personal, non-professional account of healthcare or health insurance experience. Despite the rarity of personal accounts, women were more likely than men to use a personal story in their testimony; 16.9% of women testified using a personal story compared to only 5.7% of men. This gender difference in communication style is consistent with previous literature summaries on political performance (McGlen, Nancy E., O'Connor, Karen, Van Assen-delft, Laura, & Wendy, Gunther, 2010). Also consistent with previous research, most of the personal stories that were provided related to family (Eliasoph, Nina, 1998; Hayden, Sara, 2003).

Contrary to previous findings, however, women were not more likely than men to use such familial accounts (see Table 11 below). Of all family-related stories included in federal testimony, men and women provided an equal share of them. Furthermore, of men who used personal stories, 87.5% related their personal accounts to family; however, of women who used personal stories in testimony, only 58.3% related the stories to family. The other personal stories examined were about the speaker or a non-familial connection. The use of motherhood language was especially muted at the national level. Of those women who related personal stories in federal testimony, only 25% mention motherhood. In sharp contrast, of those men who utilized personal stories, 75% mention fatherhood.

It might be hypothesized from these results that something about the structure of federal testimony or the culture of national politics silences the traditional feminine voice and discussion of motherhood. Or perhaps the relative lack of numbers of women participating at the national level skews the results. However, these patterns hold true at the state/local level as well. Table 3 below displays the results of both the federal and state testimonial reviews.

Table 3 Personal Story Use in Federal and State Testimony

	Oregon			Federal		
	All	**Men**	**Women**	**All**	**Men**	**Women**
Testimonies (N)	154	80	74	210	139	71
%		51.9	48.2		66.2	33.8
Personal stories (n_1)	16	9	7	20	12	8
% of N	10.4	11.3	9.5	9.5	5.7	16.9
Familial stories (n_2)	5	2	3	14	7	7
% of N	3.2	2.5	4.5	6.7	5	9.9
% of n_1	31.3	22.2	42.85	70	58.3	87.5
Parental stories (n_3)	1	0	1	9	6	3
% of N	0.6	0	1.4	4.3	4.3	4.2
% of n_1	6.2	0	14.3	45	50	37.5

Of the 154 testimonies provided to the Oregon Health Policy Board only 16 (10.4%) related a personal story. Of the 74 women who testified, 7 (9.5%) used personal stories compared to 9 (11.3%) men. Five (31%) personal stories were related to family; women contributed 60% of these stories. Women who chose to use personal stories in their comments also chose to relate those stories to family 43% of the time; men did so in only 22% of cases where personal stories were offered. Only one instance of testimony utilizing a motherhood narrative was recorded in the three years of documented input, and this testimony was provided in writing rather than in person.

At both the national and state level, these results indicate that personal narratives were limited. Furthermore, the use of motherhood discourse was especially muted at both levels, though to a greater extent at the state level than the national. Interestingly, however, fatherhood discourse was noted at a higher than expected rate at the national level. This may indicate that rather than, or perhaps in addition to, the silence of mothers, the observed pattern is due to the increased representation of fathers in discourse. Societal norms regarding care giving have shifted slightly over time (Houde, Susan Crocker, 2002; Pleck, Joseph H., 1998; Kaye, Lenard W. & Applegate, Jeffrey S., 1990), making it possible that the displayed rise in fatherhood discourse is reflecting changing societal trends.

Limitations & Implications

This study is limited in scope to healthcare politics. Certainly, there are other policy areas in which motherhood discourse is still prominent, such as in the current gun control debate. Additionally, the state level review of discourse is notably incomplete; a number of more targeted, local discussions took place around the state but are not documented in any reviewable manner. Finally, the design of this study could not identify whether the men and women choosing to present testimony were parents. This limitation, however, does not significantly damage the findings presented here. In a properly constructed process – one not subject to capture – the likelihood of mothers and of fathers participating should be roughly equivalent. If the results of this study are due to a paucity of mothers participating, then this demonstrates a reason for concern about how the participation processes at the state and national levels are constructed.

Furthermore, this research utilized a quantitative review of formal participation. Most existing literature on the topic is qualitative, anecdotal and often focused on the informal participation of women in politics. Nonetheless, the apparent lack of motherhood dialogue in healthcare is especially interesting considering the traditional view of healthcare as a predominately

women's issue (Baker, Paula, 1984; Snitow, Ann, 1992; McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). Because previous qualitative findings are not directly comparable to the quantitative research of this article, this may indicate that no serious change in discursive identity construction has occurred. This, however, would also indicate a potential reason for concern.

As no previous work has attempted to quantitatively asses the inclusion of women and mothers into formal health care policy discourse, it is possible that the patriarchal processes of governance have never really changed and are still subject to capture. The discussion of how women have shaped policy through feminist and motherhood identities may be describing how women have influenced policy from outside of the "accepted" process rather than from within it. Such influence is not to be undervalued, but it begs the question of whether the formal deliberative processes utilized by institutions are adequately providing opportunities to all segments of the population for "equal and effective participation" (Dahl, Robert, 1998).

Finally, it is unclear from this review of public testimony whether or not women are consciously avoiding motherhood discussions and, if so, why. However, it is clear from this review of contemporary healthcare dialogue that, if women were as dominant in health care politics as once qualitatively described, some shift has occurred. The pattern of engagement identified in this paper runs quite counter to all existing literature on how women perform politically.

This may be a result of the differing foci on formal versus informal participation. Yet, this raises concern that the formal processes used for participation may be exclusionary and potentially subject to gendered capture. The findings of this study suggest that current institutional and/or societal structures may communicate to citizens what types of engagement are and are not valued. Additionally, extensive research has demonstrated that the perception of professionalism is highly gendered (Arkkelin, Daniel & O'Connor Jr, Raymond, 1992; Valian, Virginia, 2004; Warfel, Katherine A., 1984). Women are less likely to be perceived as professional and legitimate regardless of their background and objective presentation styles (Arkkelin, Daniel & O'Connor Jr, Raymond, 1992; Valian, Virginia, 2004; Warfel, Katherine A., 1984). Given such a gendered rhetorical context, women may be opting to avoid traditional forms of discourse in an effort to appear more professional.

Future research should build upon this work by investigating why women participate in healthcare politics, how they consciously or subconsciously construct an identity of credibility in the process, and what factors influence this political performance.

Conclusion: Why Women Matter

Despite being unable to identify why motherhood discourse may be silenced in healthcare politics, this study indicates that there may be reason for concern about such a pattern. Although feminist scholars have been consistently critical of reliance on motherhood discourse, motherhood as an identity *does* exist for many women (Greenlee, Jill 2014; Laney Elizabeth K., Lewis Hall, M.E., Anderson, T.L., & Willingham, M.M. 2015). A political discourse that does not provide opportunity for the inclusion of such identities thus risks being unresponsive to the real needs of some segments of the population. Democratic scholars note that a process that does not include the voices of all persons is vulnerable to capture by those that are already in power (Lijphart, A., 1997b; Habermas, J. & Rehg, William, 1996; Mueller, D.C. & Stratmann, T., 2003). Women participating "professionally" and asexually does not prevent capture by those who cannot relate to the demands of motherhood. In fact, this silencing of motherhood may contribute to the ability of those in power – largely older, white men – to retain control over issues that impact others.

It is notable that in the federal hearings included in this study which explicitly involved women's health issues, not a single personal story was related by either men or women. Similarly, in the Oregon experience, the only testimonies provided about women's health and reproductive rights were presented clinically and related directly to state budgetary concerns. Removing narrative dialogue of motherhood has not empowered women or questioned cultural norms. It has only silenced a group who stand to be significantly impacted by government action on healthcare.

This silencing and feminine shaming is demonstrated in many recent examples. Women in elected office have found themselves censured for using the word "vagina" when debating women's healthcare (McGlen, Nancy E., O'Connor, Karen, Van Assendelft, Laura, & Wendy, Gunther, 2010). Sandra Fluke, who made every effort to relate stories of women whom she encountered in her professional role as the president of a women's rights group, was called a slut by national spokesmen. "The personal is political" served to motivate previous generations of women to act politically, but it is increasingly being replaced with a belief that only the professional is acceptable in politics. The rise of professionalism in public political discourse, however, ignores the fact that professional norms are gendered and heavily politicized (Flanigan Adams, K. 2012; Evetts, J. 2013). Health programs are especially likely to suffer without the added value of personal stories to add depth and effectiveness to sterile evidenbased approaches (Cacari-Stone, L., Wallerstein, N., Garcia, A.P., and Minkler, M. 2014; Storeng, K.T. & Behague, D.P. 2014; Stewart, Ellen

2015). It should, therefore, concern our politicians and institutional actors that an important voice is now muted in the national dialogue on healthcare.

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DISHING THE DIRT: READING OSCAR WILDE'S TRIAL IN THE FRENCH PRESS

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ABSTRACT. The French Press reviewed the trial and conviction of Oscar Wilde in England through a series of long and detailed articles by some of the most famous journalists and writers of turn-of-the-century France. Although these commentators all seem to be unanimous in their defense of the Irish writer and they condemnation of the British legal system and of the moralistic and hypocritical ambiance surrounding the trial, a close reading of the main contributions shows that they are significant differences among Wilde's supporters in France. In fact, what has become "l'affaire Oscar Wilde" can be seen as an excuse for French writers to reactivate the war against the archenemy, "la perfide Albion," but also a way to promote they own agenda, a battle that has little to do with Oscar Wilde and British hypocrisy but more with the way French writers position themselves towards some of the main political debates in late nineteenth century France.

Keywords: Oscar Wilde; homosexuality; pederasty; trials; fin de siècle; journalism

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In André Gide's novel, *The Immoralist*, the story's protagonist, Michel, refers to an "absurd, shameful, and scandalous lawsuit [which] had given the newspapers a convenient opportunity to tarnish his name" ("*un absurde, un honteux procès à scandale [qui] avait été pour les journaux une commode occasion de le salir*.")[1] Through the voice of Michel, Gide makes a rather thinly veiled allusion to the scandalous trial and conviction of Oscar Wilde, a writer he knew particularly well both as a writer and personally since 1891. Gide's allusion to Wilde positions the debate concerning the place of the homosexual in late 19th century society at the heart of his con-

cerns. There can be no doubt that Gide's reference to an actual event in his fictional narrative must have been fueled by discussions taking place in Paris among writers and intellectuals during the time period surrounding Wilde's trial and subsequent conviction in London. Articles published in *La Revue Blanche*, *L'Echo de Paris*, and *Le Journal* by some of the biggest names in French literature of the era such as Octave Mirbeau, Jean Lorrain, Paul Adam, Laurent Tailhade and Hughes Rebell, as well as a small number of influential critics including Henry Bauër, Paul Roché and Louis Lormel,[2] contributed to that discussion. Using these journal articles as a historical looking glass of sorts, I propose to render a preliminary response to the trenchant opening question of *The Immoralist*: "How can a man like Michel serve the state?" ("*En quoi Michel peut-il servir l'état ?*").[3] I have chosen to focus my study on the common points found throughout these articles in such a way as to reveal the framework of what was, in France, the "defense" of Oscar Wilde.[4] It must be noted that this approach is altered by the fact that I have removed from my analysis the shortest articles (such as audience observation reports) that summarized Wilde's trial in a superficial, or even caricatural manner.[5] We will see, however, how commentaries on what was then called "The Oscar Wilde Affair" represented for the French press an opportunity to outline, despite the deafening silence of certain important writers from the period (notably Zola), that which might have been the place of homosexuals in European society at the end of the 19th century.

The French press' reactions to the three Oscar Wilde trials followed immediately, and seem to counter ad hoc the punitive expedition in which the English justice system had engaged itself against the Irish writer. Between the months of April 1895 and July 1895, setting aside mere observation reports and other short pieces published here and there in the daily press, at least a dozen lengthy, leading articles appeared in Paris. From four of these articles, published between the 10th of April 1895 (just days after Wilde was accused and even before the opening of his trial) and the 29th of May 1895 (three days after his conviction), emerge similarities that closely fit the chronology of the facts. The authors of these four articles, namely the critics Paul Roché[6] and Louis Lormel,[7] and the writers Paul Adam[8] and Laurent Tailhade,[9] attempted to stir public opinion and to create a social uprising of sorts against the court ruling. In mid-June, three weeks after Wilde's conviction, Henry Bauër[10] and Octave Mirbeau[11] published two other articles exposing the cruelty of the English penal system – in particular, the forced labor to which Wilde has been sentenced – and the inhuman character of his punishment; a punishment which wholly contradicted the values of progress that had been, for these writers, embodied by English democracy, at least until then.

> In no place in the world, writes Mirbeau, is respect for urban social life better respected. (If) authority conceals itself, in any case it never takes the form of violence.
>
> *En aucun endroit du monde, on n'y pratique mieux le respect de la vie urbaine. [Si l]'autorité se dissimule ; en tout cas, elle ne se présente point sous une forme de violence* (Mirbeau, 46).

The trial, and above all, the sentencing of Wilde to forced labor radically called into question the perception of democracy on the British side of the channel. A perception that Mirbeau would stigmatize from that day forward as "violent barbarism… the remnants of ancient brutal customs." ("*barbarie violente… reste des vieilles coutumes barbares*," Mirbeau, 47), belonging to a people who Lorrain ironically refers to as "the good people of free England" ("*ces bons citoyens de la libre Angleterre*," Lorrain, 50). Mirbeau elaborates on the fact that the penal system to which Wilde has been subjected,

> … transports you back in time, to a savage distant era; to the dark ages whose masterpieces could not erase the bloody stain of torture, nor cover up the lingering stench of charred flesh burning on the pyre.
>
> *… vous transporte hors du siècle, dans une époque lointaine et barbare, dans ce sombre moyen âge dont les chefs-d'œuvre n'ont pu effacer la tache rouge des tortures, ni dissiper l'odeur de chair grillée des bûchers* (Mirbeau, 46).

For Hugues Rebell the fight for the defense of Oscar Wilde meant nothing less than to "defend the cause of Intelligence over Barbarians" ("*défendre la cause de l'Intelligence devant les Barbares*," Rebell, 20)

On the 21st of June 1895, four years after the *Portrait of Dorian Gray* was released in London and Philadelphia, Albert Savine published a French translation by Eugène Tardieu and Georges Maurevert. This translation reignited the Oscar Wilde issue among French intellectuals and lead to the publication of another two articles written by Jean Lorrain[12] and Octave Mirbeau,[13] for whom the publication of the French translation of Wilde's book was nothing but an excuse to return, one more time, to the issues surrounding the trial. Interestingly enough, Mirbeau's article was the second in less than a month dedicated to the issue by its author. In terms of length and verve, only one other writer, Laurent Tailhade,[14] would ever equal Mirbeau's favorable position on Wilde. Mirbeau's second article, like those by Rebell[15] and Bauër,[16] forms a sort of epilogue to the Wilde affair by going back over the facts and by trying to understand how the English came to condemn one of their best writers. Perhaps most importantly, these authors were presented, after the facts, with the opportunity to explore the more general role of the artist in society, the dangers that he faced, the obstacles that had to be overcome and the limitations that were placed on him.

Almost all articles supporting Wilde adopt, more or less, the same dual position: at once defending the *accused* while at the same time *accusing* the repressive social and legal systems within Great Britain. Appearing implicitly between these two discursive positions is an intermediary position allowing Wilde's defenders to avoid accusations of partiality and thus giving more weight to their arguments in his favor by, at first glance, seeming to discredit Wilde's behavior. This ambiguous intermediary position reveals that French intellectuals are conscious of the difficulty they will have in making their audiences (as well as themselves, in some cases) accept certain acts committed by Wilde, that is, a form of sexuality still largely condemned by all social groups (including writers), that remains completely foreign to most and often inspires them disgust and feelings of hate. In some articles, commentators prefer to present Wilde's wrongdoing at the very beginning, to get it out of the way so to speak, so that they may more easily get directly to the heart of the matter that they truly wish to approach, which is, as they understand it, less the defense of pederasty[17] (in the sense of the word as it was understood at the time) than it is the defense of writers and artists in general, victimized by a bourgeois society in which hypocrisy reigns supreme. Mirbeau does not hesitate to admit that "*ce qu[e Wilde] a commis, ce n'est pas un crime, pas même un délit… C'est un péché*" ("what Wilde has done is not a crime, not even a misdemeanor… It's a sin.") (Mirbeau, 49). A remark such as this coming from someone as virulently anticlerical as Mirbeau is unheard of, yet not surprising in this context, since it allows him to immediately focus the debate on the complex and unhealthy relationship that French society still maintains with the Church. For Mirbeau, the Wilde affair presents an opportunity to continue waging his own private war against the religious establishment. As Philippe Winn notes, Mirbeau made "an especially interesting use of the theme of pederasty in his *Sebastien Roch* (1890). It is with an anticlerical goal in mind that he submits his young hero to the advances of Father Kern." (*« un usage tout particulier du thème de la pédérastie dans son* Sébastien Roch *(1890). C'est dans un but anticlérical que l'auteur fait subir à son jeune héros les avances du Père Kern. »)*[18] In 1895 the Oscar Wilde affair offers Mirbeau a living example of what he had imagined in a novel five years earlier: the opportunity to broadside religious authority while giving the impression that he was virtuously rushing to the aid of a wrongly accused man. The declaration of sin might seem yet more astonishing coming from the mouth of a writer like Jean Lorrain who shared the same tastes as Wilde:

> It is his usual flamboyant attitude that he [Wilde] wears like a banner more than his sin, forasmuch as there is sin, that the author of the *Portrait of Dorian Gray* is so cruelly paying for today.

> *C'est le puffisme de ses habitudes arborées un peu comme un étandard, bien plus que son péché, puisque péché il y a, qu'expie si cruellement aujourd'hui l'auteur du* Portrait de Dorian Gray (Lorrain, 51).

The reference to sin here seems to be not so much connected to the notion of anticlericalism, but more so to Lorrain's less righteous motives, as he undoubtedly saw in Wilde an adversary in the literary and social scene, and a very gifted one at that. If Mirbeau and Lorrain generally agree that the acts committed by Wilde are not just sins, but mock the very notion of sin, they are far from advocating homosexuality. Of course, Wilde's actions "are not punishable in themselves" (*« ne sont point punissables en soi »)*, Mirbeau concedes, and they "are neither crimes nor misdemeanors." (*« ces actes […] ne sont ni des crimes, ni des délits. »* Mirbeau, 52). However, according to Mirbeau, Wilde's actions remain "unfortunate actions" (*« des actes fâcheux »*) engaging "his conscience and our distaste" (*« sa conscience et notre dégoût. »* Mirbeau, 52). If Hugues Rebell, who first met Wilde in 1894, shares Mirbeau's opinion that, in the end, this entire affair has only to do with a man's conscience insofar as it concerns himself, and if he only sees in Wilde's behavior a series of "actions that, in reality, only offend he who commits them" *(« actes qui en réalité n'offensent que celui qui les commet, »* Rebell, 16), one must recognize that his position is more neutral than that held by either Mirbeau or Lorrain, since at no time does Rebell evoke the notion of sin, something one could have expected from a reactionary author with a monarchist background. Ultimately, I find the position of Laurent Tailhade to be more progressive for the period. Tailhade was an anticlerical, sometime-libertine anarchist, and above all a sworn enemy of the bourgeois morale as illustrated by his satirical sonnets hailed by someone as picky as Mallarmé.[19] For the author of *Au pays du mufle*, Wilde's behavior is the result "of neither free choice nor intellectual corruption" (*« ni d'un choix possible et librement consenti, ni d'une corruption intellectuelle »*, Tailhade, 79), but is "attributable to causes that no doctor, in my opinion, could shed light on" (*« imputable à des causes que nul docteur, que je sache, n'élucida l'obscurité. »* Tailhade, 79). Tailhade elaborates:

> Of all of the inevitabilities to which man is subjugated, the most humiliating is, without contest, the momentary convulsions responsible for perpetuating the species and which, according to a famous sentence, makes Marcus Aurelius equal to his groom. So why pretend to reign over that shame? Why make laws governing that fugitive aberration?
> […] how dare we pass judgment on the mysterious reaction of organs by which the affinities of love incorporate themselves into our very being?

> *De toutes les fatalités où l'homme est asservi, la plus humiliante est, sans conteste, l'épilepsie d'une minute chargée de perpétuer l'espèce et qui, selon un mot célèbre, fait Marc-Aurèle égal à son palefrenier. Pourquoi donc prétendre régir cette honte, donner des lois à cette aberration fugitive ?* (Tailhade, 80)
> *[...] comment oserions-nous porter un jugement sur la ténébreuse réaction d'organes par quoi les affinités d'amour s'incorporent dans nos sens ?* (Tailhade, 80)

We must take note of the negative connotations given to the passage by the vocabulary used Tailhade to designate the sexual act: "fatalité," "asservi," "humiliante," "épilepsie," "honte," "aberration," "ténébreuse." By steering the debate towards physiology, and at the same time by reducing the distinctions established between homo- and heterosexuality in order to lower sexuality to the level of a less than aberrant phenomenon not yet explained by science, Tailhade attempts to erase the specificity of Wilde's crimes. In other words, if the Irish writer is, from time to time, a victim of his sexual urges, at some point or another so are we – men, women, homosexuals, heterosexuals – just as much as Wilde. Conscious of the fragility of that line of defense, considering mainstream ideas on the subject of homosexuality, Tailhade is careful to bring the debate from the moral into the legal arena where things seem a little more unequivocal, by declaring that Wilde, just like anyone accused of a crime, must be allowed the benefit of the doubt. For the legal system to declare Wilde guilty, it must be convinced of his guilt beyond all reasonable doubt. If a single doubt remains, the judge must give Wilde the benefit of that doubt, and he must either be acquitted or discharged. For Tailhade, "doubt remains possible for [all] the crimes that trouble the natural order as well as the social pact" (*« le doute reste permis devant [tous] les forfaits qui troublent l'ordre naturel aussi bien que le pacte social. »* Tailhade, 79). In the end, even if some French writers were of the opinion that Wilde was wrong to publicly display his homosexuality, they nonetheless believed that both British law and British society were wrong to accuse and condemn him, because, we can imagine them saying in chorus, "one does not condemn a writer, a genius even less so."

On The Defensive

Most of the French authors who defended Wilde highlighted his exceptional status as a writer, a genius of letters and of wit, all of which, it must be said, have absolutely no value remotely related to the law. Paul Adam saw in Wilde "a major intellectual" (*« un homme d'intellectualité majeur »*, Adam, 31), and for Mirbeau, Wilde was "the perfect artist" (*« le parfait artiste »*, Mirbeau, 52). The Irish writer belongs to "one of the most beautiful

races of writers that I know" asserts Mirbeau ("*un des plus beaux tempéraments d'écrivain que je sache*"), praising Wilde's work in his *Portrait of Dorian Gray*, as a "brilliant and inestimable art" ("*art brillant et précieux*"), celebrating his "deep and rare intelligence" ("*intelligence profonde et rare*"), "the strength of his mind and the creative elegance of his thought" ("*la force de l'esprit et l'élégance inventive de la pensée*"), his "strong sense of taste" ("*goût très sûr*"), celebrating Wilde's "sharp thinking, his gift of acute observation" ("*acuité de la pensée, la hardiesse et l'étendue de son observation*"), defining his work as an example of "superior art" ("*œuvre supérieure*"), "original and powerful" ("*singulière et forte*") with a "fascinating interest… a strange modernity… and a disturbing and fascinating light" ("*intérêt passionnant*," "*étrange nouveauté*" and "*troublantes et fascinantes lueurs*," Mirbeau, 52–4). No word seems good enough when it comes to writing about Wilde. Mirbeau's emphasis, however, is not just vain rhetoric. The choice of epithets and the accumulation of hyperbole are part of a discursive strategy designed to elevate Wilde above his contemporaries into a privileged space that would definitively place him beyond the reach of human law. Mirbeau concludes, quite naturally, at the end of his article, that one risks killing something superior to laws, to morality, to everything: beauty!" ("*on risque de tuer quelque chose de supérieur aux lois, à la morale, à tout : de la beauté!*," 57).

Some of Wilde's defenders take fewer oratory precautions than Mirbeau and get straight to the point to declare, as does Hugues Rebell:

> … genius and talent excuse and justify the strange constitutions of certain beings, who, when freed from the ordinary obligations of other men, serve humanity in a much more useful and glorious fashion.
> … this trial isn't about sodomy, but about the laws that the legal system applies to a superior man. The main question is whether or not the author of *Dorian Gray* can be treated in the same way as would be a mason who has committed the same crimes.
>
> *[...] le génie et le talent excusent et justifient la constitution étrange de certains êtres qui, s'ils s'affranchissent des obligations ordinaires des autres hommes, servent l'humanité d'une façon plus utile et plus glorieuse* (Rebell, 17).
> *[...] dans ce procès il ne s'agit pas de sodomie, mais des droits de la justice envers un homme supérieur. La grande question est de savoir si on peut traiter l'auteur de* Dorian Gray *comme un maçon qui aurait commis le même crime que lui* (Rebell, 20).

By claiming an exceptional status for the artist and a justice system that allows for different treatments according to the social group, Rebell casts the writer as a sort of new aristocrat. Here the critic takes an obsolete position indeed, in a period defined by the decline in France, once and for all, of the

old nobility and all of its pretentions, and the victory of Republican thought with its emphasis on equality and fraternity. Rebell tries less to serve Wilde than to pursue his own fixed ideas. In the words of Remy de Gourmont in a note he dedicated to Rebell in 1898, Rebell "portrays himself to us in the condescending manner of the happy and disdainful aristocrat." (Rebell *« se présente à nous dans l'attitude de l'aristocrate heureux et dédaigneux. »*).[20] It seems to me that Laurent Tailhade, again, displays more lucidity, and cannot in any case be accused of partiality as far as Wilde is concerned. Unlike Rebell and certainly Mirbeau, who take the opposing viewpoint, Tailhade only sees in the Irish writer,

> … a bad poet (…) a tireless translator whose entire art is nothing but plagiarism, [and who] has not been left one page, one word, that is really his own (…) one of the most magnificent snobs who has ever spread their nothingness under the sickened sun of the United Kingdom.
>
> *… un mauvais poète (…) traducteur infatigable dont tout l'art était fait de plagiat [et qui] n'a pas laissé une page, un mot vraiment à lui », « un des plus magnifiques snobs qui aient épanoui leur néant sous le soleil enchifrené du Royaume Uni* (Tailhade, 37).

Tailhade's defense of Wilde has more meaning and value. Instead of demanding an exceptional status for the writer and his work, which would notably place him beyond the laws governing the community of mere mortals, Tailhade appeals to history and to the ancient traditions to justify Wilde's actions: Wilde "wanted to revive the gaieties of the Trimalchion, and got caught up in the mirage." (Il *« a voulu revivre les gaietés de Trimalcion et s'est lui-même englué dans le mirage. »* Tailhade, 39). It seems legitimate that Tailhade, who was an excellent latinist and translator of the *Satyricon*, counts Petronius' heroes amongst Wilde's ancestors, among Virgil's Alexis, Catullus and Martial (Tailhade, 81). In fact references to Latin and Greek antiquity are omnipresent in French essays dedicated to the Oscar Wilde affair. The statement that Wilde is simply "guilty of Socratic vice" (*« coupable de vice socratique »*, Bauër, 74) is the second line of defense used by Wilde's French supporters, after the demand for an exceptional status for the artist. The other period cited in their defense is the Italian Renaissance. Rebell recalls Leonardo da Vinci, Andrea Verrocchio and Sodoma (Rebell, 20), while Tailhade mentions *« la science de Brunetto Latini »* (Tailhade, 81). In his recollections on Oscar Wilde, Henry de Régnier sums up the situation rather well, and not without irony:

> Mr. Wilde thought he was living in Italy during the Renaissance or in Greece during the time of Socrates. They punished him rather harshly for a chronological error, given that he lived in

London where that anachronism, rumor says, appears to be frequent.

M. Wilde croyait vivre en Italie au temps de la Renaissance ou en Grèce au temps de Socrate. On l'a puni d'une erreur chronologique et durement, étant donné qu'il vivait à Londres où cet anachronisme est, paraît-il, fréquent.[21]

The Best Defense Is a Good Offense

Conscious throughout the entire affair that the best way to defend someone is to attack those who accuse him, this group of French writers was determined to take advantage of the trial of a foreign writer in a neighboring country to prop up their own status as writers under France's Third Republic. Personal motivation was difficult to conceal under the auspices of generosity and compassion for their Irish colleague, and their intervention on his behalf was often motivated less by some mundane concern for defending homosexuality, which, as we have seen, they sometimes tacitly condemn, and more about seizing political gain from what was initially a mere sex scandal, even though the gain they sought and the issues at hand during Wilde's trial are quite separate from one another. A brief survey of the principal publications in which the articles I have mentioned appeared demonstrates that there was a considerable divide between the positions that they all defended. The essays by Paul Adam, Henri de Régnier and Mirbeau were published in the Natanson brothers' cosmopolitan periodical *La Revue Blanche* supported by Lucien Mulhfeld, an outspoken supporter of Dreyfus. Mirbeau's articles appeared in Fernand Xau's Republican leaning *Le Journal*, which also featured a number of Dreyfus supporters including Zola. On the more conservative side of the divide, were the anti-Dreyfus publications. *L'Echo de Paris*, supporter of the nationalist Catholic right and the Ligue des Patriotes, published the essays of Laurent Tailhade and Jean Lorrain as well as a serialization of Mirbeau's *Sébastien Roch* and *Le Journal d'une femme de chambre*. The nobility and members of the high bourgeoisie favored the upper crust legitimist conservative journal *Le Gaulois*. It's interesting to note that when writing on the same subject (the issue of the lawfulness of homosexuality) and united by the same cause (the defense of a writer who has been banished from society), all of the different commentators present the facts in often different ways, each article highlighting aspects of the affair that are not well developed in the others. It sometimes appears as if these authors had gotten together in advance and planned as a team to share the task of Wilde's legal defense, each of them attacking a particular objective, so much so that there is no evident dialogue between them. A more singular, head-on approach was taken by the Amer-

ican poet Stuart Merrill who attempted, and also failed, to mobilize efforts in his attempt to establish a common defense of Wilde by means of a petition addressed to Queen Victoria in favor of a pardon or an early release, a plan of action that Merrill considered to be more likely to obtain concrete results. Without doubt, Merrill's attempted mobilization owes its failure to the selfish goals of the majority of those who wrote on the issue and to their individual positions reflected in published articles throughout which no trace of a common plan of action can be found.

For Paul Adam, in *La Revue Blanche*, for instance, the Oscar Wilde affair gives rise to a virulent charge against marriage and family by revealing the "bourgeois hypocrisy" ("*l'hypocrisie bourgeoise*," Merrill, 63) based on the lie according to which individual practices constantly contradict morality established as sacred law. Laurent Tailhade notes: "With the marquis, traditional morality, family and virtue triumph" (*« Avec le marquis triomphent la morale traditionnelle, et la famille, et la vertu »*, Tailhade, 39). By attacking adultery as a French national sport, one that is even glorified in novels and theatre, Paul Adam attempts to lash out at defenders of public morality such as the député Henry Fouquier. For Adam it is

> … adultery which fittingly destroys more than anything and anyone else, the family, the home and the motherland of which he [Fouquier] declares himself, before the electorate, to be the ultimate champion.
>
> *… l'adultère qui désagrège justement le plus cette famille, cette propriété et cette patrie dont [M. Fouquier] se déclare, devant les électeurs, le champion définitif* (Adam, 31).

Adam goes even further, explaining that the adulterer "runs the risk of blending a vicious blood to the blood of the race, of corrupting family selection" (il « *risque de mêler un sang vicieux à celui de la race, de corrompre la sélection familiale, 'principe des sociétés' »*, Adam 31). As Cécile Berraud remarked, when writing his column entitled "Critique des mœurs" for *La Revue Blanche*, Paul Adam "intends to demonstrate the falsity of received values and to reverse, through a declamatory and seditious critique, the established order of conventional morality to which they seek to submit society along the way."[22] Adam's struggle against "hieratic laws that threaten to solidify human behavior" (*« les lois hiératiques qui menacent de figer les comportements »)* follows three principles: the education of children, the status of women and the fate in store for the homosexual. For Adam, adultery is found at the intersection of all three: "Adultery causes infinite damage. We tolerate it. We cheer it on. We justify it in literature, theatre, and with the timidity of our laws" (*« L'adultère lèse infiniment. On le tolère. On l'acclame. On le justifie par le roman, le théâtre et la timidité des lois »*, Adam 33). And he concludes:

> Between the adulterer and the pederast, it is to the latter that our indulgence must be given. He does less damage.
>
> *Entre l'adultère et le pédéraste, c'est au second que doit échoir notre indulgence. Il lèse moins* (Adam 35).

The fortuitous timeliness of Adam's crusade against bourgeois hypocrisy inserts the Wilde affair into a discursive plan, pre-established by Adam's columns published in *La Revue Blanche* as early as 1894. By taking advantage of the issues surrounding Wilde's trial in order to bring his own agenda into the spotlight, Adam certainly removes no merit from the Wilde affair, but does, in a certain way, drown the affair in a sea of more general social issues in which the specificities of Wilde's case no longer appear as clearly as one would hope. And therein lies the problem. Wilde's defenders would have failed if they had spoken with one voice, as it would have been necessary for them to come together and develop a unified stance, and that, one might say, was a lost cause from the very beginning. It might now be easier to understand the reticence of the likes of Zola who questioned the true motives of those petitioning on Wilde's behalf: "Really, who generated this petition? And for what purpose?" (*« Enfin, de qui émane la pétition ? De quel élan ? »* Merrill, 69).

One last article published by Hugues Rebell in the *Mercure de France* allows us to return to the issue of anticlericalism. Against a background of anglophobia, Rebell's article makes way for an all-out critique of the "hypocritical puritanism of old Albion" (*« puritanisme hypocrite de la vieille Albion, »* Lormel, 61) and of those who Rebell labels as the "defenders of morality" (*« défenseurs de la morale »*, Rebell, 14):

> From the moment that, in England, civil law starts… to pursue [such acts], civil and ecclesiastic law become muddled and purport to intervene in private life.
>
> *Du moment qu'en Angleterre la loi civile se met à [...] poursuivre [de tels actes], c'est qu'elle se confond avec la loi ecclésiastique et qu'elle prétend intervenir dans la vie privée* (Rebell, 17).

Rebell takes aim at article 11 of the British Criminal Law Amendment, which stipulates that homosexuality in England is subject to imprisonment whether it is practiced in public or in private. Rebell is undoubtedly not ignorant of the fact that, before Henry VIII promulgated the "Buggery Act" in 1533, such acts were fittingly punished by ecclesiastic tribunals:

> The pathway is now clear for persecution, and the Calvinist democrats will not fail to rush to satisfy their caprice for the common people or simply to obey what they call 'the voice of their conscience.'
>
> *Le chemin est maintenant ouvert à la persécution et les démocrates calvinistes ne manqueront pas de s'y précipiter pour*

> *satisfaire leur envie de petites gens ou simplement obéir à ce qu'ils appellent 'la voix de leur conscience'* (Rebell, 21).

In one of his two articles, Laurent Tailhade adopts for his own use, certain stereotypes of Anglophone rhetoric used by Rebell. Needless to say such stereotypes were an atavistic reaction in France during this period, as Jean Guiffan demonstrated it in an article.[23]

> It takes a mad genius, notes Tailhade, the systematic cruelty of bigoted merchants to obtain this height of inclemency, to thus organize the daily rhythm of maliciousness.
>
> *Il faut le génie atroce, la cruauté systématique de marchands bigots pour atteindre ce faîte d'inclémence, pour organiser ainsi le rythme quotidien de la méchanceté* (Tailhade, 78).

At the end of this century, "placing the English in the position of the barbarian allows the French, by opposition, to make their own people the torch bearers of Civilization," writes Gilles Teulié.[24] One can also wonder if, paradoxically, this anglophobia could be a disguised form of homophobia linked to the English and their so-called homosexual tendency. All of this aside, as an inveterate critic of the mediocrity of bourgeois democracy, Hugues Rebell was no sucker to the danger which threatened the spirit of his French compatriots:

> … let us not celebrate our freedom too soon! The odious morals of the puritans overseas are establishing themselves in our country. Nothing is more suitable for the thieves and bandits of democracy – whatever countries they belong to – than the mask of austerity.
>
> *… ne nous réjouissons pas trop de notre liberté ! Les mœurs odieuses des puritains d'Outre-Manche sont en train de s'acclimater dans notre pays. Rien ne convient mieux aux voleurs et aux bandits de la démocratie – à quelque pays qu'ils appartiennent – qu'un masque d'austérité* (Rebell, 22).

One must admit that the debate landed far from its original purpose, which was that of the defense of Wilde, of a man accused of pederasty, of an artist condemned to forced labor.

Conclusion

It can be said that the various French reactions to the Oscar Wilde affair formed a quintessentially French debate in which one haphazardly encounters some of the most debated issues of the time such as the weakening status of France in Europe, the place of the church in the Republic, the general loosening of morals, the status of the intellectual and of the artist,

as well as numerous indications of racism, misogyny and homophobia. But despite the motivations of some and the hesitations of others, the stereotypes and the instrumentalizing of various issues, what could be referred to today as the "media coverage" of the Oscar Wilde affair in France allowed France, by timidly reopening the debate on the prickly question of homosexuality, to deepen its understanding of the issue as it stood in the last decade of the 19th century if not by legitimizing homosexuality, at least by sensibly increasing its social visibility. In becoming a subject of conversation and an object of controversy, homosexuality hollowed out a narrow space for itself in the social debate, at least in certain artistic and literary spheres, and undoubtedly allowed authors like Gide and Proust to burst onto the scene some years later with a new discourse on sexual difference. Beyond the repressive legal discourse regarding homosexuality that embodies the kind of cruelty imposed on Oscar Wilde, often adopted with great fanfare by a press hungry for sensationalism, and despite the stigmatizing rhetoric of the medical field, of which we find echoes in novels like *Charlot s'amuse* by Paul Bonnetain (1883) and *Les Pervertis, roman d'un potache* by Ferri Pisani (1905), another discourse on homosexuality is slowly taking shape: one which presents itself, on top of it all, as an alternative to legal and medical conceptions of homosexuality; a discourse that writers like Laurent Tailhade, Georges Eekhoud, Renée Vivien and Colette Willy, for example, will respond to in the pages of what would become, in 1909, the first homosexual publication in France. Indeed the monthly "review of independent art and criticism," *Akademos*, will open up a new era, and write an essential page in the history of the debate on homosexuality in France at the turn of the century.

NOTES AND REFERENCES

I am grateful to Robert Parsley for his work on translating this essay from the French.

1. In Gide, *Romans et récits*, Paris, Gallimard, "Bibliothèque de la Pléiade," 2009, vol. 1, p. 647.

2. Most of these articles are collected in *Pour Oscar Wilde: des écrivains français au secours du condamné*, edited by Elisabeth Brunet, Rouen, Association des amis d'Hugues Rebell, 1994. The pages indicated in parentheses throughout this article refer to this edition.

3. Gide, p. 593.

4. For a chronological overview of French reactions to Wilde's trial, see Nancy Erber's seminal essay, "The French Trials of Oscar Wilde," *Journal of the History of Sexuality* 6(4), April 1996, pp. 549–588. For a more detailed analysis of articles published in the journal *Le Temps*, see Marco Wan's article, "From the Rack to the

Press: Representation of the Oscar Wilde Trials in the French Newspaper *Le Temps*,", *Law and Literature* 18(1), Spring 2006, pp. 47–67.

5. According to Nancy Erber, "The case received little notice in the Paris paper, at least initially. It was briefly reported on in the 'court news' columns of daily Paris newspapers, and until the surprise conclusion of the trial, which ended with Wilde's arrest, most gave it only glancing attention – a paragraph at best, under anodyne headlines such as 'Oscar Wilde's Lawsuit'," Erber, p. 562.

6. "Oscar Wilde jugé par le Dr. Nordau," *Le Gaulois*, April 10, 1895 (in Brunet, pp. 24–28).

7. "A M. Oscar Wilde," *La Plume*, April 15, 1895 (in Brunet, pp. 60–61).

8. "L'Assaut malicieux," *La Revue blanche*, May 1895 (in Brunet, pp. 29–36).

9. "Un martyr," *L'Echo de Paris*, May 29, 1895 (in Brunet, pp. 37–40).

10. "Oscar Wilde en prison," *L'Echo de Paris*, June 15, 1895 (in Brunet, pp. 41–44).

11. "A propos de 'Hard Labour'," *Le Journal*, June 16, 1895 (in Brunet, pp. 45–49).

12. "Pall-Mall Semaine," *L'Echo de Paris*, June 28, 1895 (in Brunet, pp. 50–51).

13. "Sur un livre," *Le Journal*, July 7, 1895 (in Brunet, pp. 52–57).

14. "Echec aux Pharisiens," *L'Echo de Paris*, December 4, 1895 (in Brunet, pp. 76–81).

15. "Défense d'Oscar Wilde," *Le Mercure de France*, August 1895 (in Brunet, pp. 13–23).

16. "Pour Oscar Wilde," *L'Echo de Paris*, December 3, 1895 (in Brunet, pp. 73–75).

17. Obviously I make reference here to "pederasty" as it was understood at the time, and as it was used by the authors I refer to, and not as we understand it in 2015.

18. *Sexualités décadentes chez Jean Lorrain*, Paris, Nizet, 1995, p. 95.

19. See above all *Au Pays du mufle*, Paris: Vanier, 1891, and *A travers les grouins*, Paris: Stock, 1899.

20. *Le Deuxième Livre des Masques*, Paris, Mercure de France, 1898, p. 32.

21. "Souvenirs sur Oscar Wilde," *La Revue blanche*, December 15, 1895 (in Brunet, pp. 82–86).

22. Cécile Barraud, "Une critique des mœurs de la Belle Epoque," http://revueblanche.over-blog.com/article-27997323.html. Nous traduisons.

23. "L'Anglophobie dans les premiers manuels d'histoire sous la Troisième République," in Sylvia Aprile and Fabrice Bensimon, *La France et l'Angleterre au XIXe siècle: échanges, représentations, comparaisons*, Paris, Creaphis, 2006, pp. 255–67.

24. "L'Image du Britannique pendant la guerre anglo-boer dans le supplément illustré du *Petit Journal*, 1899–1902," in Aprile and Bensimon, op. cit., p. 278.

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REMAPPING TSCHAIKOVSKY'S *SWAN LAKE* AS A GOTHIC FEMINIST TALE

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ABSTRACT. The following paper examines Darren Aronofsky's *Black Swan* through the lens of Diane Hoeveler's *Gothic Feminism.* The latter work underscores a sociohistorical reading of the gothic genre, in addition to the psychological theme of the doubleganger which has been so widely discussed. The female gothic, according to Hoeveler, represents "a reaction to the eighteenth- and nineteenth-century shift from a libertine, aristocratic society to bourgeois middle-class in which females are given a prominent role in the domestic sphere, as well as in the literary marketplace" (215). In this context, Nina Sayer, the central focus of the Aronofsky's film, as the rising star of the New York City Ballet continues the work of her female gothic predecessors of "making the world safe for the female middle-class." Typical of gothic tales, this one deals with desires and fears, in this case, sexual fears of professional compromise and female replicability. In carrying out this mission, Nina reconstitutes the family and "reasserts her inheritance in a female-coded tradition." In the process she transforms Tschaikovsky's *Swan Lake* and enriches readings of the film as either a male fantasy or a tale of female breakdown.

Keywords: gothic feminism; ballet; film studies; family romance; revisionist texts

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Darren Aronofsky's *Black Swan* remaps the New York City Ballet as a feminist gothic landscape, a psychic terrain of desires and fears of the Company's rising young star, Nina Sayer (Natalie Portman). The world of ballet represents a space in which these fears are manifested in a com-

pressed, intensified form. Using the theory of Gothic Feminism put forth by Diane Hoeveler, a Pennsylvania State scholar who has worked extensively in traditional and modern gothic, both American and British, brings new insights to Aronofsky's film. It avoids the Scylla and Charybdis readings presented in "Debating Black Swan: Gender and Horror," which suggest the film is either a male fantasy or simply delusional, both of which take power out of the hands of females.

While Hoeveler's work acknowledges the importance of the internal struggle with dark doubles, a trope which figures prominently in criticism of the Gothic, it also attempts to address the genre's engagement in external battles arising from the historical and sociological milieu of the eighteenth- and nineteenth-centuries, the era in which Gothic Feminism was spawned. This "distinctive artistic form" arose, Hoeveler argues, in reaction to the radical economic and social dislocations that occurred with the onset of industrialization and the triumph of a capitalism economy. It represents "a reaction to the shift from a libertine aristocratic society to one of the bourgeois middle-class in which females are given a prominent role in the domestic sphere, as well in the literary marketplace" (215). This history reminds one that aristocracy will be painlessly absorbed by the bourgeoisie and bourgeoisie will be controlled by strong women who have been given charge of the domestic front.

Crucial to this reading is the "civilizing mission" of the traditional gothic heroine: "to make the world safe for middle-class women by ritualistically taming the aristocratic father, a threatening libertine who is unfit to rule, and revising patriarchal prisons that ensnare women" (21–23). In so doing, the heroine finds love, success and redeems the mother, reinstating a fictionalized feminist fantasy, namely, a "self-serving ideology of the reconstituted maternal family" (20). In this way, the gothic heroine "reasserts her inheritance in a long, but sometimes obscured, female-coded tradition" (23).

Important to this transformation, according to Hoeveler, is a passive-aggressive dynamic which is aligned with victimization of feminism, but one which is more complex that is generally considered by post-feminists. Victimization, as this critic sees it, is a kind of "protective coloration," a performance or disguise used by gothic feminists because they do not trust the aggressive, anger they experience. Nina, like Jane Eyre, the premier example of the feminist gothic heroine is one of life's "walking wounded," and as such "the text she constructs for us can stand only as an elaborate template that has been written in order to conceal her pain" (Hoeveler 210). In this way, *Black Swan* is a "persecutory" work. However, this does not mean it must necessarily be reduced to a male fantasy, as Amber Jacobs asserts (59). Nor is it simply a tale of "double binds," the "basis of schizophrenia, according to Gregory Bateson" (Fisher 58), one that has no basis

in reality. Neither is it without self-reflexion, as Jose Teodoro maintains in review of *Black Swan* (70).

Staged weakness can be accompanied by female power. Nineteenth-century heroines are often positioned as victims or persecuted, however, this can lead to a certain type of power, if they are seen as deserving rewards, as *Gothic Feminism* notes. This ideology may conceal the fact that victims can be victimizers and victims may put themselves in the path of victimization, but with a purpose. It creates a tale of "madness" and lucidity. This confusion or collapsing of borders is a hallmark of the liminal and performative space of the Gothic and horror which often mixes fantasy and reality, creating a modern slipstreaming effect in which it is impossible to discern where one ends and the other begins.

With the help of Hoeveler's perspective, we see Nina Sayer following in the footsteps of her Feminist Gothic forbearers whose cultural work is ongoing, namely, to make world safe for young female professionals. Just as Nina's literary mother, Jane Eyre, fights to defend the integrity and virtue of the nineteenth-century governess, in a time when such a position carried an ambiguous status which made her vulnerable to sexual compromise, so Nina defends the young ballet ingénue, a vulnerable figure immersed in a nineteenth-century milieu (and perhaps young professional women in general). Ballerinas are at once potential stars and handmaidens of their male directors. The spaces through which Nina travels are haunted by two pervasive threats: sexual compromise and female replication or redundancy. The latter, while issues which may have concerned of women in the past, have been exacerbated by the velocity of modern times, as the film reminds us in the discussion regarding the surprising longevity of dancers of a previous era, specifically, Margot Fonteyn (who was allowed to dance well into her 50s).

Nina's life oscillates between two primary gothic spaces: an oppressively tiny New York apartment and the Lincoln Center ballet studio, which includes a performance room complete with the usual gothic equipment of multiple mirrors, and a backstage labyrinth of hallways. Both are haunted by the above-mentioned threats. The former is dominated by the trauma of Nina's mother, a thwarted ballerina whose career and dreams were prematurely truncated due to the illegitimate birth of Nina, fathered presumably by the artistic director of the mother's ballet company. Nina's mother is also linked to Tchaikovsky's Rothbart by her black attire and sinister flash of the eye. As such, she becomes oddly co-opted by the regime of male power or visa-versa. The tightness of the mise-en-scène of Nina's house and room is emblematic of the pinched economics of a single mom trying to provide when she has no career; it also signifies a residual bitterness which constrains optimalization. Nina tries to break away from this oppressive

environment of truncated dreams and arrested development, as well as the trauma and guilt it induces.

The large ballet studio, which is the domain ruled by Thomas LeRoy (Vincent Cassel), the New York company's charismatic artistic director, looks like the perfect escape. But the space over which he holds sway is pervaded by its own sexual threats, reverberations of the aristocratic world which must be domesticated. Thomas's elegance, aloofness, and foreign accent link him to the aristocratic libertine, a role played by Edward Rochester in *Jane Eyre*. It is perhaps no accident that Aronofsky includes a scene in which when Thomas's entry into the ballet practice room, causes all sweatpants drop. Thomas walks the razor's edge between a "preeningly cruel" cad (Fisher 59) and a fatherly mentor. He often displays sexual advances that turn out to be simply a manipulative ruse.

Thomas's company is in the throes of reconfiguring Tchaikovsky's core text *Swan Lake*. The original story as Thomas describes it is the following: a young girl, trapped in the body of a white swan, desires freedom which can only come in the form of finding her true love. Her wish is nearly granted but before her prince can declare his love, he is seduced by a lustful evil twin, the Black Swan. A modern, stripped-down version in which the White Swan and Black are played by the same person, is what Thomas proposes for the new season. Nina is one among many who aspires to the role of new Swan Queen, a role formerly held by Beth MacIntyre (Winona Ryder).

As Nina vies with other ballerinas for this role, the operating mode of the ballet world is revealed – it is characterized by "sleeping one's way to the top." Beth accuses Nina of getting the star position by sexually seducing Thomas. That this presumption is also held by the other ballerinas is enforced in the word "whore" sprawled in lipstick across the bathroom mirror by an unknown hand. It is brought up once again via innuendo in a private conversation between Nina and Thomas regarding the competition for the role. The illegitimate pregnancy of Nina's own mother hovers over the landscape, as well. This is clearly a landscape in which the internal is externalized, a landscape pervaded by obsessions.

Nina is a champion of professionalism; she insists that females don't have to resort to such measures. Her mission is clearly to make the world safer for women. Only after the ballet company's major fundraising event, which announces Nina as Swan Queen, does Thomas invite her to his apartment. In beginning his conversation by bluntly asking about Nina's sexual life, it looks like he is trying to pressure her to sleep with him in order to keep her role, even if she did not do this to get the position. Nina is clearly surprised by Thomas's crassness. Her indignation is apparent in her response: "Excuse me." This reprimand for the inappropriate presumptions is emblem-

atic of her professionalism, in contrast to the world, or imagined world around her. Yet despite Thomas's dubious motives and apparent crudeness, Nina, even if somewhat wary of Thomas, admires and is attracted to him. He is, however, also partially correct when he says that Nina must loosen up. Incorporating the Black Swan is paramount to Nina's professional aspirations and personal development. This represents a core struggle through which traditional gothic heroines, such as Jane Eyre, fulfill their overall mission of taming of the aristocratic male, and reinstating the reconfigured family and a female system.

Nina, in replacing Beth, takes her first steps on the dark path which allows her to break out of her incarceration in the body of the White Swan. Nina and the audience now get a second chance to see Beth's trajectory, this time from the inside. While necessary, this journey to the dark side can also be deadly. In taking over Beth's place, a second major theme, the replicability of women, is sounded. Nina does not consider herself a rival to Beth – she wishes only to emulate this admired predecessor when she sits at Beth's dressing table and pockets her old lipstick and earrings. But indeed Nina is a rival, albeit unwittingly, given the attitudes of a society which continuously replaces one woman for another at an accelerated rate, an action for which the gothic form, with its emphasis on doubling seems particularly well suited. By literally stepping into Beth's shoes, Nina will continue to be haunted by Beth as the dark double and she will continue to experience increasing guilt. The line between admiration and usurpation is as thin as mentoring and usurpation displayed by Lily, a new dancer who comes from the opposite coast, L.A.

Another dark double, Lily embodies all those traits of the Black Swan which elude Nina – openness, spontaneity, and sexual freedom, and disregard for authority. Thanks to Lily's surprising invitation to go clubbing, Nina, during a critical period of incipient daughterly rebellion, escapes her mother's grip. There Nina dons Lily's black T-shirt, as if a second skin, and abandons her control through alcohol, drugs and dreamwork. Strobe lights reflect fractured and sutured views of Nina and Lily. This is the first flash audiences have of Nina's face in her Black Swan persona. Upon returning home from the club, her unification with Lily is rendered through Nina's wet dream. Lily's ascendency is symbolically reinforced by the close-up of the black wings tattooed on Lily's back. When Nina oversleeps as a result of her night on the town and Lily assumes her place in practice, a shift from mentor to rival occurs. Whether this is a real of imagined, evidence cuts both ways.

Only as Lily becomes Nina's rival and later her understudy, does Nina begin to understand the threat she posed to Beth. Although Nina is not directly responsible for Beth's loss of her position as Swan Queen, she

feels guilty for replacing her. As Nina continues to walk in Beth's shoes, she becomes darker and more disturbed, eventually stabbing herself. This fate presages Aronofsky's ending. Past, present, and future intersect.

As the opening performance of *Swan Lake* approaches, a tipping point occurs in which the reality viewers thought they saw is clearly shown to be Nina's feverish fantasy. Nina experiences an increased sense of doubleness, like Jane Eyre does just prior to her wedding. Fear manifests itself in Nina as she witnesses, or thinks she witnesses, Lily engaging in sex with Thomas backstage at the ballet studio on the eve of the final performance. This episode, which embodies Nina's two greatest threats of sexual compromise and replicability, has a new hallucinatory quality.

As Nina's conflict regarding her need and yet fear of embodying the Black Swan come to a head, her guilt about taking Beth's position and her possible inadequacy to carry this out, compound the pressures she endures, leading to a breakdown of sorts. The "unhinging" is represented in the scenes in which Nina's mirrored reflection separates from her body. Paradoxically, the unhinging is a collapsing of self and other. The increasingly rapid intercutting between Nina's face and that of Lily's which follows, signal a slipstreaming between self and other, inner fantasy and outside reality.

While fantasy and reality seem often difficult to separate, what does seem clear is that Nina has internalized stories of the female Gothic. While Nina has moments of delusions, she also has ones of insight, a kind of truth ironically, so characteristic of madwomen.

Nina's breakdown, embodied by the broken body of the ballerina of her music box, appears to lead to her entrapment once again in her mother's house, the haunted chamber from which she seems unable to escape. Attended to by her mother who is insistent that she is too ill to perform the role on the opening night, Nina finds herself enveloped in an appalling nightmare: she may replicate her mother's aborted career and its consequences by paradoxically being locked forever in the body of the White Swan which triggers blackness or revenge and frustration. This is yet another schizophrenic double bind (Fisher 58). This galvanizes Nina into action, hysterically clawing her way out of her prison, only to hear Thomas say he has given the principle role to Lily.

Nina girds her loins and readies herself to engage in visceral combat, since there is no providential power to help, as in *Jane Eyre*. In many nineteenth-century Gothic feminist works, the mad/bad Other, the female protagonist's predecessor, is disposed of without the heroine dirtying her hands (Hoeveler 190), but *Black Swan*, literalizes and adapts *Jane Eyre*'s metaphoric "conscience held passion by the throat" to a twentieth-first century context.

Nina, as White Swan, strives for control of passion and seemingly gains it, as she physically confronts Lily and appears to stab her – ironically, with a shard of mirror (Jacobs 60). Following this, Nina goes on to dance the Black Swan role flawlessly to wild applause. Building on her success, Nina assertively goes to Thomas and kisses him. Like a little boy, he gives us a bashful smile, a gesture which suggests Nina has charmed and tamed the aristocratic libertine. This smile seems, however, too much of a wish fulfillment to ring true. When Lily turns up alive moments later, we seem assured that what went before was fantasy material. Although Nina may have had delusions of stabbing Lily, the wound seems real enough to bleed into her consciousness and body.

Nina has an apparent epiphany, a moment of recognition, which is marked by a facial close up that will stand as one of the most haunting visuals in modern cinematic history. Costumed as the White Swan and looking the epitome of innocence and fragility, Nina starts crying as she fingers her wound, a recognition of her madness, a sign of her fall from innocence. This marks her profound visceral understanding that whereas one's natural inclination is to annihilate the Other, it is in fact impossible without also annihilating the self. Nina is both white and black swan. She is also passive and aggressive as she stages her apotheosis from her wounded position, reconfiguring the family into a maternal one and undermining Thomas and his ilk.

The deathbed scene of Nina resembles nothing so much as a novelistic tableaux with her installed in the unchallenged position at its center. As she lies bleeding on the ground, she gathers all the formerly bickering, competitive, backbiting little "swans," including Lily, in doting submission around her. But this is not a scene of self-renunciation. Nina's final words are "I was perfect." Nina's perfect performance has also fulfilled her mother's dream for her daughter, dreams that elide the less savory possible consequences. Thomas, who rarely displays true emotion of any sort, seems genuinely affected, for the first time. As he hovers over her, he is the picture of the devoted husband subdued by concern. However he is brought even lower when his addresses the dying Nina in her last moments as his "little princess," a phrase which has become a tag line par excellent for the replicability of one woman for another. It is first used by Thomas to refer to Beth upon the occasion of his public announcement of her redundancy, or retirement and the replacement of Nina as the new Swan Queen.

Nina has accomplished the mission of the gothic heroine; she "becomes an all powerful goddess who revises the traps [scenarios] of patriarchy by inscribing herself in a new matriarchy" (Hoeveler 215). Yet this fantasy marks her breakdown/madness – for performing with such a wound is impossible (Fisher 62) – as it simultaneously restages *Swan Lake* as a Feminist

Gothic tale. Nina's victimization, coming close on the heels of Beth's, will create a scandal, as Nina notes in one of her saner moments earlier in the film when Thomas claims he has given the Swan Queen role to Lily. In exposing her victimization, she evokes and provokes audience sympathy and charts a new future, led on by female predecessors such as Antionette Cosway, whose mad fantasy of self-immolation in *Wide Sargasso Sea* lights the way.

One may find it surprising that a male director can create a Gothic Feminist film. Darren Aronofsky notes that his sister Patti, who went to a performing arts high school, is responsible for inspiring his idea for the ballet milieu. As he fully admits in his interview with Robert Beames, he did not initially understand the world of ballet and did not personally see the rivalry he describes, but undertook the challenge in order to learn about it. His sister was no doubt an invaluable source. Perhaps this female influence accounts, in part, for the difference in the handling of Nina's story and that of Marion Silver's in *Requiem of the Dream*, the director's previous horror story of a young female's victimization. The fact that the former evokes the spectator's anger and sense of injustice, whereas the latter does not, may have resulted, in some small way, from this fruitful "collaboration."

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GENDERING EXTRACTION: EXPECTATIONS AND IDENTITIES IN WOMEN'S MOTIVES FOR SHALE ENERGY OPPOSITION

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ABSTRACT. Situated in the emerging social movement context of Ohio's shale energy opposition, this article considers how women's motives for grassroots environmental engagement simultaneously reflect and direct ongoing transitions in gendered expectations and identities. Drawing on in-depth ethnographic interviews with sixteen female activists, we argue that women understand the catalysts for their initial actions and the ultimate goals of their ongoing work in ways that both corroborate and challenge conventional gender roles. To determine whether the motives articulated by our research participants paralleled those documented in earlier grassroots contexts and cases, content analysis was undertaken to identify themes pertaining to motives for shale energy opposition. This process revealed close and complementary interrelationships between themes that are customarily associated with feminine expectations and identities (e.g., Health of Children; Concern for Community) and themes that are not (e.g., Power, Control, and Justice; Environment and Ecology). While Power, Control, and Justice (usually categorized as masculine, but also a classic feminist point of entry into the political field) was the most mentioned Gendering ExtrACTION theme, both the second and third most prominent themes – Health of Children and Concern for Community – substantiate the continuing salience of traditional feminine roles. We thus suggest that women who oppose shale energy are called to action by a dynamic constellation of concerns encompassing home and away, personal and political. The coexistence of established and innovative femininities apparent in this activist arena indicates that women's motives for grassroots environmental engagement cannot be reduced to any single agenda or any simple expression or refutation of traditionally gendered feminine expectations and identities.

Keywords: environmental activism; ethnography; femininities; Ohio; shale energy; women and social movements

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Many women who oppose shale energy extraction describe a "moment of transformation" (McNeil 2012:142) in which they realized they *had* to take action to stop, slow, or better regulate the hydraulic fracturing and frac-waste disposal that is rapidly encompassing local landscapes and communities in the United States and beyond. For Allison, taking action against extraction (shorthanded here as *extrACTION*) meant becoming an activist for the first time as her desire to protect her family grew into a highly-politicized state-level public education campaign. "I'm a new activist," Allison said,

> I'm a mom that's been feeding my kids organic because I wanted the least toxic food for my kids. When I discovered fracking about two and a half years ago, I was just blown away when I did the research. And then I realized I had to do something because I went to every single state lawmaker and I saw that they weren't going to be stopping any time soon. Democrat and Republican alike. So I started educating people. But I'm doing it because I feel protective about our state.[1]

Barbara told a corresponding tale about a fight against oil and gas drilling in residential areas that began at the community level but expanded rapidly:

> It started up just in my little community and it started out with just drilling and fracking. And the initial reason was to help. My main concern was that this is dangerous both health-wise and just physically if there's an explosion, because [the oil and gas wells] are next to schools and playgrounds. It really started out as just being worried about the kids and that expanded to the health of everyone in the community. Then that expanded to the health of everyone around. And then the water. What's it doing to the water? What's it doing to the food we're eating? What's it doing to the air we're all breathing? The realization of the whole fossil fuel industry and how it's affecting not just our community, but the state and the country. And then that expanded into the planet.[2]

The agenda outlined by Colleen was different. Colleen underscored an urgent need to halt shale energy's environmentally destructive potential and the industry's disregard of democratic rights and human lives:

> It just totally transformed the trajectory of my life to know that this is happening and to realize what it really can do to the water, to the air, and to the land. And how it relates to our right to say yes or no to something.[3]

These stories, along with many others shared by the sixteen women who contributed to this study, indicate that women who oppose shale energy extraction comprehend the catalysts for their initial action and the ultimate goals of their ongoing work in ways that both corroborate and challenge gendered expectations.

Introduction

In 2012, the lead author commenced ethnographic research designed to better understand Ohio residents' diverse experiences of and responses to the surge in oil and gas industry activity that followed the regional introduction of *high-volume slick water horizontal hydraulic fracturing* technology (see Willow 2014, 2015; Willow et al. 2014).[4] Published contact information led to the first shale energy research participants, while subsequent participants were identified through the growth of several simultaneous referral chains. The author never anticipated a gender imbalance among her research sample, but the fact that women comprised twenty-one of the twenty-seven concerned citizens who contributed to earlier project phases could not be ignored. Because many observers (including movement participants, journalists, and survey analysts) have noted the prominence of women in shale energy opposition, we set out to examine the overrepresentation of women in this emerging social movement context as a topic in its own right, tailoring our investigation to shed light on their inspirations for involvement.[5]

The hydraulic fracturing process that makes shale energy extraction achievable entails pumping water, *proppants* (silica sand or manufactured granules that prop rock fractures open), and assorted chemicals into subterranean geological formations at a velocity capable of splintering rocks and releasing hydrocarbons to flow to surface wells.[6] Combined with favorable (albeit constantly shifting) economic and policy factors, this process makes it possible and profitable to extract oil and natural gas from deep shale deposits that were until recently considered physically unreachable or financially unfeasible. Major shale "plays" (industry lingo for geological formations that contains fossil fuel deposits) – including the Marcellus and Utica that underlie eastern Ohio – are scattered across North America and found on every inhabited continent.[7]

While proponents of shale energy point to job creation for women as well as men as a key local benefit (see Neuhauser 2014), concerned residents identify losses of municipal and personal control, experiences of intense stress and vulnerability, and declining community coherence as detrimental sociocultural consequences of the industry's expansion (Willow 2014; Willow et al. 2014). And, as shale energy supporters celebrate the regional and national economic benefits of domestic production, extrACTIVIST opponents regularly cite the dangers such extraction poses to public health and safety, water and air quality, and long-term environmental integrity. In addition to fears surrounding the hydraulic fracturing process itself, associated activities (i.e., questionable leasing practices, the large ecological footprint of fracturing operations, noise and light pollution, the transportation of oil and natural gas products and industrial equipment) have raised

flags. Roughly 70 percent of the fluid pumped into the ground during hydraulic fracturing returns to the surface, carrying with it a long list of chemicals and (potentially) naturally occurring radioactive materials. The disposal of this liquid waste in injection wells and the disposal of (also potentially radioactive) drilling cores in landfills have generated fierce opposition in Ohio.

We approached this article as an opportunity to consider how women's motives for shale energy opposition simultaneously reflect and a direct ongoing transitions in gendered expectations and identities, thus updating earlier research on women's grassroots environmental activism and illuminating broader changes being negotiated in a new arena of activist engagement. In addition to documenting the complexity of women's shale energy opposition in Ohio, this work aims to encourage further interdisciplinary investigations inspired by the intersections of environmental and gender studies. It illustrates the potential of contemporary environmental debates to capture continuity and change in gender roles while recursively revealing how gender differences guide public opinion patterns that may ultimately determine whether industrial development is permitted or prevented. Following the lead of our research participants, we examine shale energy extrACTION in an inclusive manner that encompasses injection wells and waste disposal in addition to producing wells and accounts holistically for ecosystemic as well as social-systemic effects.

Numerous social scientific studies have identified the pivotal role of women in grassroots environmental activism, both in general (e.g., Bell 2013; Bell and Braun 2010; Di Chiro 1998) and specifically within the anti-toxics movement (e.g., Brown and Ferguson 1995; Krauss 1993). As detailed below, much of the existing literature has emphasized traditionally feminine gender expectations associated with caring behavior, with women socially situated as mothers in the personal domain of the home and, by extension, as caregivers for the broader communities they occupy (Bell 2013; Bell and Braun 2010; Naples 1992, 1998). But explanations based on mothering and the protection of others only partially capture the motives articulated by the female activists we encountered. While many did indeed describe their shale energy opposition as an explicit outgrowth of their roles as mothers or related it to a more implicit but still characteristically feminine community caregiver role, many *also* or *alternatively* drew from a broader and more diverse repertoire of motives that included ecosystemic and political elements.

Viewing gender as an ongoing accomplishment that is constituted through repeated interactions (West and Zimmerman 1987), this article amplifies recent calls to recognize the simultaneous and complementary existence of multiple ways of performing gender identity.[8] In other words, the diversity

of motives for engaging in shale energy opposition reminds us that there are many ways for a woman to become an activist, not all which demand discourses of motherhood and caring (MacGregor 2006). Previous publications on women and gender in grassroots environmental activism additionally argue that participation constructs a bridge that facilitates initial ventures from the private/domestic world into the public/political sphere (Brown and Ferguson 1995; Krauss 1993). Yet we found that many of the women in our study have been crossing and building bridges between home and public life for many years and in many ways. Evoking discussions about the personal/political divide and its dissolution (Gal 2002; Haraway 1990; Landes 2003) and conceiving of private/public as a mutable continuum (Kurtz 2007), we therefore also encourage attention within environmental and social movement studies to gender roles' dynamism over time and space.

Women and Gender in Grassroots Environmental Activism

Like other social movements, opposition to shale energy extraction is deeply *gendered*, meaning that "some aspect of the movement constructs differences between women and men and/or elicits a certain set of social meanings because of its association, actual or assumed, with femininities or masculinities" (Einwohner, Hollander, and Olson 2000, 682). A movement need not be associated in any obvious or conscious way with gender roles or identities and need not seek to alter male-female relations or hierarchies for gender to guide participants' directions and activities. As Verta Taylor argues, even when the language of gender conflict is not brought into play, gender remains "an explanatory factor in the emergence, course, and outcome of protest groups" (1999, 13). Gender can be expressed in social movements in multiple manners, including composition/movement participation, overt goals, social arrangements/tactics, evocation of gendered identities, and attribution of ideas and statements (Einwohner, Hollander, and Olson 2000).

Studies of women's participation in grassroots environmental activism have addressed the high percentage of female contributors, the use of women's social structures and feminine strategic tactics, and the extension of motherhood/caring identities as foundations for women's involvement. Within the largely grassroots and human health inspired environmental justice movement, women's guidance is so widely recognized – and so essential – that Giovanna Di Chiro calls it an "unmarked women's movement" (1998, 117–118). In regions where focused studies of grassroots environmentalism have been conducted, women have been found to comprise the overwhelming majority of group leadership and membership (see, for example, Bell 2013 (on Central Appalachia); Hamilton 1994 (on South Central Los

Angeles); and Kurtz 2007 (on Louisiana's petrochemical corridor)). And in numerous investigations of grassroots mobilization in response to toxic contamination (e.g., Brown and Ferguson 1995; Hay 2009; Krauss 1993; Newman 2001), women are acknowledged as having led the way. Beyond noting that more women than men tend to be involved in grassroots environmental struggles and that women tend to be more invested in these struggles and more inclined to assume leadership roles, observers of grassroots environmental activism have found that environmental organizing often arises from women's social networks. Historians of the infamous Love Canal episode, to cite one well-known example, describe how conversational discoveries that other families in the neighborhood were experiencing similar problems inspired women's initial response (Blum 2008; Newman 2001, 79).

Commentators have also noticed that grassroots leadership styles and structures frequently take "feminine" forms; with women at the helm, grassroots environmental groups tend to privilege collaboration and consensus over individual credit (McNeil 2012, 129) and treat community-building as a strategic goal rather than an unintended byproduct (Taylor 1999). Not only do groups led by women often promote patterns of operation and communication in which narrative, emotion, and empathy are respected discursive elements (Taylor 2000), but these groups also apply characteristically feminine approaches to argumentation that authorize subjective experience and the power of emotion in order to challenge reductionist forms of knowledge and reformulate notions of knowledge, expertise, and professionalism (Brown and Ferguson 1995; Di Chiro 1998; Shiva 2010).

While composition/movement participation and social arrangements/ tactics contribute to the gendering of grassroots environmental activism in important ways, attention to how culturally accepted and internalized gender identities inspire activism dominates the published literature on the topic, with women's traditional roles as mothers and caregivers taking center stage (e.g., Hay 2009; Peeples and DeLuca 2006). Most often attributed to culturally- and temporally-specific socialization patterns, role expectations that position females as primary caregivers for families – along with assumptions of relatively socio-centric/relational feminine perspectives – underlie descriptions of women's keen awareness of local environmental issues and inclination to fight for the protection of children and communities. Female grassroots environmental activists and witnesses of their work have both found that women frequently get involved because they believe an environmental issue is adversely impacting (or has the potential to adversely impact) their children (Gottlieb 1993).

Within the increasingly dated body of literature on grassroots mobilization against toxic hazards, women's enthusiastic participation has regularly been attributed to their roles as mothers and their anxieties over intrusions

into the private sphere of home and family (Krauss 1993). As Brown and Ferguson argue, women who become activists "conceptualize their action, both for themselves and a wider public, out of the meaning of womanhood, and especially of motherhood, in our culture" (1995, 150). In many cases, links between caregiving and the development of an activist agenda are very direct, such as when children's illnesses lead mothers to suspect contamination and take immediate action to remove their families from harm's way. Founded upon a perceived need to protect children from the damaging health effects of toxic contamination (Newman 2001), this perspective sometimes additionally encompasses concerns for reproductive health and the right to future maternity (Hay 2009).

In her recent research among grassroots environmental activists in Central Appalachia, Shannon Elizabeth Bell discovered that this pattern remains prominent today. With nearly two-thirds of her research sample citing the desire to protect the health of children and grandchildren as a primary motivating factor, Bell places women's socialization and traditional gender roles at the center of analysis, arguing that "the inclination of many women to describe their activism as stemming from their responsibilities as mothers, rather than from political concerns, may be the result of societal pressures that women face to place their family caregiving role above all else" (2013, 8). Simply stated, for many Appalachian women, grassroots environmental activism is framed as a compulsory duty and "an extension of their identity – and obligation – as mothers" (Bell and Braun 2010, 803). Women's activism in this context functions as a socially acceptable and appropriately apolitical outgrowth of their primary jobs as mothers (Bell 2013; see also Blum 2008). Furthermore, for women in Appalachia and beyond, caregiving often extends beyond one's own children and family to a broader "protector identity" (Bell 2013, 9) that drives women to work for the welfare of their communities.[9]

Given the prevalence of women in Ohio's shale energy opposition, we wanted to see if the motives articulated in this context of resistance paralleled those documented by earlier observers of women's grassroots environmental involvement. We began our research with the literature outlined above and several guiding questions in mind: Are the women who contributed to this study driven mainly by a desire to protect their own children and families? Are they motivated by an associated aspiration to protect their communities from the dangers shale energy extraction poses? Or, conversely, are other factors behind women's vocal opposition to this new wave of industrial expansion? And, if their motives differ from those documented in other times and places, what might these differences imply?

The Gendering ExtrACTION Study

Sixteen women – all of them self-identified grassroots activists who oppose shale energy extraction, all of them prominent within their regional activist network, and all of them residents of Ohio – contributed to this study. Between October 2014 and March 2015, we conducted ten in-depth ethnographic interviews on the specific topic of how gender motivates and informs women's shale energy opposition. These open-ended interviews took a conversational form and lasted between 32 and 77 minutes. We asked the women we spoke with to describe (1) the ultimate and proximate goals of their activist work, (2) their primary motives and main arguments, (3) how their experiences, perspectives, and views are shaped by gender, (4) differences they observed in how men and women approach shale energy, and (5) the influence of gender on the development of their activist networks and relationships. In addition to these focused interviews, we re-coded six interviews with female grassroots activists conducted by the lead author between January 2012 and March 2014 on the more general topics of motives for involvement in shale energy opposition and shale energy's impacts on personal and community well-being. Following the protocol for feminist activist ethnography recently outlined by Christa Craven and Dána-Ain Davis, we approached the women we worked with as individuals rather than members of a group with assumed characteristics and aimed to document lived experience as it is influenced by gender as well as by other aspects of research participants' lives (2013).

Following transcription, interviews were thoroughly content coded to identify themes related to motives for shale energy opposition, with the second author conducting preliminary coding and the lead author completing a more detailed secondary analysis that disarticulated each sentence fragment for the themes it contained. The following themes (listed here in order from those most often associated with women's issues/feminine qualities to those most often associated with men's issues/masculine qualities) received numerous mentions across multiple interviews: Health of Self and Women; Health of Children; Innate Feminine Qualities; Concern for Community; Sanctity of Home Place; Ecology and Environment; Energy Transition; Power, Control, and Justice (Table 1). In addition, a smaller number of interviewees mentioned Business and Economy, Food Systems and Safety, and Worker Safety as motivating concerns. Details on each of these themes and how they were expressed by study participants are presented in subsequent sections.

Given earlier findings on women's grassroots environmental involvement, we anticipated that a majority of the women we spoke with would evoke feminine gender roles and identities in describing their reasons for

involvement in shale energy opposition, thereby explaining the predominance of women in this arena of activism. While we did find that customarily feminine motives – Health of Self and Women; Health of Children; Innate Feminine Qualities; Concern for Community; Sanctity of Home Place – were discussed by multiple interviewees, we also found that many women additionally (in some cases) or alternatively (in others) drew on motives not usually associated with feminine interests or traits – Ecology and Environment; Energy Transition; Power, Control, and Justice – in pondering their activist work. Across all interviews, the most dominant themes included Power, Control, and Justice (64 mentions), Health of Children (58 mentions), Concern for Community (46 mentions), and Ecology and Environment (44 mentions), with other themes capturing significantly less attention.

Accompanying the surprising diversity of perspectives and motives uncovered among female activists in Ohio, we also observed an unanticipated relationship to the personal/political divide. As noted above, earlier authors argued that involvement in grassroots environmental activism creates a break in the wall dividing women's personal domestic domain from the political fabric of public life (Brown and Ferguson 1995; Krauss 1993). While highlighting the gulf between personal and political and emphasizing the ability of grassroots environmental engagement to bridge it made sense for scholars in the second half of the twentieth century, we found that many of the women interviewed in the 2010s are already expert at traversing what was once perceived as a formidable barrier.

Table 1 Number of times each theme was mentioned by interviewees. The ten specific Gendering ExtrACTION interviews are above the bold line, while the six earlier interviews are below it. Numerals adjacent to names in the left column indicate whether an interviewee has no children (⓪), children under 18 in the home (①), or grown children (②).

	Number of Times Themes Mentioned							
INTERVIEWEE	**Health of Self and Women**	**Health of Children**	**Innate Feminine Qualities**	**Concern for Community**	**Sanctity of Home Place**	**Ecology and Environment**	**Energy Transition**	**Power, Control, and Justice**
Allison ①	3	5	1	2	0	6	4	8
Barbara ②	1	8	1	5	0	7	3	9
Colleen ②	0	0	1	1	0	3	3	2
Deanna ⓪	0	2	2	4	0	2	1	2
Erica ②	3	3	1	3	0	7	2	7
Gina ①	6	2	1	3	0	4	1	7
Jean ②	1	3	1	0	1	3	2	3
Kate ①	0	6	1	8	3	2	3	1
Laurie ①	4	8	0	1	0	1	1	4
Melissa ⓪	0	0	0	1	0	1	0	1
Nora ⓪	1	2	0	5	0	2	1	3
Olivia ①	3	6	0	0	2	1	0	3
Paige ①	0	3	0	3	0	4	1	5
Rachel ①	1	8	0	2	3	0	1	3
Sarah ②	0	2	0	6	0	3	2	5
Vicki ②	0	0	0	2	0	3	2	1
TOTAL	**23**	**58**	**9**	**46**	**9**	**44**	**27**	**64**

Women's Motives for Shale Energy Opposition

The interview excerpts and discussions that follow illuminate the meaning and significance of each of the themes (Table 2) that emerged from our content analysis of interview transcriptions, concurrently revealing the diversity of women's motives for shale energy opposition as well as close and complementary interrelationships between themes that are customarily associated with feminine expectations and identities and themes that are not.

Table 2 Themes pertaining to women's motives for shale energy opposition

Theme	Number of Mentions	Mean Mentions per Interview	Percentage Who Mentioned Theme	Description of Theme
Health of Self and Women	23	1.44	56%	The vulnerability of women's bodies to environmental health hazards associated with shale energy industrial processes
Health of Children	58	3.63	81%	Potential threats to the physical well-being of children, both in general and regarding one's own family
Innate Feminine Qualities	9	0.56	50%	Beliefs that women possess particular characteristics that inspire and enhance activist engagement
Concern for Community	46	2.88	88%	Concern for the well-being of community members who are not part of one's own family
Sanctity of Home Place	9	0.56	25%	Actual or impending loss of connections to personally important homesites and landscapes
Ecology and Environment	44	2.75	94%	Concerns for air, water, and the degradation of the ecological systems
Energy Transition	27	1.69	88%	The problem of fossil fuel dependence and the associated challenges of global climate change
Power, Control, and Justice	65	4.00	100%	Critical discussions regarding who is empowered to make decisions about extractive industrial activities and the distribution of benefits and impacts

Health of Self and Women

> *As far as the other effects, I'll let you know in 20 years how many of my friends – or me – have gotten cancer.*[10]

More than half of the women who participated in this project believe that women's bodies are disproportionately affected by the toxins used in shale energy production processes, echoing feminist environmental justice scholarship that points to parallels between physical affronts to female bodies and the widespread disregard and domination of the homes, lands, and environments they metaphorically represent (Laplonge 2013; Stein 2004). Correlations between toxic substances found in the fluid that facilitates hydraulic fracturing and women's health – especially breast cancer and reproductive health – have been publicized in the media (e.g., Jerving 2012), documented in scientific studies (Colborn et al. 2011; Kassotis et al. 2013; Webb et al. 2014), and reiterated by female activists in Ohio. Women we interviewed expressed frustration as well as fear when discussing shale energy extraction's potential impacts on their own bodies and those of their female friends, suggesting that since the regional advent of hydraulic fracturing, the "state is now open territory, open season on our health."[11] Two women directed us to a recent study of breast cancer rates in Texas, where incidence of the disease is declining everywhere except shale energy extraction zones.[12] And two others described acute but temporary medical problems already experienced as a result of the stress of imposed extraction and chemical exposure.[13]

Health of Children

> *I'm a mom and a grandma and I'm wondering why people don't care more about their children when they're doing things like this.*[14]

Even more than their fears for female bodies (their own and those of others), the health of children (their own and those of others) was viewed by research contributors as a matter of critical concern and a key motive for shale energy opposition, corroborating the maternal reasoning and rhetoric documented by previous observers of women's grassroots environmental engagement. As outlined by Barbara in the introductory passage and documented in the literature on women's grassroots activism in other locations (e.g., Bell 2013; Blum 2008), concerns for children's health typically begin at home but subsequently expand to encompass children in one's community and beyond. Of the sixteen women interviewed for this study, only three failed to include children's health among the factors that lead them to speak

out against shale energy extraction in their state.[15] Many interviewees – even those without children of their own – underscored the potentially disastrous implications of shale energy for children's health.[16] They repeatedly raised concerns about the proximity of industrial extraction and waste disposal sites to schools and neighborhoods with young families. Many alluded to studies demonstrating the detrimental effects of fracking chemicals (which contain known carcinogens and neurotoxins) and diesel fumes on developing repertory and endocrine systems (e.g., Colborn et al. 2011). As Olivia angrily declared, industry representatives "just don't care. As long as it doesn't affect them and their families, the fact that they are creating cancer clusters and there will be childhood cancer rampant in pockets of Ohio just [doesn't matter to them]."[17]

The seven research participants with children currently in their care experience the intersection of shale energy extrACTION and human health in a particularly urgent and poignant way. Two women informed us that their own children's health was both the reason for their involvement in the fight against shale energy and the primary inspiration for their stance. As one succinctly stated, "my whole fracking fight stems from my children."[18] Several others stopped short of such an overarching statement, but still linked their shale energy opposition to a healthy future for their children, as the following examples illustrate:

> I'm really concerned because I have a child. I have done everything that I can in my life to make sure that he has the best opportunities possible. I picked where we were gonna live so that we wouldn't be surrounded by pesticides and high levels of air contaminants, and I have double filtration on the water because I have a science background. I understand what's out there in the environment.[19]

> Mostly, my view is a result of concern for my child and for the planet...as a mom I only see bad things happening as long as we allow unconventional shale extraction. There might be some temporary good things, like jobs and stuff like that, but in the long run I really think that it's gonna be bad. And I say that because I'm a mom, because I worry about my daughter and what she's going to be faced with.[20]

Still others voiced specific fears for their children's health in the new shale energy extraction context. Rachel described her struggle to obtain data from the industry about the chemicals and timing of hydraulic fracturing on an adjacent property. When told by an industry representative that there was nothing she could do about it anyway, she replied sarcastically: "There actually is something I can do about it," Rachel retorted, "I can either decide to uproot my family and move or, in 10 to 15 years from now if I'm

sitting in an oncology department with a chemo IV in my child's arm due to exposures to toxic chemicals, I'll know to who to send the thank you letter to."[21] She was unsuccessful in her quest for information.

Women's intensive involvement in Ohio's shale energy opposition is understood by many interviewees as intertwined with the care of children. For instance, as one interviewee opined,

> it is more women that are concerned, because women have that sense of making sure their kids are safe...women are the most perceptive to this cause, because as women we get that the water is important – and our soil, and our air – because we're the ones that have to deal with our sick kids.[22]

When they see a potential threat, another suggested, "women are more apt to question it and say "I need to know more about this because I need to know that my family will be protected."[23] While some who shared this sentiment did express a critical awareness of customary but culturally-specific and temporally-dynamic gender roles, others felt comfortable discussing women's caring capacity as an innate characteristic.

Innate Feminine Qualities

> *I do think women by nature are the protectors and caregivers of their children. And I think that for a vast majority of us, even if we don't have children of our own, even if we're not the maternal type, I think a lot of us view mother earth as something that needs to be protected...You have to have clean air and water. Without that you have nothing else.*[24]

The term *ecomaternalism* denotes the extension of women's caregiving ability into a broader female "propensity to care for nature" (MacGregor 2006, 20). Half of the women interviewed for this study spoke of innate feminine qualities as an asset and inspiration for women's grassroots environmental work, using phrases such as "by nature" (as in the above quote) and terms like "instinct" and "intuition" to underscore women's capacity to care not only for people and the environment that sustains them, but also to convert that care into a crusade. One study participant, for example, suggested that women have an instinct for nurturing others that leads them to the forefront of this issue.[25] Similarly, another observed that women possess an "intense protective edge" that disproportionately draws them into shale energy opposition and comparable struggles.[26] Finally, one interviewee traced women's willingness to contest contemporary actions with problematic future consequences to ecomaternal caring: "It's the women that really push it," she told me, "because the women care more about the future, the children, the grandchildren."[27]

Concern for Community

> *The whole community is gonna pay the price for this...Whatever sense of community that prevails seems to have been shattered with this oil and gas thing.*[28]

All but two of the women we interviewed expressed concerns for the welfare of the communities they inhabit, making this the third most prominent Gendering ExtrACTION theme. In all cases, concern for community entailed a desire to protect the local population beyond one's family, although individuals variously emphasized a generalized concern for others in the region, shale energy's detrimental (and often unevenly distributed) social impacts, or the progressive collapse of community life as a result of industrial expansion. Several interviewees described feeling worried for people in close proximity to extraction and disposal sites, both for the long-term health effects associated with industrial chemicals and for the more immediate quality-of-life declines. Others spotlighted negative social effects of the shale energy boom, identifying strains on marriages, increased substance abuse, rising crime rates, and skyrocketing rents that leave local families homeless.[29] Still others were critical of industry proponents' claims that shale energy helps local economies, arguing that the costs of increased crime, health care, and public services far outweigh any economic benefits.[30]

Many interviewees – from many different parts of Ohio – lamented the breakdown of local communities taking place as sides are taken in the shale energy debate. They talked frequently about the unprecedented division in their communities, observing how that in the new context of shale energy extraction, "friends are upset with friends"[31] and "families end up having people not talking to each other."[32] Women used figurative phrases like "fractured community"[33] and "social recession"[34] as they described the unraveling of social connections at the expense of self-interest. As Paige put it:

> It's not just the shale that's being fractured, communities are being fractured. It's horrifying the conflict that's happening... Communities are being torn apart and it's devastating.[35]

On a more personal level, some study contributors feel alienated and isolated within communities that largely disagreed with their anti-shale energy stance. Kate, for example, said she feels stuck in a community that is embracing what she sees as an invasion.[36] Stressing the disjuncture between the contributions she and other local citizens have made to their communities and an industry that only recently arrived, Nora told us,

> I just get so angry because we're being forced out of communities that we've contributed so much to. And these companies that are just coming in, they're not local companies. They're coming in from the outside and they're given the green light to just exploit.[37]

Rapidly changing social landscapes and progressive exclusion from formerly cohesive communities combine to create a significant sense of loss.

Sanctity of Home Place

> *It was devastating. I don't know how to describe it any other way. It was like being under siege. And the drilling rigs, the cranes, the equipment they bring in behind you. You are now in a heavy industrial site. What was once your tranquil home with deer and raccoons and woods. It was horrific.*[38]

While less prominent than many other themes, four interviewees introduced the idea of impacts on the home place – especially as such impacts result in a loss of sanctity and security – in elucidating their activist agenda. In some cases, ties to the home itself have been severed. With a producing well adjacent to her suburban back yard, Rachel said she now constantly thinks about ways to evacuate her son if an accident were to occur. This level of constant anxiety has turned a home she once enjoyed into "a shell."[39] In other cases, women's ongoing, impending, or dreaded loss of place overlapped with their concerns for the ecosystems and environments beyond the lands they know and love.

Ecology and Environment

> *And so we have this assault on everything of value, everything that we work for, and everything that we care about in terms of the natural environment, our water, and our air.*[40]

Ecology and environment were topics of widespread interest among contributors to this study and proved to be the fourth most mentioned interview theme. Some women shared specific concerns for water and air quality or were troubled by the potential consequences of industrial accidents and spills, as illustrated by the following excerpts:

> You are completely – forever – taking water out of the water cycle. You can't reuse it.[41]

> We know that waste fluids are radioactive and are toxic and [that injection wells and landfill liners] leak. So, it might be already impacting our water supply.[42]

A large number of interviewees also discussed sustainability and ecological interconnection in a more abstract manner. Jean said "the connection to the earth" is what inspires her activism. Her decision to invest time and money she could have used to help pay off her daughter's school loans in shale energy opposition is justified, she explained, "because what good is paying off school loans when we can't breathe the air and drink the water?"[43] Others spoke critically about the broad lack of ecological connection apparent in the world today. As Paige argued,

> I really feel very deeply that if we want to continue to have the land nourish us, we need to nourish the land. And I don't see a lot of that going on.[44]

Several other interviewees, like Erica (who described her foremost goal as the "protection of the planet and climate for humans and all other living things"), further connected ecological integrity to the planetary climate crisis and the need to support alternative energy sources.[45]

Energy Transition

> *I think that we're wasting time and valuable resources on an industry that we need to close the door on. We need to take the kind of energy that we're putting into the oil and gas industry and start putting it toward sustainable energy. We are currently in the midst of a system of producing energy that is not sustainable. We are using an economic system that is not sustainable. And the only way for us to survive as a society is to change it. And not talk about it anymore. Change it. Begin.*[46]

The need to transition away from fossil fuels to cleaner, renewable sources of energy received a moderate number of mentions (four themes were more prominent, three were less), but was noted by all but two interviewees. In fact, two activists told us they see this as an ultimate goal of their activist work:

> My personal ultimate goal is to see the transition from dirty fossil fuels to sustainable energy.[47]

> For me, the ultimate goal is to find energy sources that are sustainable. And unconventional energy extraction to me is just slowing down that process.[48]

Several others agreed that shale energy is as a short-term fix rather than a long-term solution and is impeding the search for viable new energy sources. Rather than progress, Vicki proposed, "it's probably interfering with the development of renewable resources."[49] Rather than moving forward, Paige claimed, "we're backtracking on a get rich quick scheme."[50] Again and again, women we spoke with made the case that the pursuit of shale energy

in Ohio and elsewhere is a shortsighted mistake, as the following interview excerpt makes clear:

> It's ridiculous that we're putting our resources into something that's gonna contribute more to climate change and global warming. You know, we're already almost at the limit of what the planet can handle and here we are gonna hurry up and drill everything we can, which is gonna heat the planet more. So I think it's really shortsighted. Even for the companies themselves, if they actually had a vision of staying in business, *they* should be planning some other way.[51]

Instead of counting on government regulations and industry developers to catalyze a transition from fossil fuels to energy alternatives, grassroots activists in Ohio realize that they, along with other concerned citizens, must take control of the creation of a sustainable future.

Power, Control, and Justice

> *They've turned our residential neighborhoods into industrial zones...They took all the regulations away from the local governments. The state and the [oil and gas companies], they control everything. They've taken away all our rights. You wouldn't be allowed to put a tire factory in your backyard. But they can put in an industrial oil and gas well.*[52]

> *This is something that the state has said that we're going to do; sacrifice certain communities for the benefit of everybody. And I don't think the state should have the right to do that.*[53]

Considerations of power, control, and justice pervade interviewees' accounts of participation in shale energy opposition. The most prominent theme revealed by content analysis as well as the only theme raised by every single participating activist, discussions of power, control, and justice ranged – and often flowed smoothly – from critiques of the contemporary political process (traditionally regarded as a masculine domain) to concerns for justice (more readily related to concerns for community and feminine caregiver roles) and occasionally into demands to restore power over home and private life (the quintessential feminine locus of control).

Ohio state legislation passed in 2004 gave "sole and exclusive authority to regulate the permitting, location, and spacing of oil and gas wells within the state" to the Department of Natural Resources (Division of Mineral Resources Management) (Ohio Substitute House Bill Number 278 2004: Sec 1509.02), thereby stripping the authority of municipalities and counties to limit industrial development. Grassroots activists who oppose shale energy feel intense anger at the loss of local control and the community disempowerment implied by this legislation. For them, the fight to regain control

over the future of local environments, communities, and development trajectories plays a critical motivating role, as succinctly summarized by Rachel:

> Here's the thing: Our basic civil rights to clean air, clean water, and a safe environment...have been taken away from us and nobody has that right to do it. So as a community [we're] trying to regain our civil rights.[54]

In many other instances, too, interviewees linked the disempowerment of their own communities to larger failures of the United States' democratic system and the progressive undermining of citizens' fundamental rights. "My activism is all about trying to wake people up," Barbara explained, "We actually have a much bigger problem and it's a democracy problem and it's a cultural problem."[55] Perceptions of government corruption and collusion as well as tales of the disillusionment that accompanied women's initial entry into shale energy opposition were shared by many. Interviewees told of enormous campaign contributions that ensure a favorable regulatory climate and of underfunded and industry-supportive regulators. They talked about how the oil and gas companies "have paid their way,"[56] about how much of our government is "for sale,"[57] and about how the state is now "owned by the oil industry."[58]

Many of the same women who are frustrated by shale energy's political systemic implications concurrently conveyed a strong sense that injustice is being perpetrated, with unfairness alleged at both large and small scales. The stark asymmetry that insulates distant corporate decision-makers from adversely impacted residents was noted by interviewees who contrasted the millions of dollars made by industry executives and shareholders with the relative lack of benefits directed toward everyone else. As Nora suggested, "if they're gonna force us to go through this, they should at least be very clear what they're getting us all into. They should have to live in the areas too."[59] The notion of regional sacrifice (Lerner 2010) proved a popular theme among interviewees in Ohio's Appalachian southeast, who highlighted the region's long history of environmental injustice at the hands of extractive industries eager to remove as much as possible as quickly as possible and willing to leave only stripped landscapes and polluted streams behind.

The distributive injustice that demands that the most vulnerable members of communities bear disproportionate burdens of harmful industrial byproducts (Bullard 1990) was also discussed. Growing gaps between those who own mineral rights and those who do not – between those positioned to benefit economically and those who stand no chance of recouping any compensation for the risks and inconveniences they suffer – were identified as one of shale energy's most serious social problems. For Laurie, social justice has been a main motive for shale energy opposition; she explained that her primary inspiration lies in

> trying to advocate and protect vulnerable communities, of which my community is one. That's the thing that gets me really riled up. The way that certain people are targeted.[60]

For Laurie and several others who shared stories from their communities about land lease representatives using scare tactics, threats, and lies to convince elderly landowners to sign, the exploitation of vulnerable individuals is unconscionable.

With lack of consent an often repeated – and powerfully gendered – rhetoric, several research participants forged clear links between personal and political in discussing their decreasing ability to control what takes place in their own homes. Rachel's emotional story of the night drilling began behind her home offers a striking example of the merger of political power and personal control:

> The first night the well was drilled, I sat in my family room. And I didn't wanna go to sleep because I didn't know if there'd be gasses that could seep into our home...And it was the first time ever that I felt I had absolutely no control of keeping my child safe. Because they took it away from me. The governor took it away from me, the [Ohio Department of Natural Resources] took it away from me, and [the drilling company] took it away from me. And that is my job, to keep my child safe.[61]

Other Motives and Concerns

Finally, interviewees raised a handful of additional topics not included in the eight themes detailed above. While almost universally regarded as a major motive, Concern for the Future was excluded as an independent theme because of its overlap with nearly all other categories (many of these overlaps are apparent in the preceding pages). In some cases, women voiced concerns about the future of their own health or the health of their children. In other cases, they worried about the direction of their communities and environments or about political systems they see as in need of significant reform. And sometimes, concerns for family and landscape melded into pessimistic uncertainty – into what Deanna described as a "huge unknown."[62] Barbara went so far as to admit that she hopes her son leaves the region, saying,

> I just really think the whole landscape of Ohio is gonna turn into a polluted, toxic dump. And there's not gonna be any future.[63]

Paige similarly asserted,

> I want Ohio to be livable for my children. I want them to have the opportunity to be prosperous and be healthy. And I think that this is an issue that is so incredibly urgent that it undermines the ability of folks in the future to be able to do that.[64]

A handful of infrequently mentioned themes that also reveal underpinning anxieties about what the future will bring warrant brief summaries. First, Business and Economy (a customarily masculine domain, but one which overlaps significantly with concern for community) was explicitly mentioned by some research contributors. Several women complained about shale energy's negative effects on property values. One interviewee mentioned the industry's adverse impacts on her own sustainable business, additionally arguing that shale energy extraction "wouldn't be affordable if they didn't externalize the cost of pollution and the cost of infrastructure."[65] Second, three of the female activists we spoke with talked about effects on Food Systems and Safety, all of them pointing to the toxification of agricultural production as a result of shale energy extraction and frac-waste disposal. Finally, several research participants discussed Worker Safety, a theme which coincides considerably with broader concerns for the health of others.

Conclusion

For the sixteen grassroots activists who contributed to this study, concerns related to Power, Control, and Justice – the most mentioned Gendering ExtrACTION theme – are crucial catalysts for shale energy opposition, with women working to restructure political systems and using political methods to control local realities (usually seen as masculine domains) as well as addressing associations between shale energy and social injustice (a classic feminist point of entry into the political field). Yet, both the second and third most prominent themes – Health of Children and Concern for Community – reveal the continuing salience of traditional feminine expectations and identities, with multiple interviewees proclaiming their own maternal role as an initial inspiration for more politically-engaged efforts that followed. The fourth most prominent theme, Ecology and Environment, once again invokes an area of activist concern not generally discussed in conjunction with women's grassroots environmental activism.

The shale energy opposition activists we interviewed are motivated by desires to protect their own children and communities, but they are also motivated by politics, ecology, sustainable energy, and (to a lesser extent) economy. The prominence of both personal/private and political/public themes in our data is not due to a bimodal pattern in which two different "types" of women were interviewed. On the contrary, we found that "feminine" and "masculine" concerns have simultaneous significance in inspiring individuals' action. Although aware of customary gender roles and cognizant of these categories' influences and potential applications, female activists do not structure their agendas around any conceptual break or contradiction between the health and stability of their families, communities, and homes

and their wider ranging concerns for the environment, sustainable energy, and the politics of extraction.

Positioning women's participation in grassroots environmental activism as a lens through which to examine continuities and transformations in gender expectations and identities over time and space, the gendering of extrACTION observed in this study suggests that novel amalgamations of personal and political are present in this emerging arena of activist engagement. First, female shale energy opposition activists are fashioning a new (but still highly gendered) relationship to motherhood. Following movement leaders like Sandra Steingraber (who penned her "Crappy Mom Manifesto" (Steingraber 2014) from cell 3 of New York's Chemung County Jail), many now argue that political action is more necessary to their families' future than conventional caretaking tasks.[66] Second, an explicitly feminine politics of opposition is apparent among women who fight shale energy. As one interviewee explained, "women are largely unimpressed by outside authority, or the authority of the state, or the authority of big companies."[67] Accustomed to dealing with disempowerment in their personal lives and standing up to the status quo, women are often more willing than men to challenge existing institutions (Verchick 2004) in order, as another interviewee put it, "to actually buck the system."[68] Third, in contrast with previously documented cases of women's grassroots environmentalism where maternal and feminist outlooks are perceived as at odds (e.g., Blum 2008; Hay 2009), caregiving and systemic political reform have come to be envisioned as complementary rather than contradictory goals.

Although it no longer builds the initial bridges from personal to political described by earlier authors, women's grassroots environmental activism continues to serve as a significant site of gender role negotiation. Once presumed to exist as incommensurable "separate spheres" (Gal 2002; Higgins 1999) and long challenged by feminists for the inevitable hierarchy such dichotomous thinking implies (Davidoff; Gavison 1992), the private/public distinction is nevertheless "an indispensable framework for gender analysis" (Landes 2003, 34; see also Gavison 1992; Pateman 1983).[69] Neither the marginalization that women's "privatization" implies (Gavison 1992, 22) nor the private/public boundary itself – a boundary theorist Donna Haraway (1990) sees as increasingly misleading and inaccurate – are inevitable, universal, or by any means stable (Gal 2002). There are, we now know, many ways for women to "do gender" that do not necessarily replicate normative conceptions of femininity and that refuse to remain static over time, space, and situation (West and Zimmerman 1987:136). Femininities – like masculinities – are "configurations of practice that are constructed, unfold, and change through time" (Connell and Messerschmidt 2005:852). Indeed, recent transitions in the Midwestern United States point to increasing permeability

in the boundaries between personal and political, along with increasing flexibility and diversity in accepted and valued feminine roles. Demonstrating the compatibility of private and public demanded by a generation of feminist scholars, contemporary female activists in Ohio quietly insist on the value of private as well as public lives and stake equal claim in both domains.[70]

Even while citing the centrality of children and health, community welfare, ecology and sustainable energy, or politics and justice, women in Ohio who oppose shale energy are called to action by a constellation of concerns encompassing home and away, personal and political. The coexistence of established and innovative femininities indicates that women's motives for grassroots environmental engagement – and, by extension, their dynamic relationships to personal and political in other arenas – cannot be reduced to any single agenda or any simple expression or refutation of traditionally gendered expectations and identities.

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NOTES

1. Allison (10/22/2014) is a Franklin County, Ohio resident with school-aged children and a professional theater background. Direct quotations included in this article have been edited only for pauses, non-significant repetitions (e.g., "I saw, I saw that is it wrong"), inconsequential asides (e.g., "Go ahead and close that door, please"), stutters, and filler syllables (e.g., "um, ah, like, you know"). Although most interviewees gave us permission to publish their names, we elected to protect individuals' privacy by using pseudonyms and removing identifying organizations.

2. Barbara (11/17/2014) is a sales and communications professional based in Cuyahoga County, Ohio whose children are grown.

3. Colleen (1/12/2015) is a retired teacher and grandmother from Portage County, Ohio.

4. This cumbersome term technically refers to one specific stage in the extractive process, but the entire suite of activities surrounding hydraulic fracturing is called *fracking* by most members of the general public and media, including those who oppose the practice.

5. Poll data show that women oppose fracking at a much higher rate than men (see http://www.people-press.org/2014/11/12/little-enthusiasm-familiar-divisions-after-the-gops-big-midterm-victory/attachment/17/ (accessed May 4, 2015)).

6. On the local effects of silica sand mining in the hydraulic fracturing materials supply chain, see Pearson 2013. On the use of chemicals in the process, see Colborn et al. 2011.

7. For a map of North American shale deposits, see www.eia.gov/oil_gas/rpd/shale_gas.pdf (accessed April 30, 2015). For a global map, see http://www.eia.gov/analysis/studies/worldshalegas/images/fig1map_large.jpg (accessed May 4, 2015).

8. R. W. Connell's (1987) notion of "multiple masculinities" implies by extension the existence of "multiple femininities" that do not necessarily adhere to culturally-dominant conceptions of appropriate feminine behavior. Also see Connell and Messerschmidt (2005).

9. Writing about community activism among urban Black and Latino women, Nancy Naples coined the apt phrase *activist mothering* to describe "the overlap of mothering practices, political activism, and community work" (Naples 1992, 1998).

10. Barbara (Cuyahoga County), 11/17/2014.

11. Erica (Athens County), 11/19/2014.

12. Nora (Athens County), 2/20/2012 and Rachel (Cuyahoga County), 2/27/2012.

13. Olivia (Cuyahoga County), 2/29/2012 and Gina (Morrow County), 1/13/2015.

14. Jean (Guernsey County), 12/8/2014.

15. Interestingly, of the three women in the study without children, only one was among those who did not mention children's health as a motive for shale energy opposition. This means that two women without children raised the topic of children's health in interviews, while two interviewees with children did not mention this theme. Of the thirteen women with children, seven have children still in the home and six have children who are grown.

16. As one interviewee without children hypothesized, "realistically, especially if I had children, I think there would be no question. I would move them out if the pollution started to get bad" (Nora (Athens County), 2/20/2012).

17. Olivia (Cuyahoga County), 2/29/2012.

18. Gina (Morrow County), 1/13/2015.

19. Paige (Union County), 1/18/2012.

20. Kate (Tuscarawas County), 11/17/2014.

21. Rachel (Cuyahoga County), 2/27/2012.

22. Allison (Franklin County), 10/22/2014.

23. Kate (Tuscarawas County), 11/17/2014.

24. Gina (Morrow County), 1/13/2015.

25. Allison (Franklin County), 10/22/2014.

26. Deanna (Athens County), 3/7/2015.

27. Barbara (Cuyahoga County), 11/17/2014.

28. Sarah (Athens County), 5/9/2012.

29. Kate (Tuscarawas County), 11/17/2014.

30. Gina (Morrow County), 1/13/2015.

31. Kate (Tuscarawas County), 11/17/2014.

32. Sarah (Athens County), 5/9/2012.

33. Colleen (Portage County), 1/12/2015.

34. Nora (Athens County), 2/20/2012.

35. Paige (Union County), 1/18/2012.

36. Kate (Tuscarawas County), 11/17/2014.

37. Nora (Athens County), 2/20/2012.

38. Olivia (Cuyahoga County), 2/29/2012.

39. Rachel (Cuyahoga County), 2/27/2012.

40. Erica (Athens County), 11/19/2014.
41. Gina (Morrow County), 1/13/2015.
42. Allison, Franklin County), 10/22/2014.
43. Jean (Guernsey County), 12/8/2014.
44. Paige (Union County), 1/18/2012.
45. Erica (Athens County), 11/19/2014.
46. Kate (Tuscarawas County), 11/17/2014.
47. Allison (Franklin County), 10/22/2014.
48. Kate (Tuscarawas County), 11/17/2014.
49. Vicki (Wood County), 1/19/2012.
50. Paige (Union County), 1/18/2012.
51. Nora (Athens County), 2/20/2012.
52. Barbara (Cuyahoga County), 11/17/2014.
53. Paige (Union County), 1/18/2012.
54. Rachel (Cuyahoga County), 2/27/2012.
55. Barbara (Cuyahoga County), 11/17/2014.
56. Allison (Franklin County), 10/22/2014.
57. Olivia (Cuyahoga County), 2/29/2012.
58. Gina (Morrow County), 1/13/2015.
59. Nora (Athens County), 2/20/2012.
60. Laurie (Athens County), 2/19/2015.
61. Rachel (Cuyahoga County), 2/27/2012.
62. Deanna (Athens County), 3/7/2015.
63. Barbara (Cuyahoga County), 11/17/2014.
64. Paige (Union County), 1/18/2012.
65. Nora (Athens County), 2/20/2012.

66. Steingraber was arrested along with two other mothers for civil disobedience against hydraulic fracturing in upstate New York.

67. Laurie (Athens County), 3/19/2015.
68. Barbara (Cuyahoga County), 11/17/2014.

69. As Carole Pateman famously observed, “the dichotomy between the private and public is central to almost two centuries of feminist writing and political struggle; it is, ultimately, what the feminist movement is all about” (1983:281).

70. Haraway argued that “if it was ever possible ideologically to characterize women’s lives by the distinction of public and private domains – suggested by images of the division of working-class life into factory and home, of bourgeois life into market and home, and of gender existence into personal and political realms – it is now a totally misleading ideology, even to show how both terms of these dichotomies construct each other in practice and in theory. I prefer a network ideological image, suggesting the profusion of spaces and identities and the permeability of boundaries in the personal body and in the body politic” (1990:212).

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CHILDREARING IN AUSTRIA: WORK AND FAMILY ROLES

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ABSTRACT. OECD regularly carries out surveys in its member states to assess their recent economic performance. For the preparation of the 2015 survey focusing on gender mainstreaming of family and work arrangements in challenging times, I summarized insights from empirical research for Austria which was provided to the OECD team and constituted a major input for the economic survey on Austria. The key messages can be summarized as following: in Austria enrolment in childcare at age 0–3 remains comparatively low, but has been increasing rapidly after 2007. Huge regional differences in enrolment and accessibility of full-day early childcare exist. A combination of mothers' part-time labor participation and fathers' full-time employment has emerged as a new dominant model of parents' labor participation across all education groups. Austrians are particularly aware of fathers' presence and active role in childrearing. Regarding attitudes towards employment of mothers with pre-school children, Austria holds a medium position in Europe, with large differences between women and men. Focusing on possible consequences of gender differences on fertility, research suggests that depressing effects may be expected only if these are also perceived as gender inequalities (i.e., as being unfair or unjust). Regarding fertility and family size, childlessness is comparably high in Austria, and exceptionally high among tertiary educated women and scientists. Key obstacles for the female researcher are time structures of work, temporary contracts and personal obstacles. Concerning family policies and public spending on families, cash supports are comparably high in Austria, spending on services and tax measures low. This unique combination supports traditional gender roles in the country.

Keywords: gender policies; gender mainstreaming; Austria, OECD;
family and work; parental leave

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Introduction

Differences in social norms with regard to gender and family roles across societies are considerable (Bühlmann et al. 2010; Craig and Mullan 2011; Fodor and Balogh 2010; Kunovich and Kunovich 2008; Liefbroer and Billari 2010; Sobotka 2008). Country-specific conditions for work and family reconciliation, the division of labor and gender ideologies have been theoretically and empirically acknowledged to determine fertility and women's employment (Aassve et al. 2015; McDonald 2000a; Neyer et al. 2013). Early research on attitudes towards maternal employment was mainly carried out in the US and in Sweden (Banaszak and Putzer 1993; Hultaker 1981). Norms and values about the gender division of labor turned out to influence women's participation in the labor market (Pfau-Effinger 1998). Gender roles and gender division of tasks have been associated with fertility and childbearing and studies in the realm of demography are increasingly paying attention to gender roles and reconciliation of family and work to explain variation in fertility (Bernardi et al. 2013; Gauthier 1996; Gauthier 2007; Thévenon and Gauthier 2011). Fertility research suggested that difficulties in balancing work and family is one of the factors leading to low fertility rates in several developed countries (Atoh 2008; Fagnani 2002; Matysiak and Vignoli 2013; Neyer et al. 2013). Nevertheless, a study for the US provides little support for the idea that working women in the United States who have difficulty in balancing work and family delay or forgo having additional children (Liu and Hynes 2012). Approaches have been developed to quantify and compare conditions for work and family reconciliation (Matysiak and Weziak-Bialowolska 2013). Another vein of literature in the realm of gender roles focuses on men's involvement in their families (Duvander and Andersson 2006; Goldscheider et al. 2014; Lappegård 2008; Liefbroer and Billari 2010; Moss 2012; O'Brien 2009). Fathers' active role in parenting has a positive effect on further childbearing (Duvander and Andersson 2006). The new thinking about fathers has been reflected also at the political level aiming at a balanced participation of women and men in family and working life (European Communities 2000). Recently, paternal engagement has been researched in Japan, partly in the context with the country's low fertility (Ishii-Kuntz and Maryanski 2003; Ishii-Kuntz 2013; Iwata 2003).

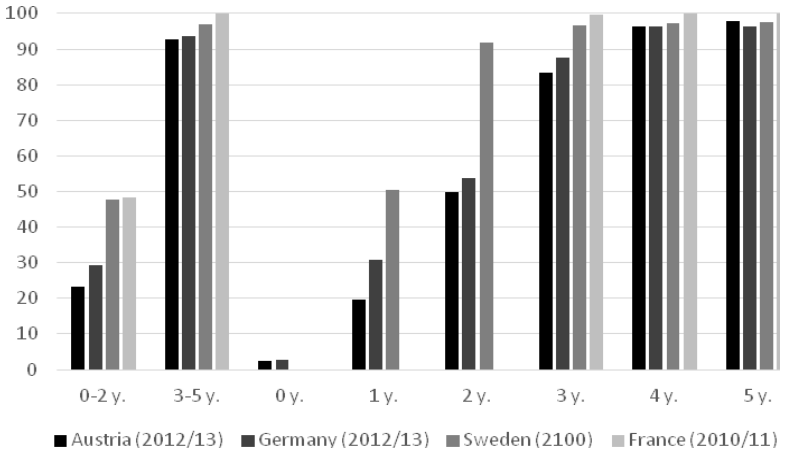
Austria has traditionally been characterized by a separate gender roles model, contributing to the well-being of children, dependent elderly and families in general, but reducing female labor force participation and confining women in special roles. Growing aspirations for a less gender-differentiated and more gender-balanced society have been identified as a key challenge in the 2013 OECD Economic Survey on Austria. OECD regularly carries out surveys in its member states to assess their recent eco-

nomic performance. A key dimension for economic growth and wellbeing is progress with gender equality. Therefore, the current paper reviews recent insights on gender mainstreaming for childrearing in Austria, prepared for the Austrian OECD country report. Providing detailed country-specific insights on gender roles as well as work and family roles is important to understand the prevalent country context. The aim of this paper is to synthesize insights in the triangular interaction between labor market participation, well-being and parenthood in the context of demography.

Enrolment in Childcare

Most recent available data on enrolment in childcare by age of the child have been published by the Austrian Institute for Family Studies (Dörfler et al. 2014). Based on administrative data, Austria has a lower rate of enrolment in childcare for children below age three than France, Germany and Sweden. The enrolment amounted to 23.3% in 2013 (see Figure 1) and has doubled during the last six years, from 11.8% in 2007. Enrolment in Germany is currently about 30%. In France and Sweden, every second child below age three is enrolled in external childcare. Childcare outside the family usually does not start before the child's first birthday, but at the age of 2 years, about nine out of ten children are enrolled in external childcare in these two countries.

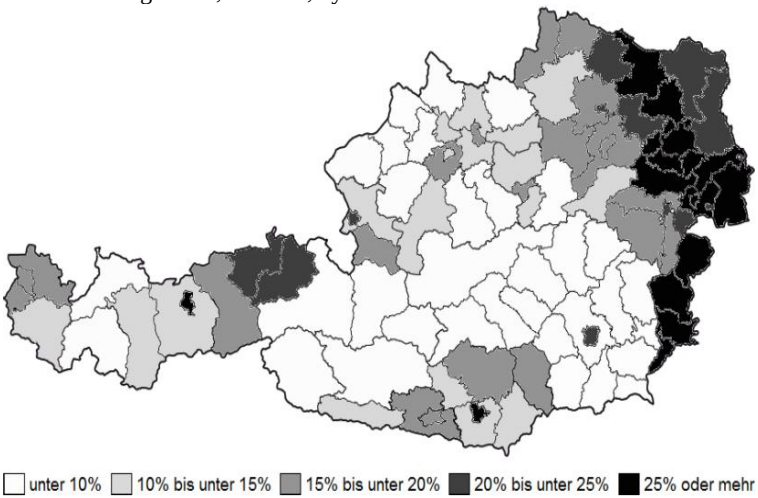
Figure 1 Enrolment in childcare 2012/13



Source: Administrative data (AT, DE, SE); administrative data and EU-SILC (FR). Dörfler, Blum and Kaindl (2014)

Enrolment in childcare facilities for children below age three was clearly below the EU directive of 33% in 2010. A specific feature of childcare facilities in Austria are large regional differences between federal states (Blum and Kaindl 2014), with the enrolment varying from 12% in Styria to 40% in Vienna in 2013 (see Figure 2 and Table 1). These differences also relate to opening hours (many facilities in Styria and Tyrol close as early as 2 pm or earlier) and qualitative factors such as the ratio children to carers or the size of the groups. Parents often resort to relatives and, to a lesser degree, to home-based childminders (Blum and Kaindl 2014; Plantenga and Remery 2009).

Figure 2 Regional differences in enrolment in childcare of children below age three, 2011/12, by districts.



Source: Blum and Kaindl (2014)

Table 1 Regional differences in enrolment in childcare of children below age three, 2007-2014, by federal states

Federal State	2007/08	2011/12	2013/14
Burgenland	15.3%	29.0%	31.3%
Carinthia	12.7%	16.5%	18.5%
Lower Austria	8.7%	21.2%	22.3%
Upper Austria	6.0%	11.2%	12.8%
Salzburg	9.9%	14.1%	17.6%
Styria	5.6%	10.0%	11.9%
Tyrol	12.3%	18.0%	21.7%
Vorarlberg	11.6%	17.3%	20.5%
Vienna	23.1%	33.2%	40.3%
Austria	**11.8%**	**19.7%**	**23.0%**

Sources: Blum and Kaindl (2014); Statistics Austria 2008, 2012, 2014

Within the nine Austrian federal states differences in legal arrangements regarding child-to-staff are substantial (Blum and Kaindl 2014). Insight from a qualitative study revealed criticism regarding the quality of childcare. Personal situation and child-to-staff ratio, education and working conditions of childminders and age-limits for entering childcare facilities were explicitly mentioned (Blum and Kaindl 2014).

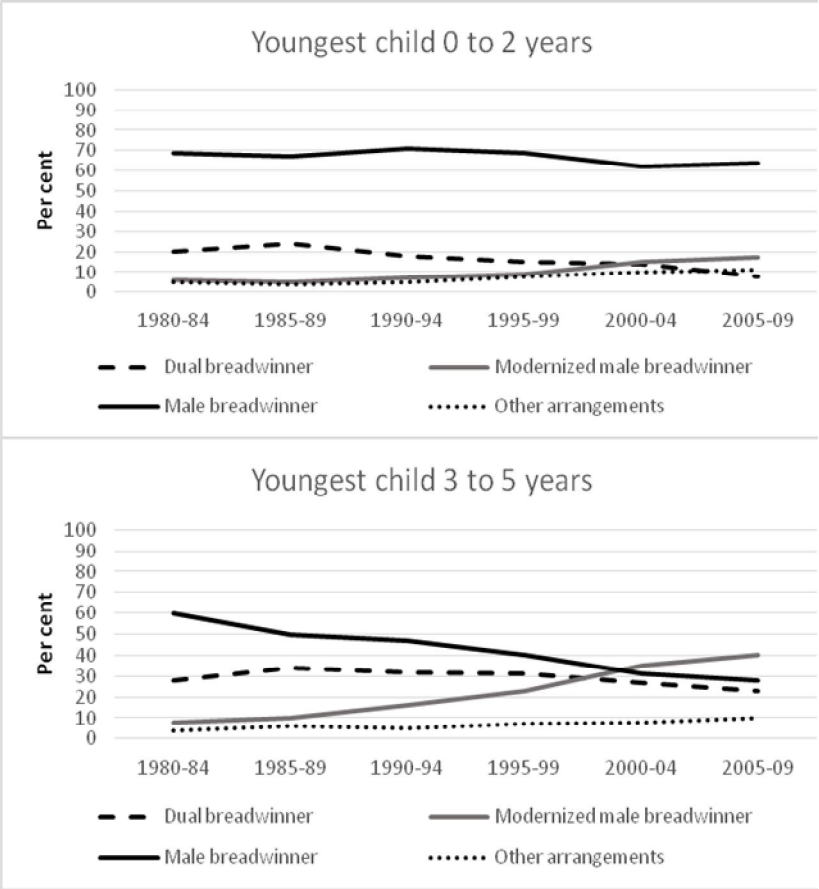
Work Arrangements of Parents

A recent study examines work arrangements of parents with children below age six in Austria (Berghammer 2014), distinguishing between male breadwinner model, "modernized male breadwinner" model and dual breadwinner model. The "modernized male breadwinner" model refers to the situation where mothers work part-time, whereas their male partners continue with full-time employment.

It turned out that over the period of almost 30 years, parents with various combinations of educational attainments opted more and more frequently for the modernized male breadwinner model in which women work part-time. The latter has become the most common arrangement among parents with pre-school children (Figure 3). The results are interpreted in the light of institutional and cultural factors, playing special attention to parental leave regulations, the availability of childcare places and attitudes towards mothers' employment. Berghammer remarks that it is a consequence of policies expanding parental leave and settling incentives for part-time work, as well as the insufficient availability of childcare places which make full-time work "costly" and difficult to implement.

Approximately two-thirds of parents currently opt for the male breadwinner model when their child is below age three, with the remaining third balanced between modernized male breadwinner and dual earner breadwinner (Figure 3). This pattern is unique in Europe. The modernized male breadwinner model is prevailing when children are at pre-school age or school age, too. Around a half of the parents can be characterized by the modernized male breadwinner model, regardless of whether their youngest child is 3–5, 6–9 or 10–14 years old (Klapfer 2010).

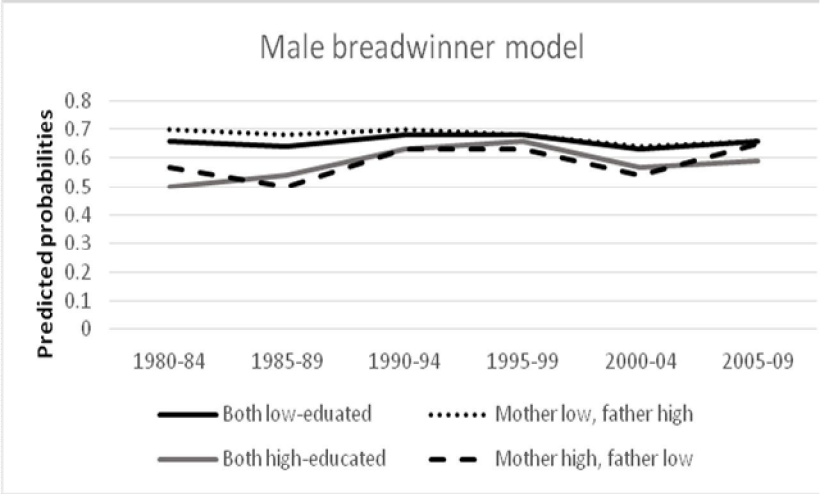
Figure 3 Work arrangements of couples with children below age six, 1980–2002

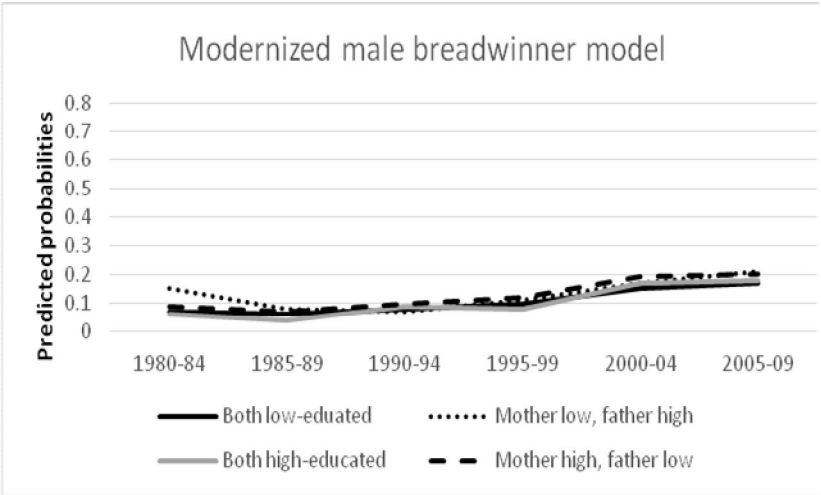


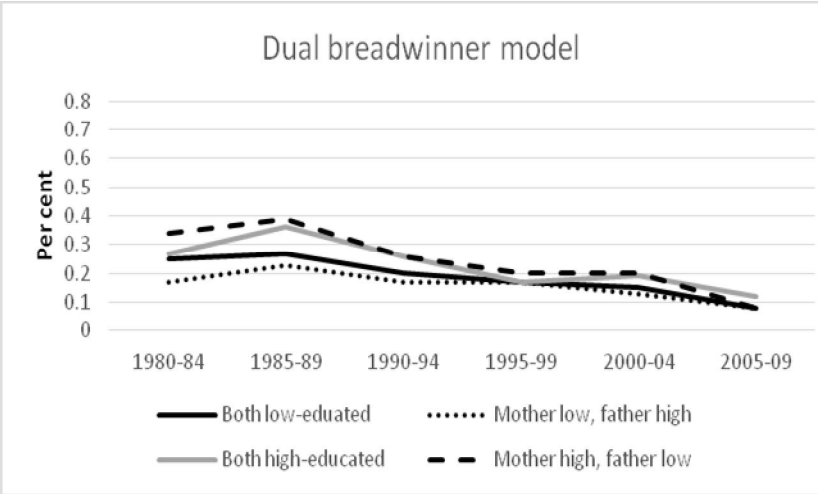
Source: Berghammer (2014)

Berghammer's study focuses on combined educational level of parents. The findings show converging trends between different educational groups. Couples with children below age of three whose mothers are highly educated increasingly turn away from the dual breadwinner model and, rather unexpectedly, choose the modernized breadwinner model (Figure 4). Asking if the male breadwinner model is returning, she concludes that this definitely applies to couples in which women are highly educated and have an infant. The result is rather unexpected given a seemingly universal trend towards higher gender equality and mothers' rising labor market participation.

Figure 4 Work arrangements of couples with youngest child 0–2 years

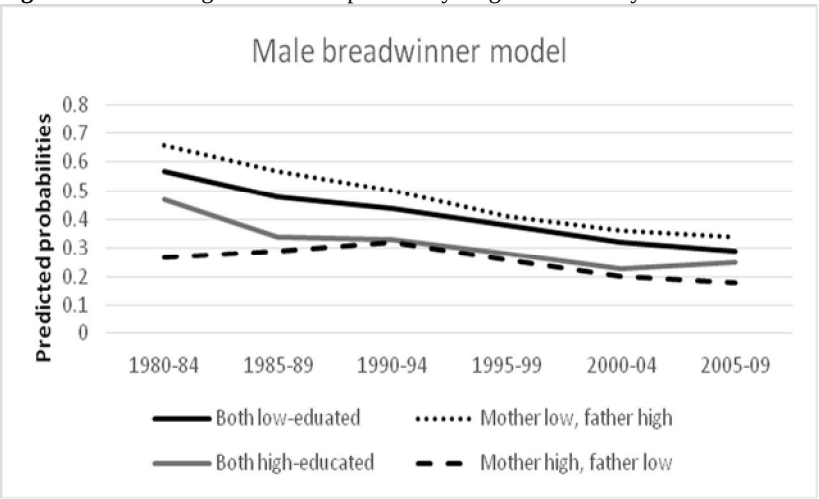


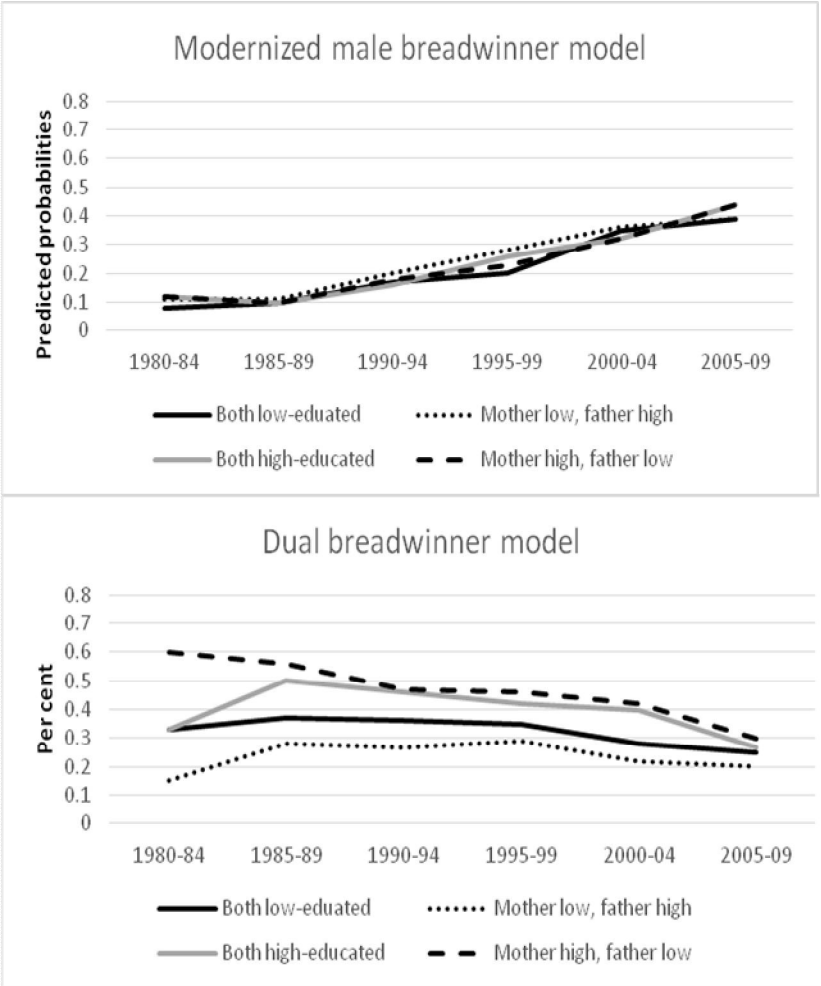




Source: Berghammer (2014)

Figure 5 Work arrangements of couples with youngest child 3–5 years





Source: Berghammer (2014)

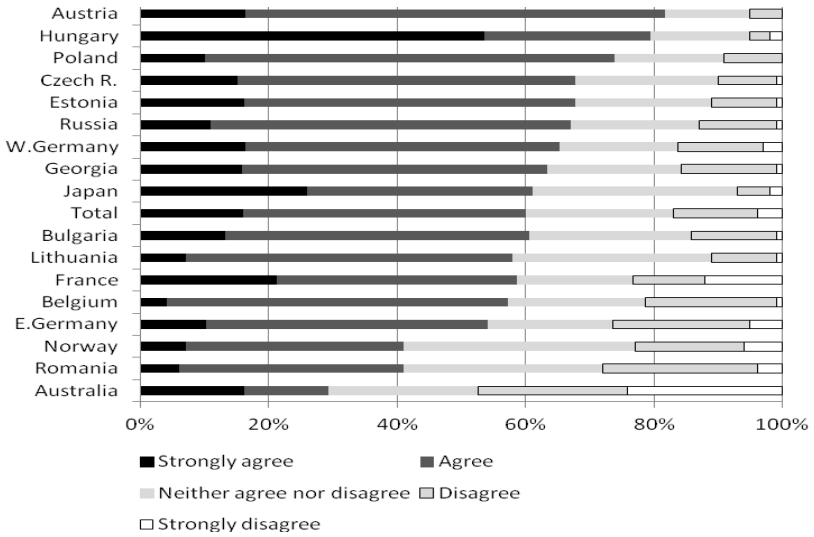
Another important result of this study is that the educational effect has declined over time, that is, employment patterns between educational groups have converged. When the youngest child is less than three years old, highly educated mothers increasingly adapt to the behavior of their low-educated peers in that they delay their return back to work (Figure 4). This development can most likely be explained by the repeated prolongation of parental leave during the observation period (1980–2009). By the time children are pre-schoolers, the shift from the dual breadwinner model is steeper

among parents with a highly educated mother than among their lower-educated peers (Figure 5). The Austrian findings are surprising in view of the fact that results for Germany document a growing divide between mothers with different educational backgrounds (Konietzka and Kreyenfeld 2010).

Fathers' Involvement in Childrearing

Attitudes towards the statements "A pre-school child suffers if his/her mother works" and "Children often suffer because their fathers concentrate too much on their work" have been analyzed recently. Austrians are particularly aware of the importance of fathers' presence and their active role in raising children (Buber-Ennser and Panova 2014). For fathers' concentration on work, agreement was highest in Austria, Hungary and Poland (80%, 77% and 73% respectively), and lowest in Australia, Romania and Norway (29%, 41% and 41%) (Figure 6). In the remaining countries, agreement was between 53% and 67%. Agreement might be interpreted as an indicator for awareness of the importance of fathers' presence and their active role in childrearing, or, alternatively, as an awareness of fathers' too long work hours which prevents them from spending more time with their family. Gender differences are exceptionally large in Austria with men agreeing much more often than women that children suffer from fathers' concentration on work.

Figure 6 Attitudes towards fathers' concentration on work (in percent)



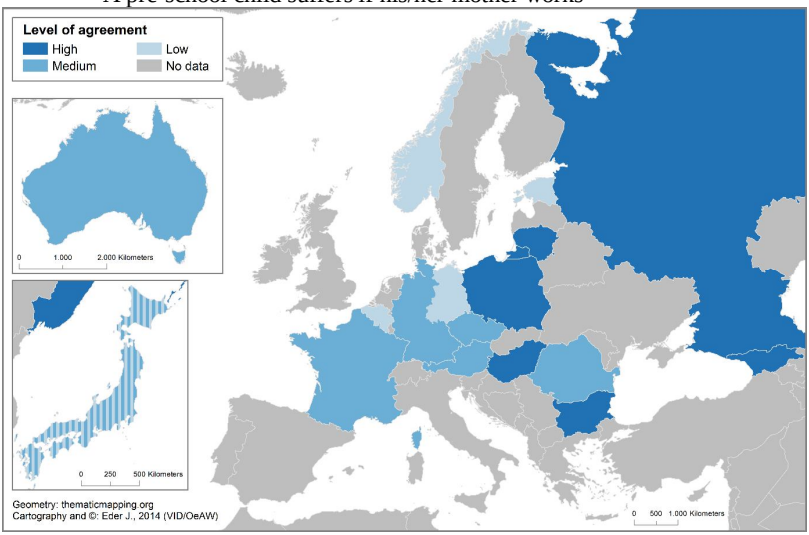
Source: Buber-Ennser and Panova (2014)

To add, a recent study found that Austrian employed full-time parents spend more time with their children. Based on time-use data (1992 and 2008/09) the study showed that the time devoted to childcare has increased in Austria (as in many other western countries). In particular three groups, namely (1) fathers employed full-time who have non-employed partners, (2) housewives and (3) parents with medium education spend more time with their children in Austria (in a comparison between 1992 and 2008/09) (Berghammer 2013).

Attitudes towards Employment of Mothers with Pre-School Children

A ranking for attitudes towards employment of mothers with pre-school children across 14 European countries – among them ten located in Central and Eastern Europe, Australia and Japan – identifies three broad groups (Buber-Ennser and Panova 2014). (Figure 7): Most traditional countries are Hungary, Georgia, Russia, Bulgaria, Poland and Lithuania. Australia, Western Germany, Romania, France, Austria and the Czech Republic hold a medium position. Belgium, Eastern Germany, Japan, Estonia and Norway are the least traditional countries. Japan holds an intermediate position (liberal/medium position).

Figure 7 Country typology based on attitudes towards
"A pre-school child suffers if his/her mother works"



Source: Buber-Ennser and Panova (2014); respondents aged 18–45 years

The gap in attitudes between men and women is largest in Austria and Norway and substantially large in western Germany. We might conclude that especially in Austria, Western Germany and Norway men hold much more traditional views than women.

Attitudes vary by socio-demographic characteristics (gender, age, education, employment status or number of children). In Austria differences by education are very large. Further evidence is provided by Berghammer (2014) for the period 1988–2002 (respondents aged 18–54). An agreement with the view that preschool children suffer when mothers work decreased from 79% to 60% among the low educated and declined from 56% to 43% among the higher educated. The relative gap in attitudes by education has thus remained stable over time. To add, there is still reluctance towards the degree of employment in Austria. Part-time is regarded as the preferred way to combine family and work (Berghammer 2014). In line, another study showed that in Austria a high proportion of persons considers it desirable that mothers do not participate in the labor force when children are at preschool age (Wernhart and Neuwirth 2007).

Does Gender Equality Matter for Fertility?

Very low fertility levels in many Western societies have been associated with low gender equality, which arguably prevents some women from realizing their fertility plans as that would entail too high opportunity costs to their career, income, and other activities (Esping-Andersen et al. 2013). However, the aggregate level connection between gender equality and fertility at the level of countries, regions and population groups remain relatively little researched and any evidence should be treated as tentative.

Many more studies addressed individual-level links between gender equality, fertility intentions and actual fertility behavior. The effect of gender equality on fertility intentions and behavior reveal inconclusive results, partly due to different concepts employed (Goldscheider et al. 2010; Puur et al. 2008; Westoff and Higgins 2009).

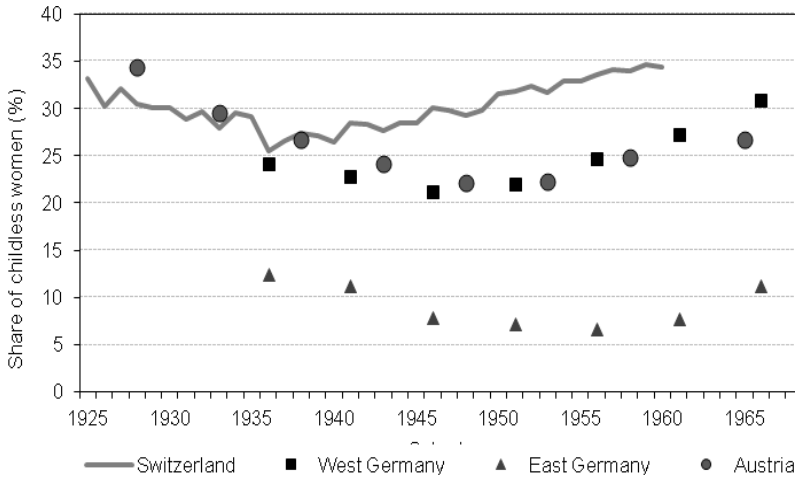
In general, two notions are distinguished: gender equality and gender equity. *Gender equality* refers to the effective distribution (e.g. employment, wages, education, health). *Gender equity* captures fairness (or perceived fairness) and social justice (Fraser 1994) (McDonald 2000a; McDonald 2000b). Research on the association between gender equality and fertility underlines the need to account for perceived fairness of the distribution of work, the need to distinguish between distribution of household and childcare work, the need to look at men and women separately and the need to distinguish parity (Neyer et al. 2013).

Recent insights on the link between gender equality and fertility underlines that the capacity to maintain a household (defined via own full-time employment) is essential for childless women and men in intending to have a child in the next three years. For childless couples, there is a positive effect of full-time employment on childbearing intentions. For parents, this effect disappears for women and remains positive for men. Gender-balanced division of household and childcare tends to support childbearing intentions of both women and men. Finally, there is a need to consider satisfaction together with the division of household work and care.

Highly Educated Women and Female Scientists

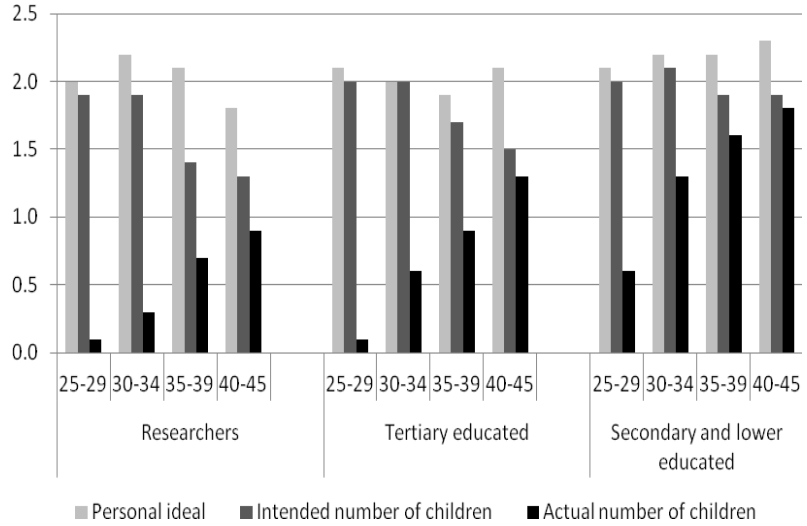
In Austria, but also in Western Germany and Switzerland, tertiary educated women have exceptionally high levels of childlessness (Figure 8). Fertility intentions of highly educated women and female scientists in Austria are in contrast to their realized family sizes (Figure 9) (Buber-Ennser et al. 2013; Buber et al. 2011).

Figure 8 Childlessness among tertiary educated women



Source: Stock et al. (2012)

Figure 9 Ideal, intended and realized number of children by educational level



Source: Buber et al. (2011)

A study on fertility intentions of university graduates (Buber-Ennser et al. 2013) revealed that in Western Germany and Austria childless highly educated women are less likely to intend to have a child within the next three years. Moreover, gender differences are notable in these two countries, with women less often intending to have a child in the near future than men. Childbearing plans are most prominent among university graduates around the age of thirty. The degree of institutionalization, the duration of the relationship and the number of working hours are also associated with fertility intentions.

The educational system in Germany and Austria, especially in academic professions, does not show much differentiation and access to professional life is generally defined by one's highest completed level of education. Other countries, in particular northern European and Anglo-Saxon ones, offer a variety of educational qualifications that can be acquired at various stages of life, thus allowing for flexible arrangement of life plans over the life course (BMFSFJ 2006).

Childlessness among female researchers in Austria and Germany is very pronounced (above 40%) (Buchholz 2004; Fieder et al. 2005). Recent results indicate that the low level of realized fertility among the researchers is in sharp contrast to their personal ideals and intentions (Buber et al. 2011). For most researchers, children are part of their life concept, but they

only manage to have about half of their personal ideal number. Regarding intended childlessness, data indicate that the great majority intends to have children in the short or long run. Personal and professional obstacles are associated with voluntary childlessness (Buber et al. 2011).

The key obstacles identified for the female researchers were as follows:

• time structure of work differs from that of most other occupations (tend to have long working hours; particularly in times of high demand, work spills into free time);

• contracts are often temporary causing uncertainty regarding future plans; job mobility (research abroad, conferences, guest lectures, further extended education)

• personal obstacles: higher share living in a "living-apart-together" relationship (separate flats and often separate places of residence of the partners), often linked to employment (different places of work)

Distribution of Childcare Tasks and Fertility Intentions

Several analyses have been carried out at the Vienna Institute of Demography of the Austrian Academy of Sciences, based on the 1995/96 Family and Fertility Survey (FFS) launched in 1995/96 and on the two waves of the Generations and Gender Survey (GGS), with interviews carried out in 2008/9 and 2012/13. Results based on the FFF revealed that:

• Among women with one child, sharing childcare duties among couples is a driving force behind plans for further childbearing, whereas the division of household tasks between men and women has no explanatory power (Buber-Ennser 2003).

• Satisfaction with the distribution of childcare duties and household tasks had no effect on wanting a child within the next two years, and a minor effect on wanting a second child at all (Buber-Ennser 2003).

Research using GGS wave 1 showed that:

• Men's participation in childrearing but also the satisfaction with the distribution of childcare between partners influence women in wanting a second child (Buber and Neuwirth 2009). Mothers who were satisfied with the division of childcare tasks intended to have another child more often than less satisfied mothers. Among satisfied mothers, six in ten wanted a second child, whereas among less satisfied only one-third planned a second child.

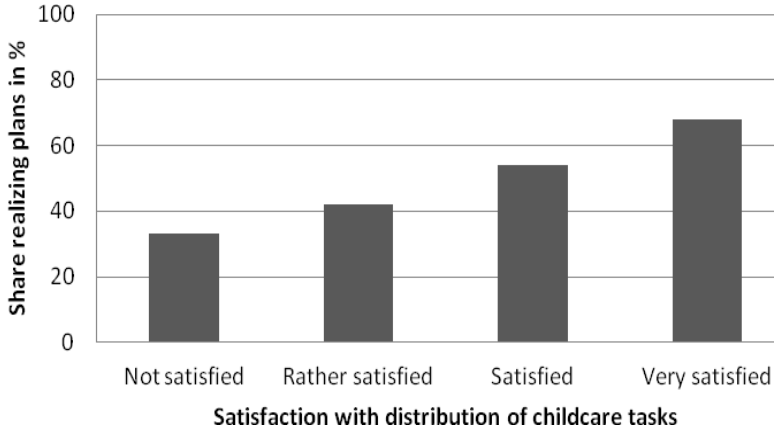
• Despite the unequal distribution of childcare tasks between partners, two out of three mothers were very satisfied with the distribution of childcare tasks with their partner (49% of women ranked satisfaction with 10 out of 10, further 16% with 9 out of 10). Among fathers, satisfaction with the distribution was even higher, as three out of four were very satisfied.

Recent studies based on GGS wave 2 finds that:

• Not only the intention to have a further child depends on the mothers' satisfaction with the division of childcare tasks, but satisfaction is also crucial for realizing intentions (Buber-Ennser et al. 2014a; Buber-Ennser et al. 2014b). Mothers who were not satisfied with arrangement realized child-bearing intentions less often than satisfied mothers (one-third versus two-thirds) (Figure 10).

To sum up, empirical evidence reveals the importance of women's satisaction with the division of childcare duties for any plans to have further children as well as for the realization of such plans in Austria. Moreover, the distinction between household work (especially traditionally feminine chores) and childcare tasks is important. This indicates that household work and childcare tasks are qualitatively different dimensions, and that childcare is more than just an additional element of family work

Figure 10 Realization of fertility plans within 4 years in Austria by mothers' satisfaction with distribution of childcare tasks



Source: Buber et al. (2014a)

Men on Parental Leave in Austria

In Austrian in 2011, among all parents on parental leave, 8% were male. Fathers go on parental leave for a comparably short period, only 4% of all parental leave days have been contributed to fathers. The introduction of different parental-leave-options (shorter periods of leave, higher transfer payments) in 2008 induced a remarkable increase in the share of fathers on

parental leave, but from an extremely low starting base (Reidl and Schiffbänker 2013). According to a newspaper report (Herrnböck 2012), fathers' share on total leave taken in 2012 was only 4.7 %, while 17 % of all fathers took at least some leave, typically of a short duration of several months.

An international review (Moss 2012) summarizes: Where leave is a family entitlement only, fathers' use is low (e.g. Czech Republic, Finland, Poland, Austria). Where parental leave has both an individual entitlement element and is relatively well paid, fathers' use is higher (Nordic countries). For the Nordic countries, involvement of fathers in paternal leave is as follows:

- Denmark: among parents of children born in 2005, 24% of fathers took parental leave
- Iceland: in 2008, 91% fathers took a period of leave
- Norway: in 2007, 70% of fathers took more than 5 weeks
- Sweden: in 1998, 89% of fathers took parental leave; in 2010, 44% of parental leave benefit recipients were male.

A recent study reveals that in Austria, fathers' paternity leave often constitutes only an "excursion" into family life. Afterwards family and childcare responsibilities have to be "left behind" again. There is no support for involvement beyond the short leave period (Holzinger et al. 2014).

A recent study focused on the association between fathers' participation in unpaid work and fertility in Europe and the US (Sullivan et al. 2014). Increases are observed in the contribution of younger, more highly educated fathers to childcare and core domestic work in very low-fertility countries that have recently experienced upturn in fertility. Although causalities could not be studied, findings indicate a connection between fathers' increasing participation in unpaid work and fertility. Evidence from Norway shows that parental leave policy is the most influential policy instrument for second births, especially if parental leave is also taken by the father. The introduction of the childcare cash benefit is most influential for third births (Lappegård 2010). The author concludes that policies which promote paternal involvement in childcare and gender equality are positively associated with second births, while policies giving more general family support are positively associated with third births (Lappegård 2010).

Parental Leave Policies in Austria

With regard to parental leave policies, a short and well-paid parental leave alternative of 12 (+2) months was added to the existing schemes in 2010. Nevertheless, the longest version of 30 (+6) months remains by far the most popular option. While claims to this longest version are very slowly

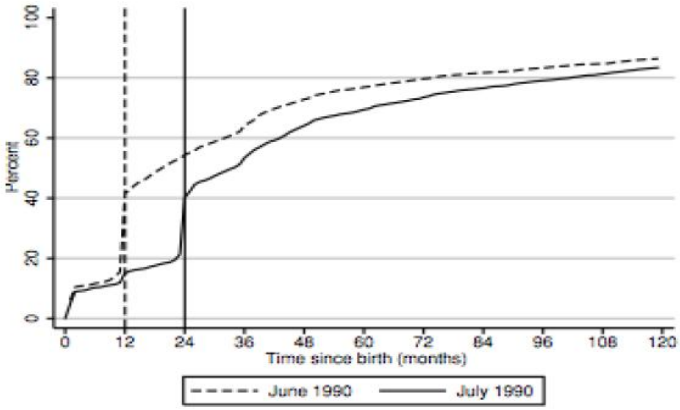
declining, the shorter versions are arguably becoming more attractive (Rille-Pfeiffer and Kapella 2012). They are disproportionally used by mothers with a high income, and fathers engage most frequently in them.

Austria saw a major family policy reform in 1990 where the duration of parental leave increased from one year to two years. A study on the effects of this change in the duration of parental leave is worth mentioning (Lalive and Zweimüller 2009). Analyses focused on mothers' higher-order fertility and post-birth labor market careers. It turned out that mothers who give birth to their first child immediately after the reform had more second children than pre-reform mothers. Extended parental leave significantly reduced returns to work (Figure 11). The results reveal that mothers who gave birth to their first child immediately after the reform had a slightly higher share of second children than pre-reform mothers. Mothers with entitlement to two years of parental leave have a 5 percentage points higher probability of getting an additional child within the following three years and a 4 percentage points higher probability persisting after 10 years since first birth. This suggests that not only the timing but also the number of children was affected by the policy change, although another study by Šťastná and Sobotka (2009) found no permanent effect of changes in parental leave regulations on lifetime probability on having another child.

Lalive and Zweimüller (2009) also found that extended parental leave significantly reduces return to work. However if employment and earnings decrease in the short run, they do not in the long run (Figure 12).

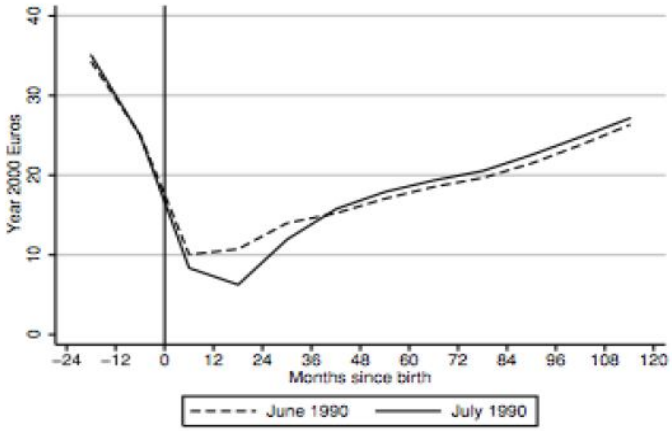
A large interdisciplinary project on families in Germany, Austria and Switzerland argues that for the well-being of (potential) parents and children family policy has to take into consideration the trias time-money-infrastructure. With other words, families need money, time and infrastructure (Stock et al. 2012). Over the different phases of the life course, families need different amounts of time to care for each other. Shared time needed for care cannot be planned in advance. A time-policy related to the life course has to take into account different time needs in different phases over the life course. Families must be sure that in specific phases of the life course there is enough time for care and for the needs of the family members, like around the birth of a child, school entry or school change of children, change of residency or in case of sickness of a child, a parent or a person caring for children (Stock et al. 2012).

Figure 11 Return to work after parental leave



Source: Lalive and Zweimüller (2009)

Figure 12 Earnings after parental leave



Source: Lalive and Zweimüller (2009)

Cultural Norms Regarding Childcare

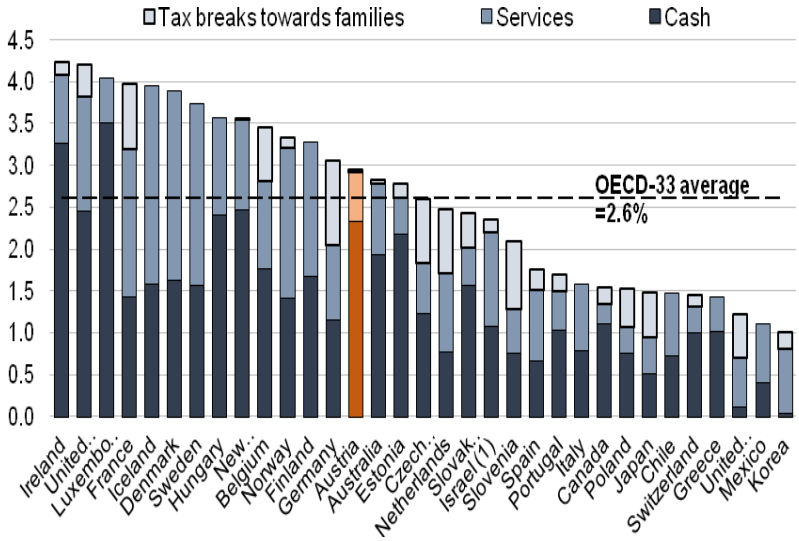
Apart from availability and affordability, cultural norms regarding childcare and maternal employment also influence actual use of childcare services. In a comparison between French and German women, Fagnani (2002) concluded that differences between state policies should not be overestimated in explaining the persistent fertility gap between the two countries. She underlined the strong differences in women's attitudes towards childcare

outside of the home. While childcare services seem to be generally accepted in France, the attitude in Western Germany is that children should not attend childcare facilities until they are at least two or even three years old (Fagnani 2002). In Norway, where use of childcare facilities for children above one year is generally accepted, there seems to be an informal norm that children should not spend too many hours in childcare (Plantenga and Remery 2009). From the life-course perspective, Norwegian women perceive their labor market participation as a "natural" choice which is not in opposition to child raising (Lappegård 2000, p. 16).

Public Spending on Families

In Austria public spending on family benefits in cash was above OECD average in 2009 and amounted to 2.95% of the GDP (OECD, 2014). Cash supports were comparably high, whereas spending on services was low and tax breaks towards families were almost non-existing (0.04% of GDP) (Figure 13). This distribution of public spending on families reflects on the one hand the aim to economically support families, with a comparable long period of paid parental leave, which is taken mainly by mothers. On the other hand, spending on services have been comparably low, endorsing traditional family role models.

Figure 13 Public spending on families



Source: OECD Family Database

Conclusion

Austria can be characterized as a Western European country with low levels of fertility. A combination of mothers' part-time labor participation and fathers' full-time employment has emerged as a new dominant model of parents' labor participation across all education groups. Regarding attitudes towards employment of mothers with pre-school children, Austria holds a medium position, with large differences between women and men. Relatively few fathers take parental leave in Austria, especially for a longer period, despite parental leave regulations providing an incentive for fathers to participate. Nevertheless, Austrians are particularly aware of fathers' presence and active role in childrearing.

The provision of childcare facilities is crucial for mother's labor force participation and for reducing gender inequalities on the labor market. Enrolment in childcare services for children below age three remains comparatively low in Austria, but has been increasing rapidly after 2007, doubling in 2007–2013. To add, huge regional differences in enrolment and accessibility of full-day early childcare exist and constitute barriers to combine motherhood and (full-time) employment

Inequalities in the distribution of household tasks and childcare duties between women and men are large, but empirical evidence reveals that only if the actual gender differences are also perceived as gender inequalities (i.e., as being unfair or unjust), depressing effects on fertility may be expected. It is not the actual distribution of household and childcare tasks, but rather the satisfaction with this division that pays an important role in both intending to have a child and in realizing these fertility intentions.

The most recent country report for 2015 underlined that the separation of gender roles in Austria goes well beyond what is found in comparable European countries (OECD 2015). OECD recommends steps to enable earlier return to full-time work of mothers and fathers' participation in care and household duties. A key recommendation is to provide "more opportunities to leave the separate gender role model in order to broaden work-life balance options" (OECD 2015, p. 29).

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JUDGES AND STEREOTYPES ON SAME-SEX ISSUES: ANALYSIS OF CASE LAW FROM A COMPARATIVE PERSPECTIVE IN ENGLISH AND ITALIAN FAMILY LAW

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ABSTRACT. This paper shows the results of an empirical analysis on the case law published by Italian and English Courts on same-sex issues such as same-sex marriage, same-sex parenthood, and transsexualism. Comparative methodology has been used in searching gender stereotypes in the text of judges' decisions in family case law, especially to the "traditional" and "natural" gender roles: male-female, husband-wife, father-mother. The aim of the paper is to analyze through judges' legal reasoning how the social evolution on gender roles are treated in both English and Italian legal systems. The results of this analysis seem to demonstrate that the regulation of same-sex couples is merely a political and ideological issue and the use of "tradition" and "nature" concepts are mere argumentative pretexts to justify it.

Keywords: gender stereotypes; same-sex marriage; same-sex parenthood; transsexualism; comparative law; family law

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1. Introduction

It is a truth universally acknowledged that in comparative law the pattern of judgments is very varied. For instance in civil law systems themselves, such as in France, nowadays, the ideology related to the *juge est-il la bouche de la loi*, implemented during the French Revolution, justifies the synthetic model of French judgments, showing only hints of the facts of the

case and the legal reasoning of the judge. On the contrary, in Germany, according to the systematic and philosophical tradition, judges often describe the complexity of their logical and juridical reasoning. In the Common Law System in the case law method the "direct presence of facts distinguishes reasoning with previous decisions in the 'classical' common law context from reasoning statutes or the constitution" (Komárek, 2013, 157; Siems, 2014, 41), furthermore judges have to detail each logical step according to the distinguishing principle. According to this pattern of judgments it is possible to find gender stereotypes in the legal reasoning because the pattern of decisions allows judges to express their own opinions in "rainbow families" cases.

The aim of this paper is the analysis of gender stereotypes in family case law, especially to the traditional gender roles: male-female, husband-wife, father-mother. Indeed, analyzing the grounds of the judgments in an area with a strong influence of political, philosophical, religious and social issues as family law, we find that stereotypes, especially gender stereotypes, could hide themselves behind apparently neutral concepts (Timmer, 2015, 240). But what is a "stereotype"? Especially a "gender stereotype"? It concerns the sex of a person, especially his or her failure to conform with socially accepted sexual behavior about what "real" men or women do or don't do (D. A. Widiss, E. L. Rosenblatt, D. NeJaime, 2007, 249).

This research would point out through a comparative methodology that on the one hand stereotypes are useful to a conservative Parliament to maintain a political interpretation of the tradition, and on the other hand how courts are trying to adapt laws to contemporary society, especially in terms of family and social evolution. Without the intervention of legislature, tradition is hard to overcome in the Italian positive legal system. Indeed, the European Court of Human Rights highlighted that, despite some attempts over three decades, the Italian legislature has been unable to enact the relevant legislation on same-sex couples.[1] In this perspective, the European Court of Human Rights stated that:

> a deliberate attempt to prevent the implementation of a final and enforceable judgment[2] and which is, in addition, tolerated, if not tacitly approved, by the executive and legislative branch of the State, cannot be explained in terms of any legitimate public interest or the interests of the community as a whole. On the contrary, it is capable of undermining the credibility and authority of the judiciary and of jeopardizing its effectiveness, factors which are of the utmost importance from the point of view of the fundamental principles underlying the Convention."[3]

This effort is pointed out by comparing the Italian case law with the English one. In the English legal system the binding precedent rule on the

one hand allows confirming the certainty of law, while on the other hand distinguishing principle allows the law to evolve in accordance with the evolution of social and family life.

2. The Concept of "Nature" in the Italian Legal Culture

In the legal debate usually the concept of nature is used to mask the concept of tradition and the conservative bond with behaviors and situations run during the history of society. This scheme is realized mainly in the context of discussions about the bioethical issues that by their very essence are located on the border between a traditional concept, linked to the conservation of "nature," and an innovative idea linked to social and technological innovation instead transformation or change the "nature" hitherto known.

Indeed, the human personality is becoming a complex matter made up of several elements that determine its development according to the inclinations of the individual. One of these is undoubtedly sexual orientation. It concerns the direction in which an individual tends to focus its affective and erotic energy to other people. Such direction is defined according to the feelings and desires of the person. Therefore, sexual orientation is at the core of the human personality, and, as personal condition, it is linked to respect of personal dignity and identity. The words used in the text of Article 29 of the Italian Constitution of 1948 such as "natural society" are used by the conservative public opinion to reserve marriage only to heterosexual couples formed of a man and a woman. However, "natural society," "moral and legal equality," and "spouses" are concepts not intended historically, but discounted in the context of our living society. In fact, the Constitution consists of a bridge between the past and future generations. They can identify themselves and share its values. The member of the society should not attribute to these concepts a gradient linked to the gender of its members because "nature" is itself inclusive, not exclusive, due to all living beings pertaining to it (nature).

3. The Empirical Experience

Italian case law on gender and same-sex issues is quite recent, mainly concentrated in the last six years, since the LGBTI associations reacted to the Legislator's silence on the enforcement of their rights. In fact, the LGBTI claimed to the Italian justice systems for obtaining marriage licenses arguing on non-discrimination principle stated in Article 3 of the Italian Constitution

and the international conventions transposed in Italian law such as the European Convention on Human Rights.

Reading the English case law, consulted through the public online database British and Irish Legal Information Institute (BAILII), it is possible to note that the majority of the recent decisions are related to applications for asylum seekers coming from countries where homosexuality is persecuted[4] banned or illegal.[5] In these cases it is possible to view the careful attention in which judges try to verify the likelihood of the alleged condition of the homosexual person fleeing in search of protection.

In Italy, the legal and political and legal struggle for recognizing the rights of homosexual people is relatively recent and seemingly more tied to aspects related to the structure of society like marriage and gender recognition issues. On the contrary, in English legal system judgments on same-sex claims for equality and non-discrimination are many more and on different issues. It should be noted that recognition for same-sex relationships come directly from the Parliament, so English case law is more varied than the Italian one, and its starting point was related to daily life needs, such as housing rights.

Verifying the legal reasoning written by Italian and English judges in their decisions according to their respective cultural and legal mentality could be very surprising, especially investigating if they have the tendency to hide their reasoning behind words or not.

4. The Case Law on Same-sex Couple and Same-sex Marriage

During human history, marriage was characterized by elements protecting traditional values through the celebration of a sacred rite giving stability to society. Especially the marriage rite was surrounded by a golden aura that hid both the regulation, through a contract, of the ownership of families of the bride and groom and the signing of alliances among aristocrats or wealthy people (Gaudemet, 1987, 191). Nowadays in Italy, the concept of nature is commonly used in legal arguments relating to marriage for hiding the concept of tradition that has been treated by previous generations. However, in the contemporary age marriage has no longer the function of managing assets, alliances, properties, and also the issue of social legitimacy necessary to perform a rite has been cracked, destroyed by the spread of mass divorce (Glendon, 1989, 149). The obvious consequence is marriage allowing also to same-sex couples. Nevertheless, the traditional thought permeates so much the mentality of legal operators that only Italian legal scholars books needs to specify the required difference of sex between husband and wife as a requirement for the validity of marriage. In fact neither the Italian constitution nor the civil code explicitly provide for the sex dif-

ference between spouses as a prerequisite for marriage (Trimarchi, 2009, 123). This point was the subject of a constitutional decision in 2010.[6] It refers to the concepts of "natural," "marriage" and "celebration:" the marriage stands as the foundation of the legitimate family (Ferrari, A., 2004, 95) "defined natural society with such an expression as can be seen from the preparatory work of the Constituent Assembly, which wished to emphasize that the family has original pre-existing rights even stronger than those of the State." With the reform of family law in 1975 things changed in inheritance and property law, since, for instance, each spouse became each other heir and they shared family's properties (Ferrando, 2013, 97). These reforms largely eroded the meaning of marriage understood as a stipulation of social alliances, and even the issue of social legitimacy to perform a ritual. Marriage lost almost all those aspects of the nature that were attributed to it by tradition and therefore lost its aspect of economic discipline for having a new role, mainly affective, that for this feature focusing on the development of the personality of the person who enters into it (Scalisi, 2013, 5). However, the 2010 Constitutional court's decision has blocked the marriage concept to older values than modern, especially with its express reference to the naturalness of "a consolidate of a thousand years tradition,"[7] despite the fact that the homosexual condition has not been unknown, as noted by the Italian Constitutional Court itself in the above-mentioned judgment 138/2010. In fact this Court referred to the debate occurred in the Constituent Assembly about the drafting of article 29 of the Constitution itself, concluding that, because of the reference to the marriage as natural society, it does not consider same-sex unions, but only to traditional institution of marriage. These words were used by the Court of Cassation in the judgment 4184/2012[8] in which the judges overcame the stereotypes of nature and tradition in recognizing a foreign same-sex marriage effective (even if not valid) in Italy. Even in this case the reference to nature was inevitable for overturning what the Constitutional Court stated. In fact the Court of Cassation's judgment radically disputed the idea that the sex difference is a natural prerequisite of marriage. Explaining this point, the Supreme Court stated that the "naturalistic conception of heterosexual marriage is overcome according to the case law of the European Court of Human Rights on the abovementioned Article 12 ECHR, that took away any legal significance to the sex difference between spouses and included same-sex marriage."[9] Nevertheless, it affirmed the right of homosexual couples to a "family life" and the recognition of this right in the specific spheres of life where it appears relevant, such as health care, social security, social housing and so on. Following this decision, and the consequent overcoming of the traditional concept of nature, some lower courts have tried to transcribe same-sex marriages celebrated abroad under the rules of private international law. In

one of these cases, the Tribunal of Grosseto provided legal reasonings of great interest concerning tradition and the definition of what "nature" is.[10] The Tribunal of Grosseto described the European and national legal framework affirming that there are no explicit or implicit bans to same-sex marriage. Indeed, the constitutional reference to "natural society" could not be considered to be related to medieval and discriminatory concepts that same-sex unions are "against nature," or that the couples should be allowed to marry according to the law only in the case in which they abstractly intend to procreate. This reference to "natural society" should be properly understood as "spontaneous social formation" (and therefore "natural") formally sealed by an act recording the will of the spouses and attributing importance to the social and legal "natural society," and that is precisely what marriage is. The Tribunal of Grosseto underlined that the historical reading made by the Constitutional Court in the well-known decision No. 138/2010 implicitly invoking the model of heterosexual marriage of the former Civil Code. However, the Grosseto judge believed that this restrictive interpretation of the Constitutional provisions, aside from a desirable evolutionary interpretation, could not prevent the recognition of marriage in the Italian legal system between people belonging to the same gender. In fact, the social imperative of evolution pursued by the case law of the European Court of Human Rights, through the doctrine of the "margin of appreciation," would not allow the different treatment of similar situations, especially in case of discrimination based on sexual orientation, even where such discrimination may be considered part of the tradition of a country.

Nevertheless, the Italian Home Office issued an order[11] to the Prefects authorizing them "*ex officio*" to nullify the transcriptions of same-sex marriages celebrated abroad made by mayors because of the lack of the "diversity of sex between the spouses." This order was opposed in front of the Administrative Court, specifically the "TAR Lazio" by the Mayor of Rome, who transcribed 16 "foreign" same-sex marriages.[12] Indeed, the TAR Lazio[13] declared that order partly illegitimate because only ordinary courts can decide on the legitimacy of marriage transcriptions. The legal reasoning of this judgment is very interesting because it confirmed the reference, made by the Home Office order, that in Italy "homosexual couples do not have either a right to marry nor a pretension to transcript those marriages celebrated abroad, although same-sex *de facto* couples cannot be considered contrary to public order". The TAR Lazio referred, once again, to the "traditional notion of marriage." As a matter of fact, the issue is still very controversial because of the silence of the legislature. The Court of Cassation,[14] without any reference to nature or tradition, argued that "in the Italian legal system, however, same sex couples are not suitable to fulfill marriage legal effects," asking the Parliament to produce a law allowing

them to live their relationship under the protection of law. The Italian Parliament is now discussing a controversial bill that distinguishes concepts, rights and benefits between marriages, allowed only to heterosexual couples, and registered partnerships, proposed by this bill only for same-sex de facto couples.[15]

The Italian Constitutional Court in the judgment No. 170/2014[16] stated that a heterosexual couple, in which one spouse underwent gender reassignment (in this case becoming transgender MtF) arises "of course, out of the model of marriage because of the absence of the requirement, essential in the Italian legal system, of heterosexuality, may not continue as such." Since it is connected to the canonical view of the marriage, the position of the case law of the Constitutional Court, (where one third of the judges receive its politically appointed by the parliament) is much more connected with the ideological positions of certain guidelines of religious conservative parties. In this case, the Court of Cassation[17] expressly stated that until a specific legislative provision fully making equal the legal effect of registered partnership to marriage will be enacted, the marriage between an MtF transsexual person and her wife could not be nullified. Indeed, the legal interest of the married couple to save the effects of their married life must not succumb to the interest of the State to the prevailing of the heterosexual marriage paradigm.

In the English case law, the first case concerning a same-sex couple issues was Fitzpatrick v. Sterling,[18] related to the surviving partner in a stable and permanent homosexual relationship that claimed succession rights under the Rent Act in respect of premises of which the deceased partner was a protected tenant. The claimant, that sued the case in front of all jurisdictional levels, up to the House of Lords, was never recognized protection, even though his case satisfied the requirement of the Rent Act. Indeed, it was recognized that the claimant, involved in a homosexual relationship, was a member of the deceased's family. The House of Lords considered, in fact, that even if a person had had a same sex relationship with the deceased tenant, and this was to be considered a member of the tenant's family, according to the law, the term spouse is to be defined as a person "living with the original tenant as has to be a wife or husband," and absolutely did not include a same sex partner. The expression used in paragraph 2(2), could be applied only to legal spouses or life partners heterosexuals, given the obvious literal meaning, but evidently it refers to a traditional cultural context.

> Lord Justice White: The law of succession to Rent Act protected tenancies is, in short, arbitrary and discriminatory. No one today would attempt to defend the favour it accords, outside the marriage tie, to heterosexual relationships over same-sex house-

> holds. Few would support the potential for unfairness involved in a law which gives automatic succession rights to wives (however faithless) and children (however feckless) and at the same time denies any hope of succession to friends, however devoted their loyalty to the joint household. The judge was nevertheless right, in my view, to resist the temptation to change a bad law by giving it a new linguistic twist. He correctly acknowledged that such changes could only be made by Parliament. They are changes which will certainly need to be made, if Parliament is to fulfil its function of reflecting the spirit of our times – in particular the spirit which recognises the value of all abiding relationships, the heterosexual, the lesbian, the gay – or even those which are not sexually based at all. As the law now stands, however, I feel bound, notwithstanding the respect and sympathy to which Mr Fitzpatrick is entitled, to dismiss the appeal.

The cultural issue of tradition is related to the case Ghaidan v. Mendoza,[19] a very similar to the Fizpatrick one. It is the defendant's lawyer that refers to it, however the judge refused to consider it and stated that the counterpart's lawyer submitted that there is a "relevant distinction between heterosexual partnerships and same sex partnerships. The aim of the legislation is to provide protection for the traditional family. Same sex partnerships cannot be equated with family in the traditional sense. Same sex partners are unable to have children with each other, and there is a reduced likelihood of children being a part of such a household." Justice Nicholls of Birkenhead vehemently disputed these assertions affirming that there is no reason to attribute to differences between heterosexual and homosexual couples in inheritance rights, especially related to housing. Therefore, Justice Nicholls focuses in defining what is meant by traditional family protected by law. In this regard, he notes that

> The line drawn by Parliament is no longer drawn by reference to the status of marriage. Nor is parenthood, or the presence of children in the home, a precondition of security of tenure for the survivor of the original tenant. Nor is procreative potential a prerequisite. The survivor is protected even if, by reasons of age or otherwise, there was never any prospect of either member of the couple having a natural child.

Continuing the analysis of the *ratio* of the rule related the inheritance of the tenure, Lord Nicholls notes that there is a connection between the securities of the tenure for the survivor of the couple living in that home. It consists in an important and legitimate purpose of a social nature since the couple shares the home and life together in that place. The Parliament could readily acknowledge that the survivor of the couple has a special claim to certainty of tenure even though the couple was not married. This circum-

stance is real, applicable and common both to heterosexual and homosexual couples. Just as heterosexual, homosexual couples decide to share their lives and their home together. It is evident that through the reconstruction of the meaning of life shared together, common to both same-sex and homosexual couples, Justice Nicholls, overcome the classic conservative traditional argument and its connection with the protection of children born of married heterosexual couple.

A recent and very well-known case, decided by the Supreme Court of the United Kingdom Bull & Bull v. Hall and Preddy[20] related the alleged right of a bed and breakfast owners to refuse to accommodate a homosexual male couple on the basis of their religious beliefs. This case is truly indicative of a conflict between a religious or ideological position, as that of the owners, and a service of hospitality offered to the public. In this case, the B&B owners' offer was accepted by a homosexual couple, but neither the B&B owners said anything about their "Christian policy," nor the customers declared their situation of registered same-sex couple. The case could be (sintetizzato) by the question formulated by Lady Hale, Deputy President of the United Kingdom Supreme Court, at the beginning of this judgment: "*Is it lawful for a Christian hotel keeper, who sincerely believes that* sexual relations outside marriage are sinful, to refuse a double-bedded room to a same sex couple?". Baroness Hale's legal reasoning in this judgment flourished in the definition of "direct" discrimination according to EU law and opposing "indirect discrimination" to it, and the meaning of the "duty of accommodate," but the real interesting core of her reasoning useful to underline the stereotypes presence, even if implicit, is this statement:

> Homosexuals have also known this about themselves but were long denied the possibility of fulfilling themselves through relationships with others. This was an affront to their dignity as human beings which our law has now (some would say belatedly) recognised. Homosexuals can enjoy the same freedom and the same relationships as any others. But we should not underestimate the continuing legacy of those centuries of discrimination, persecution even, which is still going on in many parts of the world. It is no doubt for that reason that Strasbourg requires 'very weighty reasons' to justify discrimination on grounds of sexual orientation. It is for that reason that we should be slow to accept that prohibiting hotel keepers from discriminating against homosexuals is a disproportionate limitation on their right to manifest their religion.

Although the main issue of this lawsuit is that the enforcing of non-discrimination principle with the freedom of the society as a whole and, and at the same time, of its singular member, the content of this argument is almost unsettling. Indeed, this assertion highlights a fact related to past

and present discrimination against homosexual people even if it does not seem to be strictly relevant to the decided case. It shows a nuanced sense of guilt for what still has not yet changed in other culture, states or tradition that are discriminating and persecuting the homosexuals.

Recently, the England and Wales Court of Appeal (Civil Division)[21] decided the claim of two homosexual inmates about the separation from their same-sex registered partners. In the case of the first applicant, the authorities have justified the separation because of his personal safety, he has already been raped by other inmates, while in the case of the second applicant the separation had a punitive aspect because he and his partner had "indecent" and "insulting" behavior violating the rules of the prison having sexual intercourses without any worries of being observed by staff and other prisoners.

The complaint sued by the applicants against the measures of the prison authorities concerned the unlawful interference in their private lives, especially according to Article 8.2. ECHR. It governs the proportionality and legality of the authoritative measures balancing them with the right to family life of the applicants. The Court of Appeal said that the separation of the two couple of same-sex prisoners was not disproportionate and that both couples could obtain permits and authorizations to see themselves as the other couples where one of the members was prisoner.

Both cases have some common points of interest for the analysis of the presence of stereotypes in prison reality, on the rules governing the prisoners' lives, and in the decision of the judges themselves. These points could be summarized as follow:

• The vagueness of the terms "insulting" and "indecent" referred to the behavior of the prisoners and subjected to criticism for the indeterminacy of their content. However, the judge rejected this defensive argument stating that

> The words 'insulting' and 'indecent' are ordinary words whose meaning is clear and well understood. They are sufficiently clear to form the basis of criminal offences. It is unrealistic (and not required by the Strasbourg jurisprudence) to expect the Secretary of State to provide a list of examples of 'insulting' and 'indecent' or other inappropriate behavior. It is also unrealistic and unnecessary to expect him to spell out in detail the kind of physical contact between prisoners (including cuddling) that is regarded as indecent or otherwise unacceptable. In my view, these challenges to the policies are without foundation.

• However, the vagueness of the words can express the evolution of concepts or the presence of stereotypes. In this regard, the Court of Appeal explicitly refers to the affidavit of the representative of NOMS, called to testify on the application of the rules. It is therefore specified that

> NOMS has not sought to define exhaustively every activity that might be characterised as 'sexual activity' potentially giving rise to a charge of insulting behaviour. Insulting behaviour may take a myriad of different forms, including that arising from sexual activity, and it does not consider it either necessary or appropriate to seek to define every such type of behaviour. As with every charge of insulting behaviour, it will be for the suitably trained and experienced adjudicator to determine whether the charge is proved by giving the term 'insulting' its ordinary meaning, and the adjudicator should consider how a reasonable person at the scene would view the words of behaviour, bearing in mind that what may be rude or annoying is not necessary (sic) insulting (see paragraph 2.19 of PSI 47/2011). Governors are required to regularly review the conduct of adjudications within their establishments to ensure that they are fair, lawful and just.

• The second point is related to the freedom of consent in a sexual intercourse in a prison. The judges stated that "it is not always possible to differentiate between consensual and coercive relationships in a custodial situation" and

> it is therefore unrealistic to start from the position that a sexual relationship between prisoners is consensual and should be facilitated. The circumstances of such relationships will vary and may be difficult to assess. What meaningful guidance can be given to officers to assist them in determining how much weight should be given to a sexual relationship?

Into this specific case, the Court of appeal agreed with the Custodial Manager because the prisoners of the first case had been diagnosed with a mental health disorder that allow authorities consider them to be "vulnerable" adults. Therefore, their separation ensured the safety of all the prisoners. Indeed, according to the Court of Appeals "the point is that relationships between serving prisoners are often complex and difficult to assess."

• The third point concerns the enforcement of the principle of equality for all the prisoners in the benefit of rewarding of permits and concessions respecting their family life, regardless of their sexual orientation, in sharing time with their partner or spouse.

4. The Case Law on Same-sex Parenthood

The 601/2013[22] judgment issued by the Supreme Court of Cassation about shared custody of a child opened an interesting debate about what stereotype and prejudice are. The child at the center of the process of shared custody is contested by the Muslim father (and so linked to specific cultural

context and values), and his non-Muslim mother, who has the exclusive care of the child herself. The mother is a former drug addict who has embarked on a love affair with her former female counsellor of the rehab center that hosted her. At the time of the controversy the women were engaged in a same-sex relationship.

The background episode of the case concerns the father's aggression to the mother's same-sex partner which occurred in presence of the child. According to the first instance judgment, the child was shocked by such violence that provoked to her a feeling of anger against her father. It was irrelevant to her that the victim was her mother's partner and not her mother herself as well, because she was very familiar to her.

It should be noted that the Court of Cassation have declared the claim inadmissible, because based solely on merit, and the mother had not submitted any defense. The reconstruction of the facts saw the overlap of three elements characterizing this case: the father's violence; the cultural and religious elements (and therefore the stereotypes attached to it), and homosexuality. The judgment 603/2013 is very important because it resolves the issue with a fair balance trying not to be fooled by the "prejudice" on same-sex and religion. It should be noted that in my mother tongue the word pregiudizio could be translated by both the terms "prejudice" and "prejudgment." The main issue solved by the Court is related to the question: "What is the hierarchy of values according to which the child should to be educated and brought up?". The father's point of view apodictically and generically refers to Articles 29 and 30 of the Constitution, especially about "the child's fundamental right to be educated according to both parents' principles and religious education." This last statement raises the child as a passive object of her parents' desires, especially in consideration of the environment of origin of her father.

In this context, homosexuality and cohabitation of the mother with another woman means the formation of an unorthodox family situation according to religious teachings, related not only to the Muslim religion but also to other religions (such as Christian, Jewish, and so on). In this case, the lower courts have found that the child has received a negative impact related the episode of her father's aggression, therefore the lower court gave the child exclusive custody to her mother. The Court of Cassation dismissed the father's appeal because the legal reasoning of the court of appeal was correct: the investigation about the influence of the mother's homosexuality on parenting does not matter, instead the court of appeal correctly applied to the case the general rule of burden of proof. Indeed, it is not sufficient in order to report apodictic and generic unspecified "negative impact on the educational level and the growth of the child, the family environment in which they lived with their mother – specification precisely the lack of

which had been stigmatized by the courts of appeal" (p. 8). The judges of legitimacy also emphasize that "the basis of the applicant's complaint are not based on scientific certainty or data of experience, but only on the mere pre-judgment on homosexuality and it is detrimental to the balanced development of the child as living in a family centered on a homosexual couple." Between the alleged "pre-judgment" concerning the harmful effects of homosexuality and the demonstrated deleterious effects of paternal aggressive behavior, the Court has clearly specified its position, condemning also the possible alibi evidence of cultural and religious violence.

The Juvenile Court of Rome[23] authorized, for the first time in Italian history, a step-child adoption for the partner of the child's mother. It is a very open minded decision, but in the legal reasoning there is a sentence that sounds out of place: "homosexual parenthood is a divergent parenthood, but equally 'healthy' and 'worthy' to be recognized as such." In this judgment, even if in a positive point of view, homosexual parenthood is related to the "sanitarian" concept of "health," while, as it is well-known, homosexuality is a personal condition and not a disease.

The Juvenile Court of Bologna[24] complained to the Italian Constitutional Court against the Italian adoption law, specifically against the recognition of the mutual second parent adoption by an Italian American same-sex lesbian couple. Before marrying in the United States, the couple lived together for twenty years, then both of them had a child through semen donation, and claim for this recognition by the Italian legal system of their second parent adoption. As well known, in Italy same sex couples cannot adopt children and only recently (see supra) the Juvenile Court of Rome recognized a same sex parent adoption as "special adoption," but according the Juvenile Court of Bologna this case is different from that one and claimed for the constitutional complain. However, it is very interesting to analyze the word references made by the Bologna's Court. Among the justification of the complaint there is a reference to the "specific parenting project of both mothers" as if both of women have to be taken by force in torque and the desire for motherhood is not just the desire of an individual woman, or rather of an individual person as well. Furthermore, this constitutional complaint repeats the "imitatio nature" stereotype. Indeed, it states: "the special adoption according to Article No. 44 lett. b) of law 184/1983 is certainly not applicable to homosexuals by default requirement ratio conjugate between the natural parent and adoptive parent (in this case 'natural' is equivalent to 'biological')." This stereotype draws lifeblood from the diversity of sex because it is implicit assumption of the mandatory discipline adopted.

The most recent Italian judicial decision on this issue is related to the recognition of the same-sex parenthood to a child, the son of a couple of

lesbian mothers, one Italian and one Spanish, regularly married in Spain according to the Spanish Law. The couple applied for registration of their son at the registry office of Turin. The child was born through a process of in vitro fertilization with a sperm donor and the fertilized egg which had been donated by the Italian woman, while the Spanish one had given birth to the child. The municipality refused to register the child's birth certificate because of the Italian law does not recognize any kind of parent-child relationship based on same-sex parenthood. The provision was legally challenged. The Court of First Instance stated that the transcription was "contrary to public order understood as a set of principles established by the Constitution or otherwise founding the entire organizational system, including the rules of filiation that make express reference to the concepts of father, mother, husband and wife, the traditional stereotyped concepts of family members." On the contrary, the Court of Appeal of Turin ordered the transcription of the child's birth certificate. In fact, it is not disputed that, from both the ethical and legal viewpoints, the identification of motherhood and fatherhood as a result of medically assisted heterologous procreation emphasizes the concept of voluntary behavior necessary for filiation as a choice and the recruitment of responsibility for parenting. Indeed, the Italian Parliament, with the law 154/2013 reforming the status of filiation, identified the concept of parental responsibility. In fact, the parent-child relationship changed deeply allowing several different parental figures as the result of new reproductive techniques: the genetic mother (who donated the fertilized egg), the biological mother (who carried out gestation) the social mother (who expresses a willingness to take on the parental responsibility); the genetic father, the social father (who take care of the child) or other social figures who may, in fact, not coincide with each other. This case is pending before the Italian Court of Cassation, because the General Public Prosecutor appealed it affirming that this "confusion" of gender roles is contrary to the Italian public order.[25]

The Court of Palermo recognized the role of the social parent in the case of a female homosexual couple. After their relationship ended the former partner of the mother claimed the right to visit the children. The Court recognized that the social mother has supported the parenthood project of her former partner, even though she was not biologically involved. The children had always considered her as co-mother, addressing her as "mummy." In this sense the best interest of the children must be to maintain their emotional relationship. Nothing new, says the judge, no stereotypes, but a change in supporting the minors' perspective.[26]

Recently, the English courts have been confronted with a case related to the presence of a double stereotypical prejudice: on the one hand it is based on ethnic discrimination, provoking the escape of the family group from

their home country, and on the other hand side with the stereotype alleged by the family itself against homosexual foster parents who had been entrusted two of the couple's children, according a judgment given the Family Court on 3 May 2013.[27] It is the case Re J and S (Children) [2014] EWFC 4. This case is related to Slovakian Catholic citizens of Roma origins. They had to move from Slovakia to UK because of the social deprivation and discrimination endured by the Roma community for many years. After they came to UK, five of their ten children were taken in by foster families [[2013] EWHC 2308 (Fam)]. A homosexual couple took care of two of them. Their biological parents refused this solution and appealed against the foster care order. Their claim was based on these facts: they are a Slovak Roma family practicing Catholic faith and a homosexual couple as potential adopters do not promote "the children's Roma heritage or their Catholic faith" because "they are a homosexual couple and as such their lifestyle goes against our Roma culture and lifestyle," even if "we have no doubt that the prospective adopters have been properly assessed by the Local Authority." The claimants underline several times that

> The children will not be able to be brought up in the Catholic faith because of the conflicts between Catholicism and homosexuality. They would not be able to maintain their Catholic faith if they are adopted by this couple and even if it was promised that they would attend church the children would at some stage be taught or learn of the attitude of the church to same sex couples. This would undoubtedly be upsetting to them and cause them to be in conflict between their religion and home life. Slovakia still does not recognise same sex couples and so their Slovak roots and values will not be maintained. In 2013 the Catholic Bishops in Slovakia condemned same sex marriage.

Finally, they argued that their family has been subjected to a "conscious and deliberate effort" of "social engineering" to transform their children "Slovak Roma children to English middle class children." In this case, Justice Mumby faced stereotyped prejudices from the claimants themselves: on the one hand these stereotypes has been shown by the parents on their Roma origins (and consequently on the discrimination suffered in their country of origin), and on the hand stereotypes related to the homosexuality of prospecting adoptive parents. The reaction of Justice Munby to the parents' claims concerns on the one hand the prevailing protection of the best interests of the child, in front of which even the pretense and inconsistent relevance of the children ethnicity necessarily passes into the background, and on the other hand an obligation, not only moral, paid by the parents to adapt to the laws and customs of the country that welcomed them after their flight from a foreign land, in this case another country

within the European Union. Justice Munby underlined that, even if the court must always be sensitive to social, cultural and religious circumstances of the particular child and his or her family,

> But the fact is, the law is, that, at the end of the day, I have to judge matters according to the law of England and by reference to the standards of reasonable men and women in contemporary English society. The parents' views, whether religious, cultural, secular or social, are entitled to respect but cannot be determinative. They have made their life in this country and cannot impose their own views either on the local authority or on the court. Thus far I agree with the local authority. I have to say, however, that it was, in my view, unfortunate that the local authority should have referred at one stage in the proceedings to the parents' views on homosexuality in such a way as to suggest that they are bigoted. The label is unnecessary and hurtful.[28]

In this specific case stereotyped prejudices were applied by the claimants and Justice Munby had no shyness in censoring them on the one hand from a legal point, recalling obedience to the laws of England for all those, citizens or foreigners, living on English soil, and on the other hand morally, using the word "bigoted" against the applicants themselves.

5. The Transsexualism Issue between Law and Culture

The gender may differ from biological sex and change over time in various forms and directions. According to scholars, "there are, however, circumstances in which an individual experiences little or no connection between sex and gender; in transsexualism biological sexual characteristics are distinct and unambiguous, but the affected person believes that he or she is – or ought to be – of the opposite sex" (*Encyclopaedia Britannica*, 2013; Lorenzetti, 2013).

According to Article no. 1, paragraph 1 of the Law 14 April n. 164 the sex correction is registered after a definitive court decision recognizing the sex change from that attributed in the claimant's birth certificate after a sex reassignment surgery. This rule explicitly refers to primary sexual characteristics based on observation of which, at the time of birth, it is usual to identify the sex of the person. Without the reassignment surgery, it is not possible to obtain the sex correction. However, Article no. 31, paragraph No. 4 of the Legislative Decree 1 September 2011, n. 150, providing that "when it is necessary to adapt the sexual characteristics achieved by medical and surgical treatment, the court authorizes the sex reassignment with a final judgment," admits that the medical and surgical treatment may be possible (as suggested by the adverb "when"), but only because there may be specific cases in which the primary sexual characteristics are already

modified (for instance, in the case of intervention already practiced all foreign or congenital reasons). Nevertheless, the Tribunal of Trento complained to the Italian Constitutional Court on the mandatory sex reassignment surgery[29] focusing on the cultural aspects of the right to gender identity. According to the court, for a comprehensive understanding of the case, it may be useful to point out that, as recently highlighted by the doctrine, each person has a sex "master" conferred by physicians at birth according to a morphological examination of the genital organs. In this way, sex master is made to coincide with sex "organic." However, if the majority of individuals awarding their sex masters reflect all the sexual components with the coincidence of the sex "legal" with the real one, there may be cases in which this coincidence does not exist. In these cases, the sex assigned by birth becomes a mere fiction, because the psychological component deviates from the biological fact observed at birth. When this happens, the person affected could show the multiple components of human sexuality, which is genetic, phenotypic, endocrine, psychological, cultural and social. The fundamental fact is no longer the master or biological sex, but gender, which can be defined as "variable socio-cultural," namely "quality of the person under which the same can be said that it is male or female." In the past, medicine believed that any feeling difference between sex recognized and gender perceived constituted a real disease (the so-called "gender identity disorder," GID), resolvable only through the change, to the opposite sex, of all what was possible change through the so-called "triadic therapy." In fact, the person was asked to begin an end a three-step process: a real experience in the role of the desired sex, then a hormone treatment and finally the surgical reassignment of sexual characteristics. Only those who completed all three of these steps could be recovered and therefore permitted to be considered a person of the opposite sex. This is what lies behind the stereotypes:

> The conception that to obtain recognition of their right to sexual identity, a person must – by force – to undergo highly invasive clinical treatments, such as to endanger their health, conflicts desperately with both the (…) Article No. 8 ECHR, both with Article No. 2 of the Italian Constitution, both of which allow unconditionally to each subject of being recognized of his or her sexual identity. This process conflicts with Article No of the Italian Constitution, because, at the end of a fundamental right (such as the right to sexual identity) requires the subject to undergo a surgical treatment, totally not relevant and not necessary to the free exercise of the right of self determination. Requiring to undergo a surgical treatment, painful and dangerous, for affected persons' health, means to nullify or make excessively difficult the exercise of the right to their own sexual identity.[30]

Recently some judgments of tribunals concerning sex reassignment have been published. The Court of Vercelli affirmed that in order to justify the change of sex attribution on a birth certificate, the transsexual MtF claimant must undergo surgery to remove her male attributes and reconstructive surgery of female attributes. This highly invasive surgery is necessary to achieve the reproductive inability since the hormone therapy effects of "feminization" become definitive and the consequent impossibility of the male character recovery "maybe in order to operate a new gender transition, and a subsequent sex and registry rectification."[31]

It would seem that the judges failed to focus on the transsexual MtF person's hardship for suffering the gender dysphoria. In the legal reasoning that the judges recognized "the distress suffered by the plaintiff is caused from the clash between her male sex as registered on the birth certificate and her psycho-physical female perception of herself."[32] The court is also empathetic with her "suffering determined by the deplorable and inappropriate attitudes from other people such as prying, mocking, sarcastic comments, obviously offensive to her dignity. But the answer to this issue cannot pass through the forced interpretation of the law." In the Court opinion on the one hand this law does not infringe the Constitution, and on the other hand this "lack of education and respect for others is endemic in society."[33] According to this approach the judges overturned the hierarchy of values protected both in the Constitution and in the European legal sources such as the European Convention of Human Rights, and the Charter of Fundamental Rights of the European Union. Indeed, the judges did not consider the applicant's perspective of adjustment of her physical appearance to her intimacy.

Judges used the "collective rudeness" as reasoning to justify the preservation of a stereotyped *status quo* through the invasive and mandatory surgery for the sex reassignment. The same legal path is followed by a judgment of the Tribunal of Potenza that imposed the surgical sex reassignment to an FtM transsexual because "anatomical sex (as resulting from natural conformation or surgical reassignment) guaranteed third parties on personal identity of somebody that could be chosen for marriage purposes."[34] Furthermore, "civil status documents necessary record objective facts and not subjective feelings."[35] The argument related to the good faith of third parties is a classical juridical stereotype and in order to support it, the judges referred to a well-known decision of the Constitutional Court published in 1985. However, that decision referred to the "current state of medicine", dating it back to thirty years previously, regardless of the progress achieved by endocrinological sciences.

Conversely, in a case of FtM transsexual the Court of Appeal of Naples[36] authorized the change of the birth certificate without the sex reassignment

surgery since the health protection of the FtM person is more relevant than third parties' expectations. A decision of the Court of Messina following this interpretative path because the sex reassignment surgery could be highly risky for an MtF transsexual compared to the fully completed achievement of her psycho-affective life. The judge justified his decision affirming that sex attribution at birth reflects in some cases a coincidence that does not exist or ceases later in life. In these cases where the psychological component deviates from the biological fact, the attribution of sex poses as pure fiction, and there is a dissociation between sex and gender.[37] This decision underlined as the Italian law No. 164/1982 was very vague in defining transsexualism and what were "the sexual characteristics" affected by surgical intervention and allowing a restrictive judicial intervention directed to surgical removal of sexual organs and then reconstructive surgery giving precedence exclusively to biological appearance. Instead, the court of Messina makes an innovative analysis on the elements constituting gender identity, such as body appearance, self-perception and social role of physical appearance, and how this triad of elements interacts on personality and then on the welfare of the individual concerned. This judgment acknowledged the cultural change that involved the phenomenon of transsexualism since the approval of Law 162/1982 due to social, medical and therapeutic approaches, which had allowed the emergence of "transgenderism"[38] and the role of freedom and dignity, such as evolutionary interpretation criteria, meaning exactly opposite to the above-mentioned decision. Likewise, the Messina court analyzed the role of surgery as a means of barring procreation always present in the construction of cultural stereotypes. Finally, the Tribunal of Messina affirmed that an equal balance between the public interest to the correspondence of biological sex and the right to personal identity is wrong because on the one hand gender identity can not be exclusively linked to where the surgery involves injury to mental and physical health of the individual. On the other hand, sexual diversity is no longer considered an essential element for the achievement of family relationships, as expressed by the case law of the European Court of Human Rights, which made reference to both the Constitutional Court and the Court of Cassation.

In the same sense, the European Court of Human Rights unanimously decided that making infertility a mandatory requirement for such medical treatment is not necessary in a democratic society and it is a breach of Article 8 of the Convention.[39]

In an English law case[40] related to a transsexual MtF appealed at the Administrative Court the refusal of the funding of the medical expenses paid for the aesthetic breast surgery issued by both Berkshire West Primary Care Trust and the Equality and Human Rights Commission. From a cultural and

social perspective, breast is commonly identification of femininity, representing perhaps the most stereotypical symbol of female identity. Indeed, breast has dual symbolism: on one hand it is connected to sexuality, and on other hand on maternity. In this case, the applicant was not satisfied with her breast after the hormonal therapies and for this reason she came into depression and applied for a surgical intervention to improve the aesthetic shape of her breast. Her request for funding of the intervention was rejected because although it could be a step that could improve her psychologically, but it was not a lifesaving intervention such as a hearth, cancer or kidney surgical intervention, but merely aesthetic. According to the judge, the role of the breast the role of breast is stereotyped as a symbol of femininity, however the applicant cannot be considered as a natal woman and a transsexual MtF physically is not comparable to a person born as woman because of the physiological differences between the situation of his body and that of a woman and for these reasons the Administrative court states that the applicant MtF did not suffered discrimination.

Equally interesting is the case decided by the Administrative Court[41] regarding a prisoner born male and sentenced to life imprisonment for murdering her wife. Although she had a minor role in the crime, carried out together with the other members of her family, the criminal judge had explicitly referred to her clear tendency to lie. Once allocated in a maximum security prison to serve her sentence, the prisoner had expressed her wish of transferring her gender from male to female. The administrative judge observed that it is not clear when this profound change took place, however, at the time of her legal suit, the claimant has male genitalia and physical appearance. She asked to access the policies prepared by the National Offender Management Service (NOMS), entitled "The Care and Management of Transsexual Prisoners PS1 07/2011 (07 PSI)." These rules apply to prisons to ensure transsexual inmates to manifest their full change in general, guaranteeing to the same privacy, access to clothes, to make up and wigs. However, the maximum security prison that housed the prisoner had a specific policy of access to wigs, clothes and makeup much more rigorous. The applicant particularly suffered "no wig" policy, in view of its total baldness. However, that fact was justified by security needs on the one hand in prevention of trying to evade justice, on the other hand, since the direction of the prison argued that the refusal for allowing to dress like a woman, and to maintain a male appearance, even with clothing for men, does not violate the policy set by the NOMS. The judge in a very pragmatic way notes that the appearance of women has a precise meaning in an environment of tight spaces and life as a prison. In the present case does not emerge a mere stereotype, although social reported in a society like that particular prison, but in matters of safety and orderly conduct of prison life,

especially in view of the risk that the same physical integrity of the appellant could run. In fact, the judge explicitly stated:

> It is always vital to remember the claimant is a prisoner and is in a prison where there are serious security issues. (...) she is a member of a minority group of prisoners who would, unless appropriate security is maintained, be extremely vulnerable to attack and exploitation by other prisoners. She is also an escape risk herself. The claimant is not an ordinary citizen living her life in the outside every day world in which the remainder of the population exists. (...) This inevitably must mean a level of compromise given the claimant and others like her are prisoners and not free members of society. The Governor is allowed much discretion as to practicalities and, in my judgment, is permitted to place security concerns into the matrix. (…) It has to be acknowledged there is a restriction upon wearing overtly female clothing when away from the residential wing. This has been explained by the Governor in entirely satisfactory terms – it is for the claimant's safety and security. This is a prison and the lion's share of the remainder of the prisoners is not as enlightened as she would wish. She could so easily be the subject of physical and sexual attack, quite apart from ridicule. Of course, the other prisoners should not act like that, but when judging this case one has to be realistic. Prisoners are not always the most enlightened or civilised of individuals – that is, in part, why they are there. Additionally, the governor has to maintain good order in the prison and the sight of a woman (actually a man dressed as a woman) in the parts where the claimant does not reside would be likely to materially affect the good order of other wings in such an obvious way it hardly needs spelling-out. There is an obvious security consideration.

6. Conclusions

This analysis demonstrates that the regulation of same-sex couples is merely a political and ideological issue and the concepts of nature and tradition are mere argumentative pretexts. Furthermore, the comparative analysis of legal reasonings between Italian and English legal systems shows that the English legal system recognized equal dignity and rights to same-sex couples, first with the Union Civil Partnership Act 2004 and then with the Same-Sex Marriage Act 2013, regardless of sexual orientation. The Italian Parliament does not currently intend to follow this legal path and judges have to surrogate the Parliament preventing discrimination of medieval nature suffered by individuals on the basis of personal characteristics, such as sexual orientation. However, in Italy, unlike under English common law,

the precedent is not binding, so the persons of homosexual orientation who want their marriage to be recognized under Italian law, necessarily have to access the courts facing many obstacles such as the cost and the duration of litigation, and also its uncertainty, which constitute a huge barrier to the enforcement of the non-discrimination principle based on an individual characteristic such as sexual orientation.

NOTES

1. European Court of Human Rights, 17 July 2015, Oliari and others v. Italy, Applications nos. 18766/11 and 36030/11), §183.

2. It refers to the Constitutional Court decision No. 138/2010, see §4.

3. European Court of Human Rights, 17 July 2015, Oliari and others, cit., §184.

4. SD (military service – sexual identity) Turkey CG [2013] UKUT 612 (IAC) (5 December 2013)

5. Apata, R. (On the Application of) v The Secretary of State for the Home Department [2015] EWHC 888 (Admin) (01 April 2015); LH and IP (gay men: risk) (CG) [2015] UKUT 73 (IAC) (18 February 2015); IA269272013 [2014] UKAITUR IA269272013 (20 November 2014); Kareem (Proxy marriages – EU law) Nigeria [2014] UKUT 24 (IAC) (16 January 2014).

6. Corte cost. (Constitutional Court), 15 aprile 2010, n. 138, Foro It., 2010, 6, 1, 1701.

7. Corte costituzionale, 15 April 2010, No. 138.

8. Corte di Cassazione 15 March 2012, No. 4184, Giur. It., 2013, 2, 329.

9. Corte di Cassazione, 15 March 2012, No. 4184.

10. Tribunale di Grosseto, 26 February 2015.

11. C.M. (It.) 7 October 2014

12. Giannoli V. Vitale G. 2009, Campidoglio, Marino trascrive le nozze gay. Alfano: "Il sindaco firma autografi." Il prefetto: li cancelli, o lo farò io. L'attacco della Cei, *la Repubblica* [online]. 18 October [Accessed 2nd September 2015]. Available from http://roma.repubblica.it

13. TAR Lazio 9 March 2015, No. 3907.

14. Corte di cassazione, 9 February 2015, No. 2400.

15. Atto Senato (It) 14 "Disciplina delle coppie di fatto e delle unioni civili" (Regulation of de facto couples and civil unions"), available at http://www.senato.it/leg/17/BGT/Schede/Ddliter/39314.htm

16. Corte costituzionale, 11 June 2014, No. 170, Foro It., 2014, 10, 1, 2674.

17. Corte di Cassazione, 21 April 2015, No. 8097.

18. [2001] 1 AC 27, [2001] AC 27, [1999] 4 All ER 705, [1999] UKHL 42, [1999] 3 WLR 1113.

19. [2004] UKHL 30, [2001] EWCA Civ 1533.

20. Bull & Anor v Hall & Anor [2013] UKSC 73 (27 November 2013).

21. Bright & Anor v The Secretary of State for Justice [2014] EWCA Civ 1628 (16 December 2014).

22. Corte di Cassazione, 11 January 2013, No. 601, Foro It., 2013, 4, 1, 1193. Amram, D. (2013), *Omogenitorialità: le questioni rilevanti e quelle irrilevanti*, [ONLINE] www.articolo29.it [Accessed 2 September 2015]; Schuster, A. (ed.) (2011), *Omogenitorialità. Filiazione, orientamento sessuale e diritto.* Udine: Mimesis.

23. Tribunale per i Minorenni di Roma, 30 August 2014.

24. Tribunale per i Minorenni di Bologna, 10 November 2014.

25. Bimbo con due mamme, la procura ricorre in Cassazione, *La Repubblica*, 20 August, 2015, http://torino.repubblica.it/cronaca/2015/08/20/news/bimbo_con_due_amme_la_procura_ricorre_in_cassazione-121297392/

26. Tribunale di Palermo, 13 April 2015.

27. Kent County Council v IS and Others [2013] EWHC 2308 (Fam), [2014] 1 FLR 78.

28. Re J and S (Children) [2014] EWFC 4.

29. Tribunale Trento, 19 August 2014.

30. Tribunale Trento, 19 August 2014.

31. Tribunale Vercelli, 27 November 2014.

32. Tribunale Vercelli, 27 November 2014.

33. Tribunale Vercelli, 27 November 2014.

34. Tribunale Potenza, 23 February 2015.

35. Tribunale Potenza, 23 February 2015.

36. Corte d'appello Napoli, 15 March 2013.

37. Tribunale Messina, 4 November 2014, Tribunale Genova, 5 March 2015. In this case, the judges authorized the modification of the MtF transsexual's birth certificate without a sex reassignment surgery. The judges affirmed that it "is not necessary for ensuring a stable mental and physical balance between psycho-sexuality and anatomical sex when the transsexual person does not show a negative attitude to her genitals."

38. Tribunale Messina, 4 November 2014.

39. European Court of Human Rights, 10 March 2015, Y. Y. v. Turkey, App. No. 14793/08

40. AC v Berkshire West Primary Care Trust [2010] EWHC 1162 (Admin) (25 May 2010)

41. Green, R (on the application of) v Secretary of State for Justice [2013] EWHC 3491 (Admin) (04 December 2013)

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DOING HUMAN TRAFFICKING RESEARCH: REFLECTIONS ON ETHICAL CHALLENGES

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ABSTRACT. The vulnerability of millions of trafficked victims worldwide has attracted the attention of people who want to join hands in either protecting the victims or raising voices to help end human trafficking crimes. Human trafficking, however, is a sensitive issue to deal with because it relates to organized crime and the reprisals against trafficked victims and even against practitioners and researchers by traffickers, pimps, or criminal networks. Doing research on human trafficking is not an easy task. This discussion about ethics shares my understanding and experience in undertaking human trafficking research and managing risks in the field as well as my rules for protecting the rights and safety of trafficked victims and those who are involved in the research. The paper shows that ethical considerations are of utmost importance in human trafficking research. It sets out different ethical principles and areas of consideration to help identify and minimize inherent risks. Further, it points out necessary ethical recommendations for those who are interested in doing human trafficking research or who want to understand the importance of ethics in researching human trafficking issues.

Keywords: human trafficking; ethical considerations; research; trafficked victims; safety; confidentiality; human rights

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> If you are researching with participants or groups who may be vulnerable or on sensitive/risky topics, it is recommended you increase your ethical "competence" in that specific area. (Farrimond, 2013, p. 164)

1. Introduction

This article was written immediately following the completion of my PhD in Women's and Gender Studies at the University of Waikato, New Zealand after a five-year research study on the human trafficking issue. The long PhD journey has given me different feelings, experiences, and understandings of human trafficking and the research of human subjects; however, my most remarkable experience has been dealing with ethical considerations and working with trafficked women in the field. I promised myself that the first article I would write after my PhD would be one on ethical considerations of doing human trafficking research as I really want to emphasize the importance of ethics, the needs to avoid unethical research, and to help raise people's awareness of ethical issues and concerns with precautions against violations of ethical practices. Literately, there has been much of writing about research ethics in general, but there are few documents that focus on the ethics of human trafficking research in particular.

My research was a policy evaluation research which focuses on gender evaluation of an anti-trafficking policy in Vietnam. In the field, I talked to 114 participants in 60 semi-structured in-depth interviews and 7 focus group discussions. The participants belong to four cohorts: 25 state actors (at central and local government levels); 4 non-state actors (representatives of NGOs and IGOs); 54 women in the community; and 31 trafficked women. While all other participants were interviewed, women in the community took part in focus group discussions. As everyone can be at risk of being trafficked, voices of those who are in the community are considerably important.

My research does not only involve human subjects, it is also research on human trafficking as a sensitive topic. The research, therefore, had potential consequences and implications, either directly or indirectly, for my research participants and individuals represented by the research. Many problems entered my mind before I went to conduct my fieldwork: How might I get data from high-ranking officers? How might I get information without hurting people, especially trafficked women who have already suffered different vulnerabilities and traumas? And, How might I assure safety and security for my research participants, and myself?

2. Entering a New Research Environment: Ethical Conduct in Human Research

Ethical issues have become a crucial element for social research internationally, especially for the research involving human subjects. Being a researcher from developing country, ethics is something unfamiliar to me because ethical considerations have not been adequately taken into account

while doing research in Asian countries generally, including my country, Vietnam. There are often no obligatory ethics rules that researchers have to follow; however, we understand that data needs to be truthful and reliable. A normal process of doing a research in our country includes the writing of a research proposal, preparing research tools, contacting people in the research sites, making a data collection, analyzing data, and writing a report. There has been lack of attention paid to ethical considerations. As noted by Mollet (2011), ethical issues are important, however, they are still symbolic in developing countries because ethics committees are often unfamiliar with the social and political contexts of these societies. He also mentions the issue of cultural sensitivity as ethics rules set out by developed countries can be unsuitable to developing countries.

New Zealand requires ethical approval for all research involving human subjects and each university has its own ethical requirements. The Treaty of Waitangi (Te Tiriti o Waitangi) – New Zealand's founding document – is an important reference to any ethical conduct in the country. It should be noted that all members of the New Zealand community are encompassed by the Treaty of Waitangi with mutual rights and obligations.

Dealing with ethical considerations became an unexpected challenge for me at the initial stage of my PhD research overseas. In addition to writing a research proposal, I had to apply for ethical approval for my research through the Human Research Ethics Committee at the Faculty of Arts and Social Sciences, University of Waikato. Applying for ethical approval is an obligatory process and it is clearly defined by the University of Waikato, in its *Ethical Conduct in Human Research and Related Activities Regulations* (hereafter the Waikato Ethical Conduct or the Conduct) that:

> Any member of the University community who participates in research and specified related activities is required to conduct the research and/or related activities in a manner that conforms with ethical standards set down by the University, by relevant national and international professional bodies, and by the law of the country in which the research is undertaken. (Waikato University, 2008, Preamble)

The Waikato Ethical Conduct confirms the need to facilitate ethical rules which respect the rights of different actors involved in the research. The Conduct also sets out important ethical principles such as researcher's obligations, recruitment of research participants, gaining participants' informed consent, protection of research participants' privacy and confidentiality, minimization of harm to participants, limitation of deception, and declaration of potential conflicts of interests.

Once my research proposal was granted ethics approval, I was advised by the Committee to apply for insurance for undertaking "risky" research

overseas due to the nature of a sensitive and risky research. It was, as the committee said, designated as higher risk for the purposes of formal ethical considerations. I was overwhelmed by different feelings at that point of time while recognizing that my responsibilities were not only to protect rights and safety of research participants, but also that of myself. During my six-month fieldwork in Vietnam, every week I had to report to the Risk Insurance Manager at the University of Waikato to make sure that everything was going well. The University also provided me the contact of International SOS service that could provide me with medical and security arrangements when necessary. Strict regulations of research ethics requirements as well as the thoughtful insurance arrangement of the University for my fieldwork to assure that ethical considerations were best fulfilled have given me an important lesson in respecting researchers' and participants' rights as well as security.

In feminist or gender research, ethical considerations play a particularly important role because feminists aim at conducting projects about women and empowering women. Feminist research, therefore, involves interaction with women and the process of listening to women's own voices, examining their experiences and ideas, and needs to reflect ethics of respect, caring, understanding and mutual collaboration between the researcher and the researched (Campbell & Wasco, 2000). Further, critical gender research involves the disclosure of truth and the critique of policy issues, so there is a need to protect participants' confidentiality and safety.

For evaluation research, ethical considerations are a central concern covering not only data integrity, risk management, protection of research participants, but also issues around breaching confidentiality and decision-making issues. As noted by Cooksy (2007, p. 76) "All evaluators face the challenge of striving to adhere to the highest possible standards of ethical conduct." In the case of an evaluation research, researchers are evaluators at the same time, therefore, have to be fully aware of their responsibilities and the challenges that may be faced during the research process. Apart from ethical dilemmas experienced in other types of research, evaluation research has been identified as involving a particular set of ethical issues. One is that the requirement regarding the anonymity of participants may not work well given that the evaluation involves a limited number of people who provide information for the research (Brends, 2007). Another is that there have been a limited number of evaluation research studies that include the voice of women and socially excluded groups in the society, therefore, they cannot adequately capture and fully represent the voice of those who are affected by public policy. Further, where evaluating government policy is not a common practice, ethical considerations should be a priority because evaluation must be critical, accurate, and fair rather than

highlighting and complimenting government achievements and positive aspects of the policy. Researchers of evaluation projects, therefore, need to consider additional measures to protect participant rights, privacy, safety, and to ensure that the research findings are truthful and useful.

3. Identifying Ethical Considerations for a Human Trafficking Research

For international researchers who conduct studies overseas, ethical challenges are doubled. On the one hand, we need to follow the regulations required by relevant ethics committees; on the other hand, we need to assure that ethical principles can fit the socio-economic and cultural context of the country where the research is conducted. Cultural sensitivity, therefore, should be respected, and needs to be taken into account when identifying ethical principles.

Following the ethical standards set out by Farrimond (2013) in his book *Doing Ethical Research* human trafficking research involves a sensitive topic, risky topic, and vulnerable groups of people. For even one of these three characteristics, extra ethical attention has been recommended. Sensitive topics are either not part of everyday discourse or are taboo or stigmatized, criminal or illegal activities, or personal topics which may cause distress. Using that definition, human trafficking is a sensitive topic because it involves stigmatization and discrimination as both cause and consequence of the crime; it includes criminal and illegal activities that all parts of this world are trying to eradicate; and it also links to personal experiences of abuse, exploitation, racism, and sexism. Further, counter-trafficking research is a risky topic as human trafficking is an organized crime, so going to the field for collecting human trafficking data is inherently risky. Vulnerable participants, according to Farrimond (2013), are those who belong to institutionalized groups (who are under the care of the state, living in shelters or living supervised in the community); groups with issues over their capacity to consent (people with distress, mental illness); marginalized, stigmatized, or disadvantaged groups of people; and groups living in difficulties or dangerous situations. Trafficked women and women in the community who are beneficiaries of an anti-trafficking policy are such people who are somehow being disadvantaged and living in difficulties, and some of them face issues of over their capacity to consent. In human trafficking research, research participants are more vulnerable to ethical mistreatment and ethical issues are more profound. Thus, ethical requirements for human trafficking research are quite unique and specific.

My research paid special attention to ethical considerations through the adoption of guiding ethical principles, identification of possible risks and

solutions for eliminating those risks, and careful preparation for gaining informed consent. Two main documents guided my ethical considerations for this study: *The University of Waikato Guidelines on Ethical Conduct in Human Research and Related Activities* (University of Waikato, 2008), and the *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (WHO, 2003). The former facilitates ethical conduct that respects the rights of people, communities, and organizations. This ethical guide also sets out and explains ethical standards and procedures for applying these standards in doing human research. The latter helps avoid re-traumatizing trafficked women or putting them in dangerous situations. Data collection for my research only commenced after receiving ethics approval from the Faculty of Arts and Social Sciences Human Research Committee of the University of Waikato, and when I was fully aware of any risks that could occur in the field, and knew how to handle the situation.

In my six-month fieldwork in Vietnam, all the interviews and discussions were undertaken in a friendly atmosphere, taking into consideration relevant moral, cultural and ethical issues. Following rules have guided my research process to ensure that rights, confidentiality, and safety of participants are assured. My research process has also proved that these are useful and feasible ethical principles.

3.1. Do No Harm

One of the guiding principles in researching human subjects is "Do no harm to participants." When working with research participants, "it should be certain that they do not suffer any disadvantages, harm or risks from taking part" (Flick, 2007, p. 73).

Being researchers, we need to do whatever is humanly possible to minimize possible risks to participants and not to undertake any interview that could make a participant's situation worse, either in the short term or the long term. Special attention should be paid to trafficked women who are suffering the emotional and psychological impacts from their past experience. We need to be aware that it can be distressing for a trafficked woman to talk about her experiences; she may feel ashamed or upset about what has happened to her before. Any interview may inadvertently reactivate her memories of past abuse. Therefore, questions should be asked in a supportive, non-judgmental manner. Also, we should not ask questions intended to provoke an emotionally charged response or to cause women to feel hurt or insulted. If a woman becomes very distressed or clearly overwhelmed by a particular question, we need to shift the subject of conversation, take a break, or even terminate the interview if necessary.

3.2. Voluntary Participation

Another principle is that participants are not coerced or deceived into participating in interviews or group discussions. That means, their participation must be voluntary, being informed, and not persuaded. Research participants are free to refuse to participate or discontinue their participation in the study at any time. They may also choose to withdraw part or all of the information they provided in the interviews within a certain period of time (but not too long as it may affect the researcher's publications) after the interview or group discussion. Refusal of participation invokes no penalty or disadvantage to the participants.

3.3. Get Informed Consent

The aim of getting informed consent is to make sure that the research participant makes an autonomous decision with enough relevant information, careful understanding and no pressure to participate (Farrimond, 2013). It is important that the researcher obtains informed consents that are voluntary and freely given by the research participants without any element of force, fraud, deceit, duress, coercion, or undue influence. The researcher must let their participants know about being researched. Further, the researcher must maximize the possibility for research participants to be fully aware of the possible risks and benefits by participating in the research in their own language.

The following information should be made clear, including but not limited to:

• Your identification (who you are and from which institution)
• What your study is about (research topic, research objectives)
• The purpose of the interview/or group discussion
• A statement of what is required of the participants (amount of time, types of information); a statement about any potential risks, harms, and benefits from participation;
• Participants' rights to ask questions, to skip questions, or to withdraw from participating;
• Participants' rights to refuse or stop any actions by the researcher if they do not want to be part of (such as recording voices, taking photographs, or asking sensitive questions);
• The contact details of the researcher for the participants if they should require further information; and
• The contact details of the Research Ethics Committee for the participants if they should wish to make complaints on ethical grounds.

This information should be identified in the Information Sheet to provide research participants with clear statements that describe the main points of the research and the nature of the participants' involvement.

Explicit oral agreement is sought before the interview starts, and/or a signature on a written consent form is asked for to ensure that the participant freely decides to engage in the interview. However, in some cultures or particular situations, asking for signatures may not be appropriate and may reduce the willingness of people to be interviewed. Therefore, verbal consent is accepted with this recorded on audiotape or in note form to record the participants' willingness to be involved in the research. When research participants are children, ethical issues are more complicated and there are specific ethical rules for that case; however, this is not the focus of this paper because my research experience was working with adult participants.

In my research, when a formal signature or recording was not applicable due to the issue of confidentiality, I took note of participants' verbal consent in my research diary. Data were collected only when research participants gave their written or verbal consent; none of my participants were coerced or persuaded into participating in the study. Information sheets were given to prospective research participants before interviews or focus group discussions took place so that they could learn more about the research and the purpose of data collection, and the responsibilities and benefits of participants. Some participants who were illiterate were provided with the main information about the research verbally. Consent forms were signed beforehand. For those who were illiterate, verbal consent was noted in the research diary. There were six verbal consents made, not only by women, but also by state actors who did not want their names or signatures to appear on any research documents. I respected these people's decisions, and considered that the information they provided is as valid and significant as that provided by others who gave signed consents.

3.4. Ensure Anonymity and Confidentiality

The researcher needs to endeavor to protect respondents' identity and confidentiality throughout the entire research process, from the moment they are contacted through to the time that details of their cases are made public in written reports. All the participants must remain anonymous throughout the study. The researcher needs to commit to preserving the confidentiality of research subjects by every possible means to protect the interests of the participants in the research.

3.5 Avoid Re-traumatizing Trafficked Women

To avoid re-traumatizing trafficked women, we need to identify possible risks to the physical and psychological well-being of trafficked women. Trafficked women are a vulnerable group and interviews with them are risk-laden. A trafficked woman who has returned home may be at risk of being seen to talk to outsiders by individuals connected to the trafficking network, or feel ashamed if identified by relatives or community members as having been sexually abused and exploited, as they often do not reveal their experiences of being trafficked to other people. A trafficked woman residing in a shelter may experience ill-will or discrimination as her co-residents may have vendettas against her or may still have links to trafficking networks and use information in harmful ways. Some trafficked women may be in a state of emotional crisis and the interviews may reactivate their memories of past abuse.

To avoid traumatizing trafficked women, researchers also need to take into account gender differences in emotional control. Existing research has shown that women are more sensitive and more prone to emotional stress than men (Briton & Hall, 1995; Hall & Mast, 2008). Women are found to be more emotional than their male counterparts. They are easier to expose to mental health problems such as depression, anxiety, and self-worth than men. Else-Quest, Higgins, Allison, and Morton (2012) acknowledge that gender differences in self-conscious emotional experiences exist. They reveal that women experience the highest level of shame, guilt, and embarrassment when talking about sensitive issues like sex or body images. Interviewing trafficked women, therefore, should be conducted with special ethical considerations, especially while asking about sexual exploitation and vulnerable life experiences. Questions should be flexible and being asked in a friendly way that does not feel intrusive or distressing for the participants. As Farrimond (2013) suggests, interviewing is a human interaction, so researchers need to do what we feel naturally and necessary to comfort the participants and retain their dignity.

In my research, the local women's union and communal medical service were made available to counsel and support trafficked women when needed. To mitigate these risks and assure safety for my participants, I strictly followed the recommendations given in the *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (WHO, 2003). Further, ensuring confidentiality and anonymity was a particular concern of this study. Respondents' identities and confidentiality have been carefully protected throughout the entire interview process, from the moment they were contacted through to the time when details of their cases are made public in the written report. All verbal references are quoted anonymously or, in some

cases, pseudonyms are used; their names, identities or official positions are not revealed in the study. All the participants have remained anonymous throughout the study by the use of broad terminologies, such as “a senior officer said...,” or “a trafficked woman revealed....” Identifying information such as the working position of the respondent or the name of his or her organization has been changed or omitted. All information supplied was highly respected and has not been discussed with others in any way that may affect the participant's status or reputation.

3.6. Conflict of Interest

Conflict of interest is a matter of ethics. In research, it is the situation in which the researcher has private or other interests that appear to influence of his/her research or the duties of others. It also concerns the situation in which the interests of different actors involved in the research can be affected that could cause biases to the research performance. Speck (2008) explains that conflict of interests does not actually refer to an action; it involves the potential to engage in wrong doing. In fact, it is not possible to prevent all conflicts of interest; however, we can minimize them by identifying possible conflicts that might occur in your research process and draw out solutions to prevent them.

In my research, personal-organizational conflict, inter-agency conflict, intra-agency conflict, and conflict between female participants and local authorities were identified. Doing an evaluation research, my critical judgments and comments on the performance of the government anti-trafficking policy may hurt others, especially when my organization is one of the government actors involved in the policy which is the case study of my research. Being an individual evaluator, my research does not represent the voice of any organization; it looks for gaps in the policy and recommends for better improvement of government responses to human trafficking issue. An important ethical principle in doing policy evaluation is that independence of judgment is maintained against external pressure (GEF Evaluation Office, 2007). Therefore, my solution here is being faithful and confident. Next is inter-agency conflict. This conflict may occur if a key actor of the policy is not happy about collaborating with another actor. There would be two possible risks here: conflict may be generated between the actors, or (and this is a risk for the researcher rather than the participants) the information supplied may be incorrect or misleading. To minimize this conflict, I used triangulation to ensure data validity and reliability. Further, there could be intra-agency conflict. This conflict may also occur when a respondent does not positively appraise the activities and efforts of their organization. Additionally, it is the conflict between female participants and local author-

ities. This may occur because the victims may conflict with local authorities by raising sensitive issues, such as ineffective support or mistreatment of trafficking victims. The same type of conflict can also occur with residents of the safe house. For the last mentioned possible conflict, my common measure was to keep the confidentiality of data by conducting the interviews and group discussions in a separate room without the interference of other people. Besides, major identifying details such as participant's name and address were removed from data; and supported by the use of pseudonyms.

4. Managing Ethical Dilemmas in the Field

Dealing with ethical dilemmas is the most practical part of research ethics as the researcher comes face to face with different situations while in contact with the research sites and the concrete persons in handling the data. Ethical challenges can vary from research to research. Here are some major ethical dilemmas I have faced with in my field work.

4.1. Dealing with Participant's Trauma

My first memorable ethical experience is dealing with a participant's trauma. My preparation for arranging staff of the local women's union and communal medical service to counsel or support trafficked women when necessary was, therefore, critically important. There was an incident of psychological shock in the field that I did not consider would happen.

A girl, Duyen (pseudonym), aged 27, came to the interview with her biological mother, but I was able to interview her independently. Her mother said that she has to take care of Duyen wherever she goes as she was afraid that Duyen could be trafficked again and there would be no chance for her to bring Duyen back home. Duyen was trafficked from her home village in the North of Vietnam to China by her adopted mother in the late 1990s when she was a teenager of 15 years old. She said she was forced to work in different brothels in China, and had to service 20 men a day in average. Whenever she refused to serve clients, brothel guards and pimps tortured her by kicking her and beating her head with wooden pads. After 10 years working as a sexual slave in different brothels in China, she was released and returned home with the help of good Vietnamese people who saw her on the road with torn-off clothes and very hungry. In my interview with Duyen, we had a good conversation at first, and then she suddenly started shouting while talking about her vulnerable life in China. It was visible that she showed signs of extreme mental and emotional distress. She walked around and insisted that people help her kill the one who trafficked her to

China. I tried several solutions such as changing the subject of the conversation, taking a break, but no solution worked. Finally, I had to terminate the interview with her and asked the staff of the local medical service for help. To get more information about her story, I continued the interview with her mother.

The second part of interview provided me with valuable information that gave me a full story of a vulnerable trafficked victim who was trafficked at young age, re-victimized again by the same trafficker (her adopted mother), and she was the focus of re-victimization as the adopted mum came again and wanted to introduce her to an invalid man in China for marriage. The story of Duyen raised different queries around anti-trafficking solutions such as weak law enforcement (the adopted mum was arrested and released after only one year imprisonment), inadequate protection of trafficked victims (that left Duyen being re-victimized again and again), and people's poor awareness of human trafficking (the fact that Duyen's family still maintain regular contact with her adopted mum who attempted to deceive her for trafficking several times).

4.2. Solving the Issue of Inconsistency in Stories

My second experience was dealing with inconsistent stories of trafficked women in the field. During my interviews, I recognized that there were some contradictions, and signs of inconsistent information in the life stories told by some trafficked women. I know that it is a great challenge for trafficked women to tell other people about their stories of being sexually exploited. To eliminate possibly inconsistent information, I tried to ask surrounding questions to get more information from them. There were trafficked women who did not want to disclose their history of being sexually exploited, and who therefore, said that they were victims of forced marriage. In this case, with the help of local women's union staff, I talked to them again, and obtained reliable information then.

There were questions raised by my external examiner about the issue of recruiting other sources of information to ascertain reliable information that does not appear to consistent with the gender-sensitive or feminist approach which listens to women's voices. She also said that the ethics of going to outside sources to check the veracity of information should be explained. With sensitive issues like human trafficking, and sexual exploitation, inconsistency can be recognized in the narratives. Even in daily life issues such as income, habit, entertainment, or education, people can still make a new narrative in their stories. Further, in feminist methodology, cross-checking of information and triangulating have been emphasized as important tools for collecting information (Hesse-Biber, 2012).

4.3. Responding to Women's Expectations

In the interviews with women, they often expressed desires and expectations and wanted their ideas to be heard. So as not to disappoint them, I carefully listened to them and took notes of important policy recommendations. At the end of each field trip, I summarized all the recommendations and transferred them to the central women's union with a strong hope that women's ideas can be paid attention to.

5. Analyzing Data

Analyzing data is an important stage of a research. According to Flick (2007), an ethical data analysis should be accurate and the researcher should be fair and confidential. Accordingly, researcher needs to read and analyze data carefully and systematically using different data analysis techniques to discover various aspects of data rather than analysis based on the researcher's own assumptions.

To be fair in data analysis, the researcher needs to respect people's ideas, to avoid over-generalization, and devaluation of people. Additionally, keeping the anonymity and privacy of research participants is not only an issue of data collection process, but also in analysis and post-analysis stages. Accordingly, field notes and transcripts are kept anonymized to prevent participants and organizations involved from being identified and the data from being misused. Further, data should be stored safely, even after the research. To help protect them securely, data should be anonymized, not only for writing, but also for storage purposes. For human trafficking data, its analysis must be even more careful because it relates to the safety and even the lives of trafficked people as a disadvantaged under-represented group who are vulnerable and passive in relation to perpetrators and criminal networks.

6. Writing and Disseminating Research Findings

In writing (and also in disseminating the findings), again, the issue of ethics comes with an emphasis on the importance of maintaining the anonymity of the participants, of the research sites, actors, and organizations involved. Further, the use of words should be taken into account; we should not use sexist language or the terms that are biased against persons. For example, the use of the word "victims" should be minimized by using the phrases "trafficking returnees" or "trafficking survivors." The word "victims" may unintentionally victimize or re-victimize trafficked persons. It, however,

should be emphasized that phrases above, such as trafficking returnees or trafficking survivors, cannot alter the phrase trafficked victims in all cases. It is because trafficking victims include both the returnees and those who are legally or illegally living overseas after being trafficked.

Writing is a creative process that is closely linked to imagination, inspiration, interpretation of social realities, and construction of multiple meanings (Stephens, 2009); ethics must be a guiding principle in writing human trafficking research. The reproduction and interpretation of findings must be careful and accurate, must come from data rather than the content being modified to meet the expectations of others (Flick, 2007). It is because research usually aims at making things work better, dissemination of research knowledge is a must-be-done work and becomes an important task for researchers. It does not mean that you have a duty to share the research results with those that fund your research, but you need to find different possibilities for dissemination of your research results. Once your research finishes, it is important to make a plan for disseminating the research knowledge. This can be done in either in a practical way or an academic way. Practically, your research findings can be used to organize workshops to share with research participants, policy makers, researchers, practitioners, and those who are interested in the research subject. Academically, the research findings can be published, or disseminated through discussions in newspapers, books, or websites. For Farrimond (2013), dissemination of the research knowledge contributes to the influence of the research over the short and long term, and it is a strong ethical imperative for the researchers to maximize the impact of the research they have conducted.

Research in to human trafficking is a type of study that works with people whose voice has little carrying power and who are often underrepresented in the society and in their community. Dissemination of human trafficking research, therefore, not only brings direct influence in the context in which the research took place, but more indirectly, through policy development that leads to policy changes that benefit policy beneficiaries.

7. Other Possible Areas of Considerations

7.1. Payment for Participants: Is Payment Equal to Coercion?

Paying or not paying your research participants – is a tricky decision and usually you have to prepare clear explanations to persuade the ethics committee if you decide to do so. Also, if you decide not to do so, you need to

ensure that your research participants in the field will provide data without incentives.

There were controversies around the payment for participants. The *Guide to Ethics and Human Rights in Counter-trafficking* (UNIAP, 2008) reveals that payment to interviewees may have negative impacts. Payment may make the participants feel indebted to you in an inappropriate way. It also makes participants feel they need to provide you with information that fits your expectation or that may satisfy you. The payment can also make participants feel pressure to discuss sensitive, emotional issues that they are not ready to share.

For Clark (2010), there are three primary reasons for engaging in a research project: representation, political empowerment and informing change. Thus, research participants can take advantage from their participation and can even make a difference or contribute to the differences made. This advantage, generally, more directly benefits researchers (as they receive information for fulfilling their research task or for gaining a higher degree), existing scholarship (more research and articles using data provided by research participants) rather than research participants themselves. One may argue that participants' data may benefit the society and they are a part of the community, therefore, are privileged from the development process. However, people should be paid for their time involved in the research (Farrimond, 2013) and they deserve to get that.

In my view, payment for participants is an issue of culture sensitivity and needs a case-by-case approach. Cash payment compensation is inappropriate in one culture, but can be appropriate in another. If all researchers pay an amount of money to their research participants as an incentive for information, consideration needs to be paid as how information can be collected differently and alternative solutions need to be found to ensure that the incentive will not affect the credibility of data.

In my research, some state actors and non-state actors refused compensation as they understood their social responsibility to be involved in research work, while some received it as an incentive. I accepted the reality and ensured that the payment did not negatively impact on the reliability of the information provided by those participants. Non-cash compensation which is gender and age appropriate (shampoo, washing powder, toy gifts for kids, etc.) was presented to female respondents to compensate them for their time or childcare, as they normally have low incomes. Also, in Vietnam there is an expectation of gifts in return for time given to participating in research. Refreshment costs for female participants were covered by the researcher. Refreshments, however, should not include alcoholic drinks and cigarettes which are not good for women's and children's health.

7.2. Written and Verbal Informed Consents: Which Is More Appropriate and in Which Situation?

Using written consent has widely become a normative practice in social science research. In most cases, informed consent must be documented (signed consent form) when research participants can read and are fully aware of what is written in the consent form and then sign and date in the form. Ethical concern here is that obtaining written consents from research participants is much more than just getting their signatures. The signature just can provide evidence that a person has agreed to participate in the research, but can be only a part of the consent process because only the subsequent research activities (interviewing, writing, releasing findings, etc.) can show if the interviewer breaches the consent agreement. Consent form should have the signatures of both interviewer and interviewee and made in two copies, each keeps one with the same value. Even an additional signature of the witness next to the participant's signature is encouraged to have to add value to the eligibility of the written consent. In some other cases, observation of the consent process by a witness is required when obtaining informed consent from participants who can understand the language, but is unable to read, write, talk, or blind and used; for participants who speak other languages, not the language written in the consent form. The witness must be an adult, not a member of the study team and not a family member of the research participant.

There are some exceptions that allow the researcher to gain verbal (or oral) informed consent. Farrimond (2013) identifies six reasons given for not wanting to use written consent in particular cases. First is in the case where participants are people of disadvantaged groups which are dependent on authorities and not wish to show the evidence of participation. Second, where making such a type of arrangement can establish a culture of mistrust between the researcher and the researched. Third, in some cultures, consent is collectively understood, so it is not clear who needs to sign for whom. Fourth, carrying signed consent may endanger the safety of the researcher or the researched in compromising situations, especially when the documents are in the hands of criminals. Fifth, participants may illiterate or have limited ability to read or understand. Sixth, signed consent identifies people, so it may breach participants' confidentiality.

Verbal consent can be recorded with permission of the research participants or carefully noted on paper. To gain a verbal consent, the researcher must explain the study to the research participants verbally with all necessary information contained in the Information Sheet. The researcher needs to allow research participants enough time to understand and be fully aware of their rights and obligations when participating in the research and then give verbal informed consent.

Existing research practice in some parts of the world has paid attention to informed consent; however, it has not traced the fulfillment of consent agreement from the researcher's side. There has been also a lack of research on the extent to which consent has been fulfilled or breached in human research. Thus, people do not know what should be improved to tighten researchers' responsibility and to protect the rights of research participants.

7.3. Photographing and Video Recording: Should or Should Not?

Protecting the identity of research participants is often crucial to ensure their safety and security. Photographing, filming, and video recording are important supplementary research techniques for different types of research, but not fully the same in human trafficking projects because the issue of safety and confidentiality for research participants, especially that of trafficked victims is highly important (WHO, 2003; UNIAP, 2008). Therefore, possible precautions to be taken with these actions must be identified with relevant solutions.

Informed consent must be obtained before taking any actions of filming, recording (both video recording and sound recording), or photographing participants of human trafficking research, especially trafficked victims. Further, participants' identity must be kept anonymous using pseudonyms, and appropriately altering identifying characteristics. The display of trafficked victims' images must be of high concern to make ensure that they are not conflated with criminals or do not made the foci of reprisals by traffickers or criminal networks. Besides, persons who faces are displayed in counter-trafficking reports or websites can be easily assumed to be victims of trafficking or criminals, so clear explanations must be presented.

7.4. Do Security and Safety Matter for Researchers?

It should be re-emphasized here that "programming or field research concerning a crime such as human trafficking carries inherent risks" (UNIAP, 2008). Although much of the literature discusses ethical dilemmas for research participants, ethical considerations for researchers have been often neglected in informal ethical reviews. It should be noted that, the researcher and the researched are on the same boat in particular stages of a research project, especially in the process of data collection. Both participants and researchers are human beings and involved in the same research project; they all might be harmed by the research, although the extent and types of harm are different. For researchers, harms include, but not limited to emotional challenges, threats to their safety, and the safety of their family members.

Working with such a sensitive and risky issue as human trafficking for years, researchers are at risk of being upset, distressed, anxious, or overwhelmed by different feelings. To tackle those challenges, Farrimond (2013) suggests that the researcher may use a research diary to take notes of their research experiences, observations and emotional feelings or de-stress by sharing the experience and feelings with others. In this case, talking to other researchers or even with a close friend can be a good choice.

Safety for the researcher is an emergent issue. While taking into account the safety of research participants, researchers may neglect their own safety and face potential risks. Researchers need to prepare strategies to wriggle out of difficult situations and manage their own safety. Apart from the safety networks or security agents supplied by the research donor or institution (if applicable), researchers can team-up and go to the field in a group or utilize the local system by letting them know that they are doing research on their location and gather their contacts, especially the contact of local police for cases of emergency. It is important to let your institution and your colleagues know where you are, in which place you are collecting data, your travel plans, and signal them if you are being watched or followed. Additionally, the safety of researchers' family members should also be taken into account. Research, as well as other intervention activities, can be perceived as threats for those who benefit from human trafficking crime, so traffickers and perpetrators might plan reprisal actions to protest against researchers and their families or try to abduct them for criminal purposes.

8. Recommendations for Counter-trafficking Research or Programs

To conduct human trafficking research or programs that are ethically sound, we need to:

• Understand that human trafficking is a sensitive issue for researching;
• Think critically about research ethics;
• Set ethical rules when doing human trafficking research;
• Bear in mind that confidentiality, safety and security of research participants, especially that of trafficked victims is the first priority;
• Not stigmatize a trafficked person;
• Remember that ethical considerations should be taken into account in the whole research process, not only in interviewing;
• Understand the risks involved;
• Think critically about the safety and security of the researcher and the research as important parts of sound ethical conduct;
• Remember that ethics are culturally sensitive, therefore, solutions to manage ethical dilemmas should be flexible in different cultures; however, confidentiality and safety of research participants must be the first priority; and

• Remember that, in case the researchers are unsure about ethical issues of human trafficking research, they need to consult authoritative sources of professional codes of ethics that relate to human trafficking or human subjects.

9. Concluding Remarks

Ethics is the cornerstone of research practice in developed countries, but is not yet an issue of attention in developing countries. All researchers who conduct research of human subjects need carefully consider the ethics for their research practices. Doing research on human trafficking is investigating a risky topic, a sensitive topic, involving groups of vulnerable people. It, however, does not mean that we should not conduct counter-trafficking research, it means, we need to do human trafficking research with responsibility and care and do whatever possible to ensure that both the researcher and the researched are protected during and after research process.

Ethical challenges can occur at every stage of the research process; therefore, research ethics are required to meet both institutional and practical requirements. For human trafficking research, ethical considerations cover a wide range of activities: the need to understand the nature of human trafficking research; the process of identifying risks; an effort to minimize risks by different feasible strategies; and the management of practical ethical dilemmas. The challenges and strategies addressed in this paper can neither completely eradicate inherent risks and harms, nor fully protect the confidentiality, safety, and security of both the researcher and the research. Continued discussion on ethics in doing counter-trafficking research with discourse around the issue will be very practical and useful.

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THE SEXUAL "CLOUD" IN THE EXECUTIVE SUITE

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ABSTRACT. Nobody talks about sex in the boardroom. However, the sexual dynamics between men and women are age eternal and hover above like a cloud, motivating individuals at an unconscious level. In this article I argue that people today are very much governed by the same sexual desires that drove our primitive ancestors. Given where we are on the timeline of our evolutionary history, we still have very much a Stone Age Mind in a Stone Age Body. Not only are we driven by what has been labeled as the "selfish gene" (Dawkins, 1976) – or competition to propagate and survive – most of the time we are not even aware of the extent to which our sexual desires influence our behavior and actions. It is hypothesized that the primal anxieties about the consequences of sexual desire is a contributing factor to the reluctance of men to allow women entry into the upper echelons. This "selfish gene effect" can be seen as an extra hurdle for women to overcome to reach senior executive ranks. The article also points out that sexual discrimination is part of a more basic, social and developmental issue. To enable a more lasting change in attitudes, we need to go as far back as child rearing practices to re-examine how gender roles are established and reinforced. Slotting children into stereotypical male-female gender roles is not the answer. Only by making explicit unconscious gender biases and practices, can we begin to tackle the problem at its core and move towards a more androgynous orientation – which melds both feminine and masculine attributes within the same individual. Such an orientation will benefit both men and women alike. It is also pointed out that gender equality is not merely a woman's issue. It is an issue that affects us all. Gender inequality lowers the quality of life for both men and women. While women bear the largest and most direct costs of these inequalities, these costs cut broadly across society, ultimately hindering social and economic development. It is put forth that senior executives who are truly serious about fair process in organizations have the obligation to "manage" the sexual "cloud" more effectively. They need to realize that in spite of the selfish gene effect, sexism is also a social – and hence curable – disease. They need to engage in more systematic measures to counteract deeply embedded assumptions about gender and role expectations and to create more women-friendly organizations. Various interventions are suggested to bring more equality into the workplace.

Keywords: sexual desire; the selfish gene effect; gender stereotyping; women discrimination; women-friendly organization; androgynous

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Between men and women there is no friendship possible.
There is passion, enmity, worship, love, but no friendship.
--Oscar Wilde

Whatever women must do they must do twice as well as men
to be thought half as good. Luckily, this is not difficult.
--Charlotte Whitton

I asked a Burmese why women, after centuries of following their men, now walk ahead. He said there were many unexploded land mines since the war."
--Robert Mueller

Introduction

A man who has been walking along a beach stumbled upon a bottle. He picks up the bottle and takes the cork out of it. The moment he does it, out comes a genie. The genie looks at the man and said, "As you have released me from my imprisonment, I offer you one wish!" The man thought for a while about what wish to ask for and said, "I've always wanted to go to Paris but I'm scared of flying; I also get very seasick, and I don't like tunnels. Could you build a bridge from Dover to Calais so I can drive over there to visit?" The genie laughed, saying, "You're out of your mind. Think of all the technical problems! How would the supports ever reach the bottom of the Channel? Think of how much concrete needs to be poured...how much steel! No, I can't offer you this wish. You have to think of something else." The man said that he understood the impossibility of his wish and tried to come up with another good one. After much thought he said, "You know what, I've now been married and divorced four times. My four ex-wives always complained that I was insensitive. They repeatedly told me that I didn't understand them. So, I want to do something about this complaint. I want to know how they really feel and what they're thinking when they refuse to talk to me. I want to know why they're crying. I want to know what they really want when they say that everything is fine. I want to know how to make them truly happy. Also, I want to know when they would like to have sex." The genie looked at him and said, "You want that bridge with two lanes or four?"

This joke can be seen as a signifier of the unfathomable differences between the sexes. Are men really from Mars and women from Venus?

What Does the Woman Want?

In one of my leadership classes I asked a married, male participant the classic question, "What does a woman want?" Interestingly enough, this seemingly straightforward question seemed to overwhelm him. He was really at pains to respond. I had thought that after so many years of marriage, he would have picked up a few pointers from his wife. Approximately one hundred years earlier, Sigmund Freud had posed the same question to one of his patients, the well-known French psychoanalyst Marie Bonaparte (Jones, 1953), asking her: "Was will das Weib?" (What does a woman want?). What her response was has remained unknown. Freud acknowledged, however, that this remained one of the biggest unanswered questions after having studied the female psyche for more than thirty years.

That evening, during a dinner with the participants of my leadership seminar, I had a number of women sitting at my table. As I was still preoccupied by the female "enigma," I repeated the same question to them. After a slight hesitance, I remember hearing comments such as love, respect, care, a sense of humor, passion, intimacy, a shoulder to lean on, to be held, to be trusted, having someone to rely on, being protected when needed and being listened to. Subsequently, I asked these women: "But what does the man want?" The spontaneous, unequivocal answer given by all of them was "sex." This time, there was no ambiguity.

Sexual Fantasies in the Workplace

What do these different reactions say about male-female relationships? And how do these reactions play out in the workplace? Is there place for sexual desires in the workplace? Or is this an "undiscussable" in organizations? Is it mere wishful thinking that the individuals who inhabit and shape organizations – who affect organizational dynamics – leave their sexual desires at home?

As a large body of research has shown, men (compared to women) think about sex much more often (Masters and Johnson, 1966; Oliver & Hyde, 1993; Heiman, 1977; Ellis & Symons, 1990; Wilson, 1992, 1997; Scott, 1994; Regan & Berscheid, 1999; Hicks & Leitenberg, 2001; Baumeister, Catanese, & Vohs, 2001; Peplau, 2003). Men, far more frequently than women, report sexual fantasies as well as feelings of sexual desire. Even in their sleep, men are far more likely than women to dream of sexual encounters.

Taking this information into consideration, we may ask ourselves how easy it is for a man to be just "a friend" or work "colleague" with a woman that he finds attractive. Given the frequency and intensity of male fantasies,

are platonic relationships with the female sex possible? What is sure, however, whatever the relationship is going to be, men have "to manage" these sexual fantasies. What makes this "management process" even more challenging, however, is that many men falsely assume that women think like them, a perception which can make for a very volatile cocktail. It may be one of the reasons for the frequency of complaints by women of being sexually harassed in the workplace. Although the statistics aren't written in stone, it has been estimated that more than one out of three women have been exposed to some form of unwanted sexual attention in their lifetime (Brooks Gardner, 1995; Baker, 2003; Atwater et al, 2004; Black et al, 2011).

This lingering patriarchism and misconceptions in male-female encounters lead to the question of how this plays a role concerning a very delicate issue in senior management: the lack of women in the C-suite (Barreto, Ryan, and Schmitt, 2009). Why has the presence of women, or rather their absence, remained so much of a problem?

Gender Stereotyping

There is no paucity of explanations for the underrepresentation of women in the C-suite. One is the lack of fit between a woman's "natural" strengths and the qualities needed for leadership. Women are stereotyped as having a more "communal" orientation, meaning they tend to be friendlier, unselfish, more concerned with others and are more emotionally expressive. In contrast, men are viewed as being more "agentic," implying that they tend to be more independent, assertive and competent – a style that tends to be more congruent with the image of an effective executive (Bakan, 1966). What adds to this picture of incongruity is that women tend to possess a more democratic and participative leadership style compared to men (Eagly, Makhijani, & Klonsky, 1992). These softer skills, while useful in supportive roles, are perceived as being less consistent with our perception of the qualities that make for successful leadership in organizations. In most contemporary organizations, which also happen to be male-centered institutions (Kanter, 1993; Kets de Vries & Engellau, 2010), women just don't fit the archetype of leadership.

Moreover, women are often caught in a double bind. When women leaders do display agentic-type behaviors, they are, paradoxically, penalized for it. What's more, the more directive a woman behaves, the less favorably she will be perceived, by both men and women alike. Instead of being admired for her boldness and initiative, she is type casted as a person who is pushy, bossy and uncaring. In going against unconsciously socially determined norms and expectations on how women should behave, neither fitting the typical feminine role nor the masculine role, she finds herself

exposed to a social backlash. As the movie star Bette Davis once said: "When a man gives his opinion, he's a man. Strong, confident women risk coming across as selfish or domineering; she's a bitch."

In response, some have suggested that women should take control of her career and to "to lean in:" they should step up, take the initiative, and make a greater effort to be heard; she should actively strive for opportunities and be bold enough to take power (Sandberg, 2013). Many women, however, recognizing the double bind situation, wonder if overcoming the double standards on the way to the C-suite is really worth it. Not only are they up against the requirements and "archetype" of a male leader, they also face many implicit barriers that are paradoxical, and hence more difficult to overcome. For example, taking a simple illustration, when a man is unavailable to offer help, he is described as being "busy" while a woman (because of the expectation of communal behavior) will be labeled "unhelpful." Another implicit bias concerns the assumption that women are "irrational" or "emotional" while men are more rational and stable, thereby making the latter more fit for leadership roles (Bowen, et al. 2000; Heilman & Eagly, 2008; Barreto, et al., 2009; Block & Crawford, 2013). Clearly, given all the odds stacked against them, women who want to be successful in the organizational world have to work much harder at it compared to men.

Another argument for the lack of women in senior positions is that it is all a matter of choice. Some even suggest that women may be smarter than men for *not* wanting to reach for the top jobs. According to them, they are more astute in recognizing the downside of career progression, realizing that by participating in the rat race, they may lose out on the quality of life. Supposedly, following this line of thought, the lack of women in the C-suite is due to the fact that they are more concerned about balancing family and career. And true enough, depending on the cultural setting we live in, it is often much easier (and more socially acceptable, and more common) for women to drop out of the career rat race in comparison to men.

Another cited reason for the female disadvantage in senior positions is "the impostor syndrome," – or the fear of many high achieving women that they aren't really that capable or qualified (Clance & Imes, 1978; Kets de Vries, 2005). They are unable to internalize their accomplishments and despite evidence of their competence, remain convinced that they are frauds and do not deserve the success they have achieved. Due to this lack of self-confidence, some even argue that many women in managerial positions engage in self-sabotage by *choosing* not to reach their full potential; that they intentionally hold themselves back. Under this argument, the lack of advancement of women is the fault of women themselves.

If all these various explanations aren't yet enough, some people have also attributed the lack of women in senior leadership roles to the maternal

instinct. Which makes her more suited to the caregiver role. Men, in turn, take on the breadwinner role. According to some researchers, there is a special bond between the mother and the baby that lessens the importance of having a career: oxytocin (the love hormone) kicks in altering a woman's priorities (Insel, 1992; Lee et al., 2009). However, in most of contemporary society, with dual-career couples, single mothers or fathers, as well as homosexual couples, the traditional caregiver and breadwinner roles are no longer rigidly separated: both men and women now fulfill both or either roles. Organizations however, are still structured as if the roles are still gender-specific.

The Sexual Dimension

Gender-stereotyping aside, there is still the issue of sex, and how the sexual dimension affects male-female relationship in a business setting. Do sexual fantasies contribute to the existence of the "sticky bottom," the "glass ceiling" or "leaky pipelines?" Realizing that Homo sapiens emerged approximately 200,000 years ago, the legacy of millennia of evolution cannot merely be brushed away in spite of living in this digital age, which spans only 50 years. When we look at the history of our species, most of the time, the role of women has been confined to reproduction and child rearing. As Napoleon Bonaparte said in a rather denigrating way, "women are nothing but machines for producing children."

From an evolutionary, developmental and psychodynamic psychology point of view, men and women are different. The evolutionary mating game has set different rules for men and women. Male desire is about the survival of the species. It is part and parcel of our evolutionary legacy that has as its purpose the assurance of reproductive success (Dawkins, 1989). Not only are we driven by what has been labeled as the "selfish gene" (a gene-centered view of evolution focused on reproduction), most of the time we are not even aware of the extent to which our sexual desires influence our behavior. This hard-wired desire to reproduce, by necessity, drives how we think, feel and behave. What intensifies the sexual dimension in interpersonal encounters is that evolution has always rewarded those who were sexually successful.

Despite social and economical advancement, people today are still governed by same sexual desires that drove our primitive ancestors. We still very much possess a Stone Age Mind in a Stone Age Body. Sexual adventurism has always been an intrinsic part of human nature. At an unconscious, biological level men will try to maximize their genetic legacy. But while men are less inhibited about their sexual desires, for women the agenda is quite different. Contrary to men (taking an evolutionary, developmental

point of view), women exercise much more discretion to ensure the commitment of their partner's economic, emotional and sexual resources. Unlike men, who produce new sperm daily throughout most of their lifetime, women are born with about one to two million immature eggs of which only about 400 will ever mature. Given the limited supply of eggs, the act of reproduction implies a serious commitment to the other partner's genes. Thus given the imperative of survival and reproduction, our female ancestors always had to be extremely careful in selecting their mates, which made for a very different orientation with respect to male-female interaction. These biological differences concerning reproduction have in turn influenced social norms. Going back to double standards, the word "slut" is used to describe a promiscuous woman. In contrast, men, in doing what they are doing, are considered virile.

The Medusa Image

Given our evolutionary heritage, sexual desire is a natural and ever-present force between male-female interactions. We could add, given the force of the selfish gene that it is even more of a challenge for men to keep their sexual desires under control. Consequently, many men may take measures to prevent it from occurring in the first place.

From a psychodynamic point of view, men's ambivalence about the seductive powers of women has been present through the ages, symbolized by a very archaic, masculine fear of women in general. In men's fantasy world, not only are women dangerous creatures, but given the physiological differences between the sexes, men may also have bizarre associations about the major differentiator, the vagina. The vagina dentate – symbolizing male castration anxiety (the fear of being devoured by Mother Nature) – can become the source of various, seemingly bizarre, masculine fantasies. For example, women may play a "castrating" role in man's fantasy world. The story line is that too many seductive women lure men into destruction. At an unconscious level, the vagina becomes a signifier of the ambivalence men have about the intrusive and withholding mother; the great mother of mythology; the mother who can create but also destroy; the woman as medusa. And these concerns manifest themselves in many different cultures. Women, as seductress, are held responsible for the downfall of their men. In the Hindu religion, the goddess Kali is not only associated with motherly love, but also with death, sexuality, and violence. As the goddess of destruction, she destroys only to recreate. In Buddhism, Mara is the demon that tried to eliminate Gautama Buddha's quest for enlightenment by trying to seduce him with the vision of beautiful women. In the Judeo-Christian tradition, stories of devouring, castrating, even spider-like women are ubiq-

uitous. In the Islamic culture, there is also an implicit and explicit fear of the seductive, sexual power of women, explaining the need for their seclusion and surveillance. In contemporary popular culture, films like *Basic Instinct* in which a woman kills a man with an icepick after intercourse, are telling – suggesting that having sex with the seductress can be an extremely dangerous business. Throughout human history (the tale of Adam and Eve being a good starting point), sexual desire has been fraught with apprehension and anxiety. Given the weakness of the flesh, a tremendous effort has always been required to deflect men's attention from their sexual feelings. We can hypothesize that these unconscious anxieties about desire may yet be another reason why many men have difficulties allowing women to enter the C-suite. Many men feel uncomfortable when women intrude in, what they view, as their space.

I recall one executive who noted, "Whenever I have to deal with sexual desire, I can imagine a tragedy-in-the-making. Being really honest to myself, there have been quite a few times when I lost control. Plainly speaking, all the mistakes I have made in my life have been an outcome of sexual desire. It was desire that made me loose my discrimination and understanding, and thus commit wrong actions. What more is there to say? I have been married quite a few times. Two of my wives I met at work. In both cases we were working together on a project. At the time, when I got involved, I knew I was playing with fire. Now, looking back, were all my struggles with desire worth it? In hindsight, I do wonder! Unfortunately, too often, I discovered that the price of getting what I want is getting what I once wanted. It makes me think about Robin Williams' quip, 'God gave us a penis and a brain, but only enough blood to run one at a time.' That's me to a tee!" And recalling many other conversations I have had with executives, this executive is not an outlier. There are a large number of men just like him.

Keeping Women Out

Given the fear of the sexual cloud hovering above male-female interactions, why not prevent these fears from coming to the fore in the first place by keeping women out? Having to work too closely with women would only disrupt organizational processes and may even lead to trouble.

Unfortunately, these (not necessarily conscious) efforts of men to desexualize organizations have become a form of subtle sex discrimination. The consequences are that most organizations continue to reinforce a male-friendly, design, forcing women into behavioral frameworks that are more suited to men – adding to the considerable hurdles they already have to deal with. And even when women conform to the agentic behaviors required of leadership, they receive social reprisals for not abiding to the communal

ones expected of their gender. No wonder that any change in the male-female mix in senior management has been at a glacial rate.

Action Steps

One of the factors on which a country's economic progress depends is human capital. If we don't provide women with adequate access to employment opportunities, we will lose at least half of our potential. Thus if senior executives are really serious about fair process in organizations, it's better to be upfront to understand how the sexual dimension affects organizational dynamics. Given the selfish gene effect, men and women should avoid becoming mere pawns of evolutionary drivers. We need to find a way back to a more balanced relationship between our biological selves and the social systems we have built.

Thinking about what can be done to change the status quo, we do well to keep in mind that the genetic elements of human behavior are always positioned within a cultural setting. Genetic determinism has its limits. In spite of the selfish gene effect, sexism is also predominantly a social and hence remediable disease. And given the possibility of choice, the question becomes what can be done to create organizations in which both men and women may thrive?

The Rot Starts at the Top

To tackle the problem of subtle gender discrimination, the first step is awareness. Senior executives (and I am here referring to both men and women – as some women through their behavior may reinforce the existing stereotypes) should acknowledge that most organizations are not women friendly (Kets de Vries & Engellau, 2010) and to recognize that men and women have different needs, including career specific needs.

It is self-evident that the creation of more women-friendly organizations starts at the top. A starting point is a willingness to experiment with other forms of organizational identities and to create a more inclusive culture. To enable change, both men and women need to become more consciously aware of their biases. They need to come to grips with how they are influenced by gender norms, and how these norms (consciously or unconsciously) are keeping women out. They also need to pay attention on how the sexual "cloud" clutters their reasoning and behaviors.

To change existing discriminatory practices an open dialogue will be needed about these unconscious biases, including the hidden sexual dynamics of the workplace. Both parties need to become more aware of their

unconscious (and subconscious) biases and the tendency to stereotype in hiring, firing and promotion practices. Also, the failure to acknowledge and manage the sexual cloud in organizations, and the preemptive measures that ensue, perpetuate the subtle discrimination against talented women. It prevents these women from reaching the C-suite.

Furthermore, top management needs to nurture an inclusive, supportive, and respectful cultural environment that clearly differentiates between sex role and work role. Sexual harassment and other forms of organizational discrimination cannot be eliminated without making changes to the fundamental culture of the organization. Women cannot bring to bear all their potential simply by adapting to the incumbent culture. Instead organizational culture needs to adapt to the qualities and needs of its constituents, and continuously evolve to allow both men and women to flourish in equal measure.

Structural Interventions

Although open dialogue in addressing unconscious biases is a start, the next step is the institutionalization of structural measures. In most contemporary organizations, the structure is hierarchical in nature, with top down leadership styles more akin to men. In situations when women are in control of an organization's design, we see more network-oriented structures rather than hierarchies; we see a greater emphasis on group effort as opposed to individual achievement; we see a greater preference for people-oriented skills such as teaching, mentoring, and coaching, not merely on task orientation. In general, more female oriented organizations are characterized by flatter, more flexible organizational structures whereby power, authority, and decision-making are more decentralized and lateral communication is more the norm.

Furthermore, to make organizations more gender neutral, performance indicators, compensation and benefits systems, and career track systems need to be put into place that are more equitable. In particular, this will imply a greater respect (not just lip service) for life balance, meaning more flexible career management practices. In addition, top management needs to be more responsive to helping its employees balance career and family demands through flextime, alternative schedules, part-time, working from home, compressed workweeks, and job sharing. They also need to be able to adapt to the different commitment intensities during different phases of an executive's career cycle.

Also, practices need to be implemented that discourages unwanted sexualized behavior (including inappropriate sexual joking behavior). This goes beyond providing executives with information about sexual harassment

policies. Too often, male ambivalence towards women is expressed in using inappropriate language, dirty jokes, innuendo, and various forms of non-verbal communication that conveys to women that they are not wanted. Thus, as another behavioral incentive, inappropriate sexualized behavior (overt and covert) need to be part of the overall performance appraisal system.

Androgynous Development

Of course, from a developmental point of view, putting such practices in place is a somewhat delayed, stopgap measure. The real starting point for any change needs to take place much earlier. If we want to accomplish real change concerning gender issues, there needs to be a basic change in people's overall *Weltanschauung* – or worldview. To be able to affect real change, we need to start with how gender roles are established and re-inforced in the home with early child-rearing practices.

Gender dynamics start with the role models that the parents provide. After all, a child's earliest exposure to what it means to be male or female comes from the parents. To really tackle the issue of equality at its heart, it will be up to parents to model gender equality early into their children's minds. As the American Congress woman Shirley Chisholm once said, "The emotional, sexual, and psychological stereotyping of females begins when the doctor says, 'It's a girl.'" If parents intervene early in life, they can begin to change the prospects for the future. Clearly, parents who espouse an egalitarian attitude regarding gender roles are more likely to foster the same in their children.

In child rearing we would do well to re-examine conventional and implicit gender roles. After all, it is the parents own dynamics and behaviors which influence gender stereotyping. They are the ones that make children identify certain activities and abilities as being characteristically "masculine" or "feminine," "agentic," or "communal." Instead, we need to bring up children without gender discrimination – children who are free to possess any of the qualities that fit them best. We need to raise sons and daughters equally. To accomplish this goal, we may need a more androgynous orientation towards human development, meaning the blending of feminine and masculine attributes within the same individual. Children who develop more flexible, androgynous gender identities will be better prepared to cope with the stresses of life of contemporary society, compared to the ones who develop more rigid, pure-feminine or pure-masculine gender identities.

There will only be true equality when both men and women share the responsibility of bringing up the next generation. Only until the social expectations for men and women are equal – until there is equal respect and

equal opportunities for both sexes – will we surpass our social prejudices and their limitations, so that women may take up their place in the C-suite.

Concluding Comments

I have argued that the selfish gene effect is one of the contributing factors for the lack of women in senior positions of leadership. Therefore, it is good to keep in mind that talent has no gender. Also, it's important to remind ourselves that gender inequality is not just a woman's issue. It is something that affects us all. Living in a man's world doesn't help our planet. And looking at the present state of our planet, it isn't something to be proud of. To call a spade a spade, a masculinized type of leadership has made quite a mess of this world – both politically and economically. As the United Nations Secretary General Ban Ki-Moon has said, "Countries with higher levels of gender equality have higher economic growth. Companies with more women on their boards have higher returns. Peace agreements that include women are more successful. We can speculate that the more equality women have, the fairer, more civilized and tolerant society will be. Parliaments with more women take up a wider range of issues – including health, education, anti-discrimination, and child support." As he suggested, gender balance at the top from a business perspective contributes to improved competitiveness and better performance. In contrast, gender inequality lowers the quality of life for both men and women – and in the case of the latter, disproportionately.

In our day and age, the world is becoming much more aware of the gender issue. Although gender discrimination is still very present, the world is quite different from the way it was hundred years ago. Slowly, step-by-step, sexual discrimination in social attitudes and behavior is being corrected. Perceptions of leadership have become less exclusively masculine and more androgynous in nature. This shift may be due in part to the looser, more organic organizational structures that have evolved within contemporary organizations, designs that necessitate more teamwork and networking structures, characteristics (and here I may fall into the gender stereotype trap) in which women excel. And although there has been progress, there is still quite a long way to go. Much more work is needed to liberate the potential of half the human race, the women, so that they can help liberate the other half.

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SAME CRISIS, DIFFERENT STRATEGIES? ITALIAN MEN AND WOMEN ENTREPRENEURS IN FRONT OF THE ECONOMIC RECESSION

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ABSTRACT. It is generally accepted that companies can adopt two types of strategies when confronted with an economic downturn: defensive and offensive approach. While the existence of significant differences between men and women is proven (e.g., in terms of risk-taking, propensity towards investments, innovation, development and growth), business strategy studies do not consider the gender of the entrepreneur and do not take into account whether male and female businesses can opt for different solutions when they are faced with an economic crisis. This paper focuses on this topic and it aims to analyze how Italian micro-entrepreneurs have responded to the economic crisis. Moreover it aims to compare male and female entrepreneurs' strategic behavior, in order to understand if they have adopted similar or different strategies when facing the recession. The empirical research is based on a questionnaire survey involving a sample of 300 sole proprietors – 150 men and 150 women-owners of Italian micro-enterprises. Data gathered through the questionnaire has been used to identify the most frequent actions undertaken by entrepreneurs in facing the crisis. Answers supplied by the entrepreneurs were also submitted to factor and cluster analysis in order to identify several typical strategic profiles adopted by entrepreneurs. Four main strategic profiles were identified: training of staff, market-orientation, development and growth, downsizing. Women mainly dealt with the crisis with a defensive attitude and preferred downsizing their

activities and increasing efficiency. The main limitation of the research concerns samples compositions, as it only includes sole proprietors located in a limited geographical context. Moreover, the analysis only considers gender issue and ignores other variables (firms' features and/or entrepreneurs' characteristics) that may have influenced businesses' strategies. Data from this investigation contribute to the debate on gender-based differences in behaviors, attitudes and preferences. Until now, no analyzes were carried out to compare the behavior of entrepreneurs of both genders in situations of economic recession.

Keywords: strategies; economic crisis; gender; women; female entrepreneurship; micro-entrepreneurs; Italy

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Introduction

The global economic and financial crisis that began in the USA between 2005 and 2006 spilled over to other economies and triggered a global recession, causing an economic downturn in Italy too. Between 2007 and 2013, two-thirds of the main sectors of national economy declined by more than 20% and in the period 2011–2013 national sales decreased by about 17% (Istat, 2014).

The most critical years were 2008–2009 and 2012–2013 as in these periods GDP, industrial turnover and households' final consumption expenditure has constantly decreased, while unemployment rate constantly increased (World Bank, 2014).

This recession has had a considerable impact on Italian businesses. Company mortality rate, the number of bankruptcies and non-bankruptcy insolvency proceedings has continued growing relentlessly (Cerved, 2014). Even in 2013, the negative effects of the crisis were anything but mild. In that year, 111,000 businesses closed down, 7.3% more than in 2012. Similar trend for bankruptcies: in 2013 they were 14,000, an increase of 12% compared to the record already achieved in the previous year. And again in 2013 three thousands companies were involved in non-bankruptcy insolvency proceedings, an increase of 53.8% over the previous year (Cerved, 2014). However at a national level, company birth and mortality rates have consistently shown that female-owned enterprises fare better. For instance, in the period 2011–2012 the stock of Italian enterprises decreased 0.49% (29,911 enterprises), while the number of women-owned businesses showed

only a very slight reduction (-0.04%, 593 enterprises). In the period December 2012–December 2013, moreover, the number of women-owned businesses increased by 0.75% (+10,713 units), a value higher than that reported in all Italian companies, equal to 0.56%. More recently, using data available as at 31 March 2014, women-owned businesses increased by 6,605 units over the past 12 months, thus achieving a growth rate of 0.51%, more than twice that in the total enterprises (0.2%) (Unioncamere, 2013).

In summary, these data clearly demonstrate that, at the aggregate level, women-owned businesses in Italy have shown a greater resistance and have been able to deal with the crisis better than male companies. In this context, it is important to understand how companies have dealt with the crisis and what strategies men- and women-owned businesses have taken to deal with the economic downturn.

In business strategy studies there is a range of strategies that companies can adopt when they face a crisis. The main ones are the following: restructuring strategies; downsizing strategies; innovation and development strategies; reorganization strategies (Latham, 2009; Kitching et al. 2009; Thompson et al., 2009; Sternad, 2012). These different strategies can be traced back to two main opposed approaches (Miles and Snow, 1978; Deans, 2009):

- on one hand, a defensive approach, focused on short-term and based on the adoption of measures aimed at maintaining efficiency and guaranteeing the survival of the business with restructuring and/or resizing strategies;
- on the other hand, an offensive approach, oriented towards the medium-long term and realized through new investments and an innovation process to maintain and strengthen the competitive advantage adopting reorganization and/or innovation/development strategies.

It is a matter of fact that these two perspectives lead to a dilemma for entrepreneurs: which of these approaches is more appropriate to adopt? Some authors underlined that several factors can affect the choice of ways in which firms react to an economic crisis, for instance: size (Drummond and Chell, 1994; Pearce and Michael, 1997; Dean et al., 1998; DeDee and Vorbies, 1998; Carr et al., 2004), industry (Churchill and Lewis, 1984; Shama, 1993; Srinivasan et al., 2005), the capital structure of the firm and its ratios of debt to assets (Ofek, 1993), the age of the firm (Latham, 2009). These studies, however, mainly focus on the features of the businesses, do not consider the entrepreneur's characteristics and do not take into account whether male and female businesses can opt for different solutions when they are faced with an economic downturn.

In contrast, in other studies, especially in entrepreneurship studies, the existence of significant differences between men and women is proven, for example in terms of priorities, motivations, preferences, goals, skills,

knowledge, abilities and social status (Brush, 1992; Cliff, 1998; Azam Roomi et al., 2009). It is also widely recognized that these gender differences may affect the entrepreneurial behavior and decision processes of men and women, with regard to: risk taking, propensity towards investments, innovation, development and growth (Cliff, 1998; Byrnes et al., 1999; Croson and Gneezy, 2009; Pelger, 2012).

Based on these premises, we think that gender can significantly affect the choice of business strategies of the company, also during an economic downturn. For this reason, it is important to compare the behavior of male and female entrepreneurs, in order to understand if there are actual differences in the way they have dealt with the crisis. As stated, in fact, this is a so far neglected question in business strategy studies, as they dealt with strategies to deal with crisis situations and with factors affecting this choice, but they neglected the impact of gender variable. On the other hand, in entrepreneurship studies, some differences between men and women entrepreneurs have been identified, but their role in influencing how to deal with crisis has not been addressed.

For this reason we propose the following research question: Did men and women entrepreneurs adopted similar strategies to face the economic crisis?

This paper aims to compare behaviors of male and female entrepreneurs, in an attempt to determine whether they have adopted different strategies in facing up to the recession.

In order to answer this question, a survey research was carried out and a questionnaire was submitted to a sample of 300 Italian sole proprietors (150 men and 150 women), owners of micro-enterprises located in the Marche region in central Italy.

Results from this research provide significant contributions, both in the field of scientific research, and in the field of the real economy.

From the scientific point of view, data from this investigation contribute to the development of the debate on the influence of gender in explaining behaviors of men and women entrepreneurs. Our analysis in fact shows that, under the same external conditions, Italian men and women entrepreneurs adopted different strategies to respond to the economic crisis, and women adopted defensive strategies more often than men.

Results from this research can also help policymakers to identify useful economic policy measures to help men and women entrepreneurs to address the crisis and ensure the survival of their businesses.

The paper is structured in four parts. In the first part, the main literature is presented on the strategic response of companies to the economic crisis. Next, the methodology employed in the empirical research is illustrated. Finally, the key results of the study are discussed and the main conclusions are drawn.

Literature Review

Strategic responses to economic crisis

It is generally accepted that companies can adopt two types of strategies when confronted with an economic downturn: the first is the adoption of measures aimed at maintaining efficiency through cost-cutting, selling of non-strategic assets and reducing personnel costs; the second is realized through investments organizational/technological renewal, the introduction of new products and processes, the research for new markets and new customers, entering in new business. The first choice is a defensive one intended to guarantee the survival of the business in the short-term, whereas the second is an offensive choice aimed at creating opportunities for long-term value creation. According to the classification of Miles and Snow (1978), the first approach corresponds to that of the so-called *defenders*, while the second characterizes the behavior of firms labeled as *prospectors*.

From another perspective, firms may face an economic crisis by adopting externally-directed or internally-directed strategies. The former requires actions directed towards the market and oriented to change marketing strategies, pricing strategies, international orientation, etc. The latter involve actions directed towards the firm in order to change structures, processes, systems or resources used (Chattopadhyay et al. 2001; Sternad, 2012).

In this wide range of possibilities, and combining both perspectives, four main strategies may be identified to explain how firms may respond to an economic crisis: restructuring strategies; resizing strategies; reorganization strategies; innovation strategies (Kitching et al., 2009; Papaoikonomou et al., 2012; Sternad, 2012).

Restructuring strategies are internally-directed actions that involve cutting costs in order to improve efficiency. Such strategies relate to traditional product/market combinations and do not involve significant dimensional variations. Firms try to improve efficiency by improving productivity and reducing expenditure on a wide range of activities. Resizing strategies are external-directed actions oriented to refocusing the core business and disinvesting non-core assets. The disinvestment of products/product lines, withdrawing from markets, selling parts of the business, closure of plants or production sites are examples of resizing actions (Latham, 2009; Sternad, 2012).

Both restructuring and resizing strategies are defensive in nature (Deans, 2009) and they are the most common approaches adopted by firms to deal with recession conditions (Robbins and Pearce, 1992; Michael and Robbins, 1998; Sharma, 2000; Latham, 2009), especially in the short-term (Kitching et al., 2009). Even in Italy, a recent survey conducted on a sample of small

firms confirmed that defensive strategies were the most frequently used to deal with the crisis (Pencarelli et al., 2010; Istat, 2014).

Some authors (Michael and Robbins, 1998) argue that firms that adopt this approach tend to cut above all the cost and asset factors that can be more easily be repurchased, such as low skilled workers, not strategic raw materials, etc.

About the effectiveness of such strategies in times of economic crisis opposing assessments can be made (Kitching et al., 2009). Looking at the problem in a positive perspective, in fact, an economic crisis can be an incentive to improve and rationalize the company, through a critical review of its product portfolio and focusing on its core business. The crisis also leads firms to take action to improve efficiency and reduce operating costs by optimizing the asset utilization and divesting marginal and less profitable activities. However, there are negative aspects. Cutting costs and activities, in fact, is often a knee-jerk reaction to adverse market conditions, which, however, did not involve any strategic repositioning of the company. As a consequence, cost- and asset-cutting can weaken the business's competitiveness and reduce its ability to successfully face the later stages of economic recovery.

Defensive strategies are very common for firms in times of crisis (Bigelow and Chan, 1992; Geroski and Gregg, 1994; 1997; DeDee and Vorhies, 1998; Michael and Robbins, 1998). However, other studies suggest alternative strategies to cope with the crisis. They require countercyclical investments and processes of technological and organizational innovation, aimed at strengthening the company and allow it to better tackle the economic crisis and become more competitive and better prepared for the post-recession. These strategic responses seem inspired by the idea, put forward by Penrose, according to which "depression is sometimes looked on as a good time to expand: costs are low, plant can be constructed and equipment bought cheaply" (Penrose, 1995, p. 244).

Reorganization strategies and innovation and development strategies belong to this second group. Reorganization strategies are internally-directed actions focused on improving organizational aspects, for instance by redefining responsibilities, enhancing information system controls, investing in human resources and so on. Such strategies aim to requalify the firm and improve its organizational structure. Some authors assert that investments in human resources (Papaoikonomou et al., 2012) and employee benefits are useful to maintain commitment during an economic downturn (Brenner, 2009).

Innovation strategies are external-directed actions concerned with the competitive position of businesses. Such strategies adopt an offensive approach (Deans, 2009) and examples include investment into new markets,

new product development, business diversification, increased marketing spending (Kitching et al., 2009; Papaoikonomou et al., 2012; Sternad, 2012). These strategies require firms' ability to perceive economic crisis as "opportunities to invest, innovate and expand into new market in order to achieve or extend a competitive advantage during the recession and beyond" (Kitching et al., 2009). These strategies, however, are risky and not easy to implement, not only because they imply the ability of firms to look beyond and not to dwell on the difficulties of the moment, but also because they often require large amount of resources in terms of finance, managerial competences and technical expertise.

Indeed during the economic crisis business owners and managers have to face a dilemma: to favor a short-term perspective and thus protect the current financial performance of the company, or to look at the long term and make new investments. The latter cause an immediate absorption of resources, but they can enhance the competitive position of the company and thus allow it to gain an advantage in the long term, even in the post-recession. The two alternatives cause opposing risks: the emphasis on short-term performance is likely to weaken the company's long-term competitiveness and its performance can deteriorate in the post-recession; on the contrary, focusing on long-term goals, the company could be involved in initiatives that absorb resources and thus cause a further deterioration of the immediate performance, further threatening its survival. Some studies show that too much emphasis on downsizing and cost cutting strategies can lead to negative effects in the long term (DeDee and Vorhies, 1998), while anti-cyclical actions can facilitate achieving high performance in the phase of economic recovery (Roberts, 2003; Wan and Yiu, 2009). Pearce and Michael (1997), through the analysis of a sample of start-up manufacturing firms, shown that firms that had made marketing investments (e.g., advertising) achieved the highest earnings compared to companies that had cut costs during the recession.

A solution to this dilemma is the so-called ambidextrous strategies (Kitching et al., 2009) that combine both efficiency improvements and strategic investments (Robbins and Pearce, 1992; Sternad, 2012; Chowdhury and Lang, 1996).

Subjective factors influencing the choice of strategy to respond to the crisis. Differences between men and women

As a matter of fact, several factors can affect the effects of a recession and the ways in which firms react to an economic crisis. Among them, an important role must be recognized by the entrepreneur, to set priorities, motivations, preferences, skills, knowledge and abilities that affect his/her choices on how to deal with the crisis. According to Shama (1993), stra-

tegic response to an economic recession depends on how entrepreneurs/managers perceive their impact on their business. As a consequence, they will "take different tactical and/or strategic measures to adjust or even exploit changes in the economic environment" (p. 62). In fact, companies' performances, rather than being the direct result of external factors, are affected by the decisions and choices of the control group. These choices, in turn, also during economic downturn, are significantly affected by leader's cultural, psychological and cognitive characteristics, as well as by his/her skills and experiences. This means that in every business, the decision maker makes his/her own personal assessment of the seriousness of the crisis and its possible consequences in the short and long term. Based on these elements, he/she chooses what he/she considers the most effective way to respond to the crisis (Latham and Braun, 2011; Papaoikonomou et al., 2012). It follows that, facing the same economic scenario, different firms may adopt different behaviors to deal with it, and this is particularly true during economic downturns. A crisis, in fact, is a complex phase and it is very difficult to interpret, so that it is often impossible to foresee its evolution. In the absence of certainty, perceptions of managers and entrepreneurs are key to choose company's reaction to the crisis (Chattopadhyay et al., 2001; Latham and Braun, 2011).

The influence of decision maker's perceptions – in small businesses identified with the entrepreneur – in determining business' reactions to an economic crisis is widely accepted (Shama, 1993; Penrose, 2000; Kiching et al., 2009; Papaoikonomou et al., 2012; Sternad, 2012). Analysis focused on factors affecting the choice of strategies to tackle the crisis, however, have neglected entrepreneur's gender. This is an important gap. In fact, there are many studies that show the existence of significant differences between male and female entrepreneurs – and more generally between men and women – in terms of risk taking, propensity towards investments, innovation, development and growth. These factors can significantly affect the choice of business strategies.

Several researches in sociology and psychology show that women are less risk-oriented than men (Byrnes et al., 1999; Croson and Gneezy, 2009). According to Arch (1993), this difference is due to the fact that men tend to interpret risky situations as challenges that stimulate their desire for involvement and participation, while women tend to interpret them as threats and are so induced to avoid them. Lower women's propensity for risk is also confirmed by other research (Powell and Ansic, 1997; Sunden and Surette, 1998; Dohmen and Falk, 2011) that compares the behavior of men and women involved in financial decisions. According to other authors, women have lower self-confidence than men (Fielden et al., 2003; Kirkwood, 2009), especially in some typically masculine areas, just as finance. Barber and

Odean (2001) verify that men have a greater self-confidence and therefore take riskier financial choices than women.

Research on this topic, however, has shown that women's preferences with regard to financial investments are not the result of their psychological characteristics, but they are affected by certain circumstances relating to their social status. Women's preference for investments with a lower financial risk could come from their lower knowledge in financial matters (financial literacy) and their lower average incomes (Schubert et al., 1999; Dwyer et al., 2002).

Other research related to men and women entrepreneurs confirm the existence of gender-based differences in risk propensity, even if other studies contradict these findings (Masters and Meier, 1988; Scherer et al., 1990). Brighetti and Lucarelli (2015) offer an original view. They have used two different methods in observing the behaviors of men and women under uncertainty. They have found that no statistical gender difference emerges when risk/ambiguity attitudes are measured through a psycho-physiological experiment, which offered objective measurements of individual risk/ ambiguity aversion. Conversely, self-evaluated risk tolerance indicates that women define themselves as risk averse, whereas men define themselves as risk lovers. According to the authors, these differences show that women's self-assessment is in line with sex-based stereotypes, thus reinforcing the social idea of their inferior attitude to assume risks.

According to Cliff (1988) women are more concerned than male entrepreneurs about risks associated with rapid growth and this is why they deliberately prefer a slow and steady rate of expansion. According to Sexton and Bowman (1990), women entrepreneurs are less willing than men to get involved in situations of high uncertainty, even when it comes to the opportunity to achieve financial and economic benefits. Moreover, they argue that women are less equipped with time, energy and resources necessary to manage a growth-oriented firm (Mitchelmore et al., 2014).

Cliff (1998) argues that the women's goal size is, on average, lower than that pursued by men. For women, the ideal size is the one that allows the company to maintain control and to devote a proper amount of time and energy to the business, in order to easily balance work and family. According to Cliff (1998), "this more cautious approach toward business expansion may result in ventures that are able to out-survive those headed by entrepreneurs pursuing more risky, high-growth strategies." Azam Roomi et al. (2009) also affirm that most women entrepreneurs "do not opt to develop growth-oriented businesses, choosing instead small, non-scalable, locally focused businesses providing services or operating in low-tech industries."

Other reasons that explain female businesses' lower propensity to grow are (Morris et al., 2006): women's difficulties in balancing work and family responsibilities; difficulties in accessing financial resources (Cesaroni, 2010; Cesaroni et al., 2013); women-owned firms mainly in retail and services firms, that are less oriented to growth.

Other authors observe that women have a lower concern for high financial performance, as they are more interested in personal satisfaction and self-fulfillment (Weber and Geneste, 2014). Several authors argue that growth in female firms should be viewed in a qualitative perspective (Brush, 1992; Rosa et al., 1996; Buttner and Moore, 1997; Collins-Dodd et al., 2004; Dalborg et al., 2012; Reichborn-Kjennerud and Svare, 2014; Weber and Geneste, 2014; Dalborg, 2015). This research underlines that women approach their businesses differently. These differences should also be kept in mind when female businesses' performances are analyzed and compared with those of male businesses. Indeed, several studies suggest that female-owned firms relatively underperform in contrast to male-owned firms (Klapper and Parker, 2011). Conversely, Robb and Watson (2012) and Zolin et al. (2013) found many differences between male and female firms in terms of many control variables (such as industry, owners' previous experience and hours worked), but they conclude that female firms are no less successful.

In line with the dominant "female underperformance hypothesis" in entrepreneurship (Du Rietz and Henrekson, 2000; Rosa et al., 1996), the majority of studies on business survival also assume that female entrepreneurs are more likely to fail than their male counterparts. However, Justo et al. (2015) contend that these studies equate exit with failure and they do not consider that entrepreneurs may exit ventures for very different reasons, including voluntary reasons. Based on these assumptions and feminist theories, they reconsider the female underperformance hypothesis and empirically show that female entrepreneurs are more likely to exit voluntarily than their male counterparts, and in particular for personal reasons.

Even with regard to innovation, some scholars have recently highlighted the need to adopt a new perspective, since so far, analysis on this topic has ignored the role of the innovator (Fagerberg et al., 2005) and has not considered the role of gender (Alsos et al., 2013).

Feminist studies have demonstrated that innovation is a highly gendered concept, because of its strong male connotation (Blake and Hanson, 2005; Marlow and McAdam, 2012; Nählinder et al., 2012). As a matter of fact, innovation activities are especially analyzed in high-technology and manufacturing industries, and findings mainly show that women are less innovative than men (Lindholm Dahlstrand and Politis, 2013; Marlow and McAdam, 2013).

According to Pelger (2012), women's objectives and priorities play a central role in explaining their lower propensity to invest. The latter is not the result of financial problems or other limitations connected to the firm. It is rather the consequence of women's goals when they engage themselves in entrepreneurial activity. As Pelger pointed, out women entrepreneurs are less inclined to invest and they are less likely than men to name sales increases, innovation, R&D and implementation of new products as their investment goals. For this reason, women entrepreneurs may have had a lower propensity towards innovation/development strategies, which would have required new investments and the willingness to accept risks associated with them.

In conclusion, existing investigations about women entrepreneurs' characteristics have revealed the existence of significant differences with men entrepreneurs, especially in terms of propensity to risk, investment, growth and innovation. These differences may have resulted in different approaches to deal with the recent economic crisis. As stated in the previous pages, in fact, numerous and very different from each other are strategies that a company can adopt to deal with an economic downturn, like the one affecting Italian economy since 2008. This choice is very influenced by entrepreneurs' perception and their individual characteristics. In turn, the latter are very different with respect to gender.

For this reason, we hypothesize as follows:

H1. Women entrepreneurs adopted defensive strategies more frequently than men to face the crisis.

In order to test this hypothesis, in this paper results from an empirical analysis are presented. They are derived from a comparison of strategies adopted by Italian men and women entrepreneurs to face the recent economic crisis.

Method, Sample and Data Collection

A survey research has been carried out among a sample of Italian sole-proprietors, owners of micro-enterprises located in the Marche region, in central Italy. The survey aims to compare men and women's behavior during the economic crisis and to identify strategies they adopted to face the crisis.

Marche has one of the highest concentrations of micro and small enterprises in Italy. The impact of the economic crisis has been particularly harsh. For instance, in 2009 the regional GDP declined by 5.4% (Istat, 2014), the joint-stock companies' mortality rate has been the highest in Italy (7.5%) (Cerved, 2014) and between 2008 and 2012 the number of

artisan enterprises has decreased by 5.1%. With respect to entrepreneurs' gender, the regional feminization rate (24.3%) is slightly higher than the national percentage of women-owned businesses (23.6%). Furthermore, even in this region women-owned companies have resisted the crisis more effectively than men-owned ones (Unioncamere, 2013). In the period June 2012–June 2013, in fact, in the Marche region, the balance of firms was negative (less than 608 units), while the balance of women-owned businesses was positive, albeit slightly (+8 units equal to 0.02%) (Unioncamere, 2013). For all these reasons, the Marche region is ideally suited to such a study.

The decision to involve only sole-proprietors in the survey was motivated by several reasons: 1) it is easier to establish a relationship between entrepreneur's gender and strategies adopted to face the crisis (in companies with members of both genders is not easy to determine whether the strategic decisions are actually taken, or influenced, by a man or a woman); 2) despite the presence of many female companies and partnerships, in Italy sole proprietorships represent a very high percentage of the total number of women-owned businesses (61% in 2010); 3) the decision to limit the analysis to sole proprietorships resolve the problem of the correct identification of women-owned businesses; in fact information about the gender of shareholders, partners and directors is not always available.

A non-proportional stratified sample, with the same number of men and women, was selected using the list of members of one of the main regional business associations. First of all, businesses set up after 2008 were excluded. The purpose of the survey, in fact, was to understand how the onset of the crisis has changed men- and women-owned firms' strategies. For this reason, businesses set up after 2008 were excluded. In fact they have not been forced to make changes in their usual behavior, as they were born during the crisis.

Starting from a list of 1,627 sole proprietors (429 women and 1,198 men) a sample of 300 sole proprietors (150 men and 150 women) was randomly extracted. Sample's characteristics are described in Table 1.

Table 1 Sample description

Variables	Description	N°	%
Gender	Women	110	50%
	Men	108	50%
	Total	*218*	*100%*
Business age	Young: less than 10	46	21%
	Mature: more than 10	172	79%
	Total	*218*	*100%*
Industry	Service and trade	135	62%
	Manufacturing	83	38%
	Total	*218*	*100%*
Entrepreneur's age	Young: less than 35	90	41%
	Senior: more than 34	128	59%
	Total	*218*	*100%*

Entrepreneurs selected this way took part in a telephone questionnaire between October and November 2013 and were asked questions regarding actions implemented to face the crisis. Questions refer to the previous 5 years.

Entrepreneurs included in the sample were given a list of 16 strategic actions devised from prevailing literature on this subject (Table 2) and were asked the following question: "In the last 5 years did you carry out any of the listed actions in order to deal with the crisis?". They were also asked to give a point according to the Likert 5 point scale, in which 1=Definitely not; 5=Definitely. The survey enabled us to obtain 218 fully completed questionnaires. Women compiled 110 and men 108 questionnaires. The response rate was particularly high, standing at 73% and substantially similar for entrepreneurs of both genders (men: 72%; women: 73.3%).

The information gathered through the questionnaire has been used to:

- Identify the most frequently used actions undertaken by entrepreneurs to deal with the crisis;
- Identify several typical strategic profiles adopted by men and women: to this end the answers supplied by the entrepreneurs were submitted to factor and cluster analysis, and respondents grouped on the basis of strategic behavior adopted during the crisis. Subsequently, the presence of men and women within the clusters was analyzed.

Main Results

Men and women micro-entrepreneurs in front of the crisis.
Strategic responses

The strategic actions most frequently adopted by men and women were identified on the basis of points given to each of the actions listed in the questionnaire (Table 2).

Table 2 Strategic actions to face the crisis. Frequency distribution (%)

	1		2		3		4		5		Total		Total
	M	W	M	W	M	W	M	W	M	W	M	W	
Reduction of waste and costs	1.4	1.4	2.8	0.9	4.1	4.6	13.8	14.7	27.5	28.9	49.5	50.5	100
Reduction of labour costs	1.8	2.8	6.0	2.3	10.1	7.3	21.6	11.9	10.1	26.2	49.5	50.5	100
Deferment of investments	5.1	11.0	9.2	6.4	13.3	12.8	13.3	3.2	8.7	17.0	49.5	50.5	100
Reduction of production volumes	14.7	24.3	13.3	10.1	12.8	6.9	6.0	2.8	2.8	6.4	49.5	50.5	100
Lowering of prices	5.5	25.7	9.2	4.6	8.3	11.5	19.7	0.9	6.9	7.8	49.5	50.5	100
Improvement of production processes and products	24.3	45.9	14.7	4.6	6.0	0.0	3.2	0.0	1.4	0.0	49.5	50.5	100
Organisat. or technological innovation	30.3	47.7	13.8	2.3	3.7	0.5	1.4	0.0	0.5	0.0	49.5	50.5	100
New products/services	33.5	38.5	10.6	3.7	3.2	5.5	1.8	0.9	0.5	1.8	49.5	50.5	100
Search for new clients	23.9	39.9	13.3	3.2	8.7	5.5	2.3	0.0	1.4	1.8	49.5	50.5	100
Commun. and advertising	25.7	37.2	11.9	4.1	10.1	7.8	1.4	0.5	0.5	0.9	49.5	48.2	100
Interfirms collaboration	37.2	50.5	9.2	0.0	1.8	0.0	0.5	0.0	0.9	0.0	49.5	50.5	100
More qualified personnel	41.7	50.5	6.4	0.0	1.4	0.0	0.0	0.0	0.0	0.0	49.5	50.5	100
Training of staff	40.8	46.3	6.4	0.5	1.8	2.8	0.5	0.5	0.0	0.5	49.5	50.5	100
Expansion of the activity	40.8	50.0	5.1	0.0	2.3	0.5	0.0	0.0	1.4	0.0	49.5	50.5	100
Price increase	41.3	50.5	6.4	0.0	0.9	0.0	0.9	0.0	0.0	0.0	49.5	50.5	100
New collaborators or partners	41.3	50.5	6.4	0.0	1.8	0.0	0.0	0.0	0.0	0.0	49.5	50.5	100

Data show that entrepreneurs dealt with the crisis through a primarily defensive approach. Strategic actions most frequently undertaken by men and women were in fact related to restructuring and resizing strategies. The most frequent actions were: reduction of waste and costs, reduction of labor costs, deferment of investments. On the other hand, actions related to innovation, development or reorganization were less widely adopted. Only few entrepreneurs expanded the activity, invested in training projects, introduce innovations, made communication and advertising, improved production processes and/or products/services, introduced new products/services and sought for new clients. A significant percentage of entrepreneurs (35.3% gave a 4 or 5 score) lowered prices to increase sales. But much less women adopted this measure. Indeed, although the prevalence of a defensive approach is what men and women had in common, the data in Table 2 suggests that men adopted an offensive approach more frequently than women.

The answers given by men and women were also analyzed by applying the t-test to the means corresponding to each of the strategic actions listed in the questionnaire. The results of the t-test (Table 3) show the statistical significance of differences between men and women concerning the means of some actions. Women in fact scored higher on defensive actions (in particular reduction of labor costs), whereas men gave higher values to a series of offensive actions (improvement of processes/products, organizational and technological renewal, the search for new clients and markets).

Table 3 Differences between men and women's means. T-test results

	Observations		Means		Means difference	Diff. S.E	t-test
	M	W	M	W			
Reduction of waste and costs	108	110	4.28	4.36	-.086	0.132	0.650
Reduction of labor costs	108	110	3.65	4.12	-.470	0.150	-3.138 ***
Deferment of investments	108	110	3.23	3.17	0.59	0.190	0.309
Reduction of production volumes	108	110	2.37	2.15	0.225	0.177	1.274
Lowering of prices	108	110	3.27	2.22	1.050	0.184	5.707 ***
Improvement of production processes and products	108	110	1.84	1.09	0.752	0.105	7.168 ***
Organizational or technological innovation	108	110	1.55	1.06	0.483	0.084	5.765 ***
New products/services	108	110	1.49	1.49	.000	0.127	-0.01
Search for new clients	108	110	1.87	1.43	0.443	0.135	3.278***
Communication and advertising	108	110	1.77	1.49	0.278	0.125	2.216
Interfirms collaboration	108	110	1.36	1.00	0.361	0.073	4.894
More qualified personnel	108	110	1.19	1.00	0.185	0.044	4.216 ***
Training of staff	108	110	1.23	1.18	0.050	0.082	0.604
Expansion of the activity	108	110	1.31	1.02	0.287	0.079	3.622 ***
Price increase	108	110	1.22	1.00	0.222	0.055	4.057 ***
New collaborators or partners	108	110	1.20	1.00	0.204	0.047	4.335 ***

Cluster analysis and strategic profiles

The following stage of analysis was carried out by submitting the 16 actions listed in the questionnaire to factor analysis. In this way we tried to more effectively outline the behavior adopted by men and women during the crisis, and identified a more limited number of factors describing typical strategic profiles (Hair et al., 1998).

The strategic profiles extracted through the factor analysis were subsequently used to carry out a cluster analysis. This enabled us to extract several groups of entrepreneurs, different to each other yet characterized by a high degree of heterogeneity within the group, as they shared the same strategic behavior when dealing with the crisis.

The aim of the factor analysis was not to confirm the validity of the pre-existing model, but to identify the variety of strategic behaviors manifested by the entrepreneurs during the crisis. Consequently a varimax orthogonal rotation analysis was carried out considering therefore a non-correlation among factors. The extraction of factors was carried out considering a method of parallel analysis (Zwick and Velicer, 1986). After having extracted 4 factors, the factor structure indicated in Table 4 was obtained. In this phase one of the strategic actions previously considered was eliminated (lowering of prices), as it had a factor coefficient lower than 0.5 (McCain, 1990).

The factors correspond to 4 different strategic profiles. To each of these profiles corresponds the actions, which have resulted as the most significant to identify the strategic behavior of each entrepreneur.

Table 4 Factor analysis results. Strategic profiles matrix

Strategic actions	**Strategic profiles**			
	F1	**F2**	**F3**	**F4**
More qualified personnel	0.816			
New collaborators or partners	0.807			
Price increase	0.791			
Training of staff	0.560			
Improvement of production processes and products		0.807		
Organizational or technological innovation		0.779		
Expansion of the activity		0.685		
Interfirms collaboration		0.519		
Deferment of investments			0.807	
Reduction of waste and costs			0.788	
Reduction of labor costs			0.783	
Reduction of production volumes			0.686	
Communication and advertising				0.849
Search for new clients				0.754
New products/services				0.634
PERCENT EXPLAINED VARIANCE	17.457	16.404	16.366	13.210

On the basis of the strategic profiles identified through the factor analysis, we grouped together entrepreneurs through the cluster analysis. The analysis was carried out through the K-Means method. Considering both the objectives of the research and the Pseudo-F, the 4 clusters solution was taken. In Table 5 the final centre values are listed.

Table 5 Cluster analysis. Results

	Clusters			
Factors	**1**	**2**	**3**	**4**
F1	**3.18200**	-.24502	-.43441	-.17529
F2	.66139	-.45756	**2.37131**	-.27477
F3	-.47055	.16160	.25439	**-.04823**
F4	.02814	**1.48191**	.40836	-.59334

The descriptive characteristics of each cluster are presented in Table 6. Each cluster has been labeled, in order to describe the strategic profile shared by entrepreneurs belonging to it.

The strategic profiles corresponding to each cluster are as follows.

Cluster 1: Entrepreneurs oriented to the training of staff: they interpreted the crisis as an opportunity to enrich their intangible assets and invested in particular in human resources. They employed more qualified personnel, looked for new collaborators and partners and participated in training courses in order to improve business's qualification and skills. This strategic behavior is based on the desire for diversification as opposed to competitors. Business requalification was followed by an increase in the cost of products and services, as clients should be willing to pay a premium price for products and services.

Cluster 2: Entrepreneurs market-oriented: they tried countering the crisis by carrying out actions aimed at resisting the negative trend of demand. They redefined their supply and sought new opportunities for expanding demand. The strategy adopted was mainly geared to the renewal of supply, introducing new products and services, exploring new markets and looking for new clients. Such actions were accompanied by initiatives of communication and advertising aimed at increasing the reputation of the business and improving its image.

Cluster 3: Entrepreneurs oriented to development and growth: they are similar to the previous group for having tried to counter the effects of the crisis by adopting offensive strategies aimed at turning around the negative trend of demand and increasing sales. In this case such an objective materialized in actions and investments aimed at reorganizing the business and renewing its technology, in order to increase volume of production and sales and to improve processes and products. There are entrepreneurs in

this group who started collaboration with other entrepreneurs to share the costs and realize joint projects.

Cluster 4: Entrepreneurs oriented to downsizing: they reacted to the crisis through a defensive approach. The initiatives adopted, in fact, included cost cutting measures, the elimination of waste, reduction of labor costs, deferment and/or cancellation of investments and reduction of production volumes. Ultimately these entrepreneurs placed the priority on the survival of their businesses. Consistent with this purpose, they gave up making new investments, redefined their core business activities and tried to increase the efficiency of remaining activities.

Table 6 Clusters description

	Cluster 1		**Cluster 2**		**Cluster 3**		**Cluster 4**	
Label	**Training of staff**		**Market-orientation**		**Development and growth**		**Downsizing**	
Dimension	14		48		21		135	
Percentage	6.4%		22%		9.6%		62%	
Gender χ^2 (3) = 44,143								
Men	14	100%	23	48%	21	100%	50	37%
Women	0	0%	25	52%	0	0%	85	63%

As can be seen in Table 5, the most numerous cluster concerns the adoption of defensive type strategy geared to downsizing. As a matter of fact 62% of entrepreneurs belong to this group. Furthermore an analysis of the data in Table 5 reveals a marked contrast with regards to the presence of men and women. The latter in fact are completely absent from the group of entrepreneurs that adopted strategies of human resource training and strategies aimed at development and growth. By contrast, the presence of women is more marked in cluster 4, in which entrepreneurs who favored downsizing come together. Therefore this data confirms what has already partially emerged from the analysis of values given by men and women to single strategic actions.

Therefore it is possible to state that hypothesis H1 is confirmed, as women entrepreneurs dealt with the crisis with a mainly defensive attitude and preferred downsizing their activities and increasing efficiency. To this end they reduced costs, cut unprofitable and marginal activities and focused on core business. Although such an attitude is rather widespread even among men, the latter dealt with the crisis in a more diversified way. As a matter of fact, the percentage of those adopting offensive strategies, aimed at requalifying human resources and at growth and development, has been markedly higher.

Conclusions and Implications

This paper provides insight into strategies that Italian micro-entrepreneurs adopted to survive the recent economic crisis. It analyses the differences between men and women entrepreneurs in order to understand if gender could affect the adoption of different strategies when facing the crisis.

Findings suggest that entrepreneurs mainly adopted a defensive approach characterized by both restructuring and resizing strategies aimed to improve efficiency and refocus the core business. An offensive approach – realized by innovation, development or reorganization strategies – was less common. The defensive approach characterized both men and women, although the adoption of offensive strategies was more widespread among men. The cluster analysis has identified 4 groups of behavior aimed, respectively, at the adoption of: strategies of human resource training (investment in intangible assets); strategies market-oriented (redefining supply and searching for new opportunities); strategies of development and growth (focus on the increase of sales and improving product and process); strategies of downsizing (reduction of costs, elimination of waste and redefining of core business). This last cluster proved to be the most numerous. Data also show that women are completely absent in the clusters of human resource retraining and growth and development. It would seem possible therefore to claim that, in front of the same external economic conditions, men and women made different choice when facing the crisis and, in particular, that women entrepreneurs adopted defensive strategies more frequently than men when dealing with economic downturn.

Results from this research provide significant contributions, both in the field of scientific research, and in the field of the real economy.

From a scientific perspective, data from this investigation contribute to the development of the debate on gender-based differences in behaviors, attitudes and preferences. Men and women entrepreneurs are compared considering particular economic conditions, characterized by recession. Until now, no analyzes were carried out to compare the behavior of entrepreneurs of both genders in situations of economic recession and this is the first study to address this issue. Moreover, it must be observed that even if several researches have analyzed factors affecting the choice of strategies to face a crisis, they ignored gender issues.

Data from our analysis allow us to get important information about how men- and women-owned micro-enterprises reacted to economic downturns. Our analysis shows that, under the same external conditions, Italian men and women entrepreneurs adopted different strategies to respond to the economic crisis. In this perspective, results are consistent with those of previous analyses comparing male and female entrepreneurs' behaviors. The defensive

strategies mainly adopted by women entrepreneurs, in fact, are consistent with some of their distinguishing characteristics, compared to male entrepreneurs: lower risk orientation, lower preference for conditions of uncertainty, lower growth orientation, less willingness to invest.

In front of these data, we can wonder about the real effectiveness of strategies women entrepreneurs adopted to tackle the economic crisis. Demographic data on birth and mortality rate of Italian firms show that women-owned businesses showed better resistance towards the economic crisis. Therefore we could think that defensive strategies adopted by women have proven to be more effective in addressing the crisis and ensuring the survival of their enterprises. However our analysis does not allow saying whether female businesses' lower mortality rates are the consequence of the strategies they adopted to face the crisis. Indeed, in the literature on strategies to deal with economic crisis different opinions have been expressed about the effectiveness of defensive strategies. In some cases, it is argued that a defensive strategic approach can be considered positive in the short-term as it aims at guaranteeing the survival of the business. However, in the long-term, such an approach might undermine the ability to seize new opportunities and to innovate the business, and consequently weaken business's competitiveness.

For this reason, further analysis should be done to find out if there is a relationship between strategies adopted by men- and women-owned businesses and their financial and competitive performance, both in the short and in the long term.

Results from this research are also useful to understand which economic policy measures might be adopted to help men and women entrepreneurs to address the crisis and ensure the survival of their businesses. In particular, policymakers who want to support female entrepreneurship should consider these aspects, in order to identify tools and policies that can help women-owned firms to resist economic downturns more effectively and to seize new market opportunities in the recovery phase. Previous research on entrepreneurial competencies of women entrepreneurs' growth oriented can be used by government for their training purposes (Mitchelmore and Rowley, 2013) and to support the development of the skills that are necessary to carry on development and growth strategies.

This study has important limitations related to the type of business analyzed (only sole proprietors) and to the limited geographical context (only Italian firms). Results from this investigation, however, may serve as an important basis for international comparisons, in order to understand whether, in different geographical and cultural contexts and in the presence of different economic, political and institutional situations, men and women

entrepreneurs prove to have the same attitudes and the same behavior of their Italian colleagues.

Finally, further analysis should be carried out in order to check whether other variables, apart from gender, may have influenced businesses' strategic choices. In this paper we only considered differences in strategic profiles between men and women entrepreneurs. Further analyses should therefore investigate the role of other variables related to entrepreneurs (age, education, family conditions, etc.) and to their firms (sector, employees, turnover, performances, etc.).

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"GOOKS" AND FARM GIRLS: MALE BONDING AND FEMININE UNDOING IN *CLOSE QUARTERS* AND *PACO'S STORY*

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ABSTRACT. In this study I propose that an individual's masculinity can merge with the masculine identity of an entire group (the platoon or collective), and, during the Vietnam War, a normally peaceful man could perform reprehensible actions when surrounded by others who both condoned and advocated such behavior (and with whom he had formed an emotional connection). The group's bond was cemented and indeed flourished by inflicting violence upon Asian women, who were viewed as "whores," instruments used for the dual purpose of "breaking in" new soldiers and sustaining the existing bond. Men's wartime relationships were also supported by their shared resentment of American women, who allegedly did not understand their trauma. Larry Heinemann's two major works, *Close Quarters* and *Paco's Story*, most adequately exemplify this formula. I discuss the important change in narrative structure from *Close Quarters* to *Paco's Story*, and how this shift in narration influences the reader's perceptions of the characters. I suggest that in his first novel Heinemann wrote women as stereotypes so they could produce a desired result – i.e. the vet can reach a level of healing through the "forgiving woman," or connect with his buddies via misogynistic behavior with the "harmless Vietnamese whore." In his later novel, however, Heinemann rids his text of sweet American farm girls and innocuous Vietnamese village girls, and replaces them with unsympathetic, sexually aggressive, and even combat-ready characters. As a result, the vet is denied pardon and penance, is forced to face his pervasive ugliness, and is left a specter forever doomed to haunt himself.

Keywords: Vietnam War; gender; masculinity; sexuality; sexual assault; trauma

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> "The enduring emotion of war, when everything else has faded, is comradeship. [. . .] Individual possessions and advantage count for nothing: the group is everything. What you have is shared with your friends. It isn't a particularly selective process, but a love that needs no reasons, that transcends race and personality and education – all those things that would make a difference in peace. It is, simply, brotherly love." (Broyles, "Why Men Love War," 58)

> "Standing naked taking a whiz in public was the least of our atrocities; such were the broad and generous permissions in the field. A modern army does not want warriors, you understand, it wants killers, capable of berserk viciousness. And to our shame there was a lot of 'looking the other way.'" (Heinemann, "Vietnam after All These Years," 10)

In the early 80s, Vietnam War veteran and writer William Broyles, Jr. received the great gift that many vets long for years after their war has ended, when they have had innumerable hours to reflect upon the most pivotal event in their lives: he unexpectedly happened upon his closest war buddy. The two were simultaneously touring the Vietnam War memorial when they met again over a decade after they parted on the battlefield, swearing they would never lose track of one another, which they eventually did. The sentimentality and nostalgia evoked by the chance meeting could have been played out in a clichéd war movie, with the audience wondering how two individuals, among the thousands of veterans, unintentionally ended up at the same spot at the exact same time. Willing to suspend their disbelief, the audience overlooks the odds and falls comfortably into the scene's *romance* – the specific and unmistakable romance that exists between two former combat soldiers. This reunion results in a visit to the war buddy's (Heirs') home in Vermont, a bed-and-breakfast that he runs with his wife. Amid the snow-capped mountains and serene landscape, Broyles remembers how he and Heirs spent their first morning in his rustic barn trying to save five newborn, motherless rabbits. Heirs had anxiously been monitoring the creatures even before Broyles' arrival, and, Broyles noticed, had gingerly constructed a nest of rabbit fur and installed a heat lamp "to provide warmth against the bitter cold" (Broyles 55). Broyles purposely highlights Heirs' peaceful (and arguably feminine) manner, as well as his own, to rebut the popular clichés of Vietnam veterans as disgruntled, hair-trigger Rambo-like men, capable of only brute force and outlandish behavior. Then, Broyles intentionally disrupts his carefully crafted scene with Heirs' startling admission. As he "gently" places each rabbit into his makeshift nest, he reveals to Broyles what bothers him most about his war experience: "'What people can't understand, [. . .] is how much fun Vietnam was. I loved it. I loved it, and I can't tell anybody'" (55).

The surprising comment from his once "maddeningly insubordinate radio operator" (55) turned picture-perfect family man prompted Broyles (Heirs' former lieutenant), to write his now famous essay, "Why Men Love War," in which he seeks to explain man's purported love of war in "once and for all" fashion. He starts by confessing his own love for battle, despite the fact that he would never want to fight again, and would do "everything in [his] power" (56) to prevent his son from experiencing the horrors he endured. Supposing that his claim could be hotly contested, Broyles quickly rejects the notion that he loves war for frivolous reasons, for the "romantic notion" of combat, or "the mindless bliss of martyrdom" (56). He also assures the reader that for him war was not an addiction, as it was for the "crazies mailing ears home to their girlfriends, the zoomies who couldn't get an erection unless they were cutting in the afterburners on their F-4s" (56). Broyles then offers his reasons for loving war (reasons he assumes are shared by all men). Many of these assertions, however, prove problematic when juxtaposed with numerous narratives from other veterans, many of whom conceded that they were their worst possible selves during combat and remain traumatized due to the carnage they saw, or, in more troubling cases, incited.

Broyles attests that the "respectable" reasons men love war are fairly simple and straightforward: war gives them the opportunity to experience "great intensity" (56), it provides a release from societal ties, and it allows men to develop the loving and intense relationships indicative of soldiers in times of dire stress, connections that are rarely formed among men in peace-time (56–57). For each of these reasons Broyles makes a clear argument with which few would disagree. Soon afterward, however, Broyles tells the "more troubling" (61) reasons why men love war, ones that are not so easy to explain, and ones that are steeped in dangerous assumptions about sexuality, gender, and human nature. Broyles confesses that these reasons are open to disapproval, and might prompt the vet to plunge too far "into the truth of [himself]" (61) when/if fully addressed. Nevertheless, Broyles lays out the foundation of why men love war:

> The love of war stems from the union, *deep in the core of our being* between sex and destruction, beauty and horror, love and death. War may be the only way in which most men touch the *mythic domains in our soul*. It is, for men, at some terrible level, the closest thing to what childbirth is for women: the initiation into the power of life and death. (emphasis added 61)

Broyles clearly insinuates that men's alleged love of war is a *natural* response, as if biology has determined their aptitude for sexually tinged violence, that obsession with the union "between sex and destruction" (61) that often appears with alarming imagery throughout the narratives of so

many veterans. Just as Broyles' analogy implies that women naturally want to have children (although many women would disagree), men intrinsically want to experience this power, to take their rite of passage. If men are naturally designed to love war and the union between sex and destruction that so often defines it, then one must wonder if Broyles believes that men "naturally" cannot help but commit some of war's most heinous acts, including the violent sexual assaults against women in the war zone.

Unfortunately, Broyles fails to shed any light on this subject, for his views about a man's sexual identity during wartime do little to explain or defend the sexual violence that runs like a thread through various veterans' memoirs. Broyles simply states that being in a war zone is a "turn-on" which gives men a "heightened sexuality," a "natural" response he credits to a soldier's newfound anonymity (62). For his tour of duty, a soldier becomes integrated into a new and different society, one in which only his brothers matter, and his individual self is dwarfed by the relationships he forms with others. The soldier takes on the persona of the collective, which is designed for the specific and important purpose of performing under pressure on the battlefield. Accordingly, Broyles explains soldiers become "cloak[ed] [. . .] in a coat that conceals the limits and inadequacies of their separate natures. [War] gives them all an aura, a collective power, an almost animal force" (62).

Broyles does not define this "collective power," although one could arguably infer a (sexual) identity morphs into that of a group (sexual) identity. Accordingly, because many veterans' works are abundant with instances of not only one on one sexual violence against Vietnamese women, but particularly gang rape, one would assume that Broyles would address narratives that bring this problem to light with such startling clarity: Mark Baker's *Nam*, Wallace Terry's *Bloods*, John Ketwig's *. . . and a Hard Rain Fell*, just to name a few, cite horrific incidences of gang rape and sodomy, and Larry Heinemann's novels *Close Quarters* and *Paco's Story* repeat these themes. Due to the proliferation of sex, violence, and torture inflicted on women during the Vietnam War, Broyles' theories about soldiers' sexualities finally add up to something safe, vague, and almost a direct attempt to dodge the known and proven issue.

Not only does Broyles fail to mention the well-documented sexual assaults committed by soldiers in Vietnam, but he also chooses to highlight the "romantic" relationships that some (including him) formed with Vietnamese women, putting even more distance between him, his buddies, and the "unspeakable." Despite his earlier contentions of a soldier's "heightened sexuality," the "relationships" discussed are innocent and fanciful. He tells the story of a marine who left his wife in America and returned to his young Vietnamese love, "a bar girl who could barely speak English. [. . .] a

peasant girl trying to support her family" (62). Broyles then recalls his own infatuation with a Vietnamese girl to whom he taught English after his combat tour, who had a "seductive sadness about her" (65). When describing his feelings about the student he reveals one half of the virgin/whore stereotype prevalent in early Vietnam War literature – the Vietnamese woman as mistreated, angelic child:

> I wanted her desperately. But the tenderness and vulnerability, the torn flower of her beauty, frustrated my death-obsessed lust. I didn't see her as one Vietnamese, I saw her as all Vietnamese. She was the suffering soul of war, and I was the soldier who had wounded it but would make it whole. (65)

Indeed, echoing Graham Greene's "quiet" and naïve American, Alden Pyle, and Pyle's need to rescue his Vietnamese obsession (Phuong) from heartbreak, Broyles perfectly represents the American/soldier who wants to "save" Vietnam from the damage he has caused by saving the feminine representative. Unlike the marine, however, Broyles sees himself as unfit, overcome by his "death-obsessed lust" (65), and leaves the country without telling her goodbye.

Broyles also offers a brief anecdote to represent the "whore" half of this binary (which is more relevant to narratives covering the latter part of the war), and he shows how the *combat* soldier's sexuality is influenced and changed by a feminine enemy who holds the key to his sexual desire: a perfect example of the union "between sex and destruction." The long standing rumor about Vietnamese prostitutes with razor blades in their vaginas, or infected with uniquely dangerous strains of STDs, reduced many Vietnamese women to emasculating, and potentially castrating, enemies in the eyes of soldiers. Despite the supposed danger of the local prostitutes, Broyles says the soldier's sexual hunger often surpassed his fear of surprise tactics. Broyles remembers that these women were also shared among all the brothers in the platoon, in what he disturbingly describes as a "communion almost, a sharing more than sexual" (65). Broyles' failure to discuss sexual violence is at its most deafening when he discloses his platoon's "collective" (albeit consensual) sexual exploits. Broyles implies that the "ugly" girls (who are only described insofar that they are ugly) precipitated a love-in of sorts, an international orgy devoid of violence or misogyny (65).

One might argue, however, that the women are only halfheartedly mentioned because they have little to do with the appeal or importance of Broyles's memory – it is the "brotherly love" about which Broyles adoringly reminisces. Although the prostitute appears to be of little to no consequence, she nevertheless wields a delayed power. After sex, Broyles recalls the inevitable feelings of disgust and fear, which, unfortunately, overpowered the brotherhood aspect and brought his inner demons to light: "In sex even

more than in killing I could see the beast, crouched drooling on its haunches, could see it mocking me for my frailties, knowing I hated myself for them but that I could not get enough, that I would keep coming back again and again" (65). The "beast" in Broyles is the emotion that wants more sex, killing, and danger. Notably, it appears within Broyles the individual soldier – not within Broyles "the brother" as he participates in the pseudo-spiritual sexual "communion."

The preceding passages pertaining to both types of women have a jarring twofold effect: first, the Vietnamese women are immediately divided into two extreme stereotypes, a categorization that runs throughout Vietnam narratives and remains unchallenged by a vast number of critics; second, Broyles openly blames the women for showing the soldier his despised weaknesses, a realization that will ultimately provoke his anger and resentment. For example, as lovely and harmless as she seemed, the Vietnamese flower made Broyles feel guilt, sadness, and helplessness at his inability to change her situation – he experienced a kind of emotional impotence prompting him to dodge her for the rest of his tour. The "ugly" prostitutes, more interestingly, made him feel hatred and loathing for his own "frailties:" a word that undeniably smacks of feminine connotations. Unfortunately, his desire for emotional sustenance and stability depended upon the flower in his class. His yearning for sex, which could not be fulfilled by the "innocent" student, was sustained by the whore, who showed him his inner beast. Consequently, Broyles never-ending quest to appease his "beast" made him begrudge both women for making him feel weak and out of control.

Moreover, the convergence of Broyles' overwhelming emotions (he feels lust, fear, love, and loathing – all at the same time) gives him an odd view of sex and comradery in wartime. According to Broyles, for the common soldier "isolation is the greatest fear," a theory he bases on the results of a study conducted by military historian S.L.A. Marshall, who found that men who felt alone cowered more on the battlefield than those who had bonded with their fellow soldiers (58). Broyles reveals that "the only men who kept their heads [during battle] felt connected to other men, [. . .] as if comradeship were some sort of collective life-force, the power to face death and stay conscious" (58). But this is not the only "isolation" about which Broyles speaks. The undercurrent to his entire text is the immediate danger of sexual isolation, one the soldier appeases with "ugly" prostitutes against his better moral judgment, and sometimes, with the help of his brothers-in-arms. When speaking about sex during war, Broyles unambiguously adopts the pronoun "our" instead of the singular "I," denoting a collective sexual identity: "No matter what our weapons on the battlefield, love is finally our only weapon against death. Sex is the weapon of life, the shooting sperm sent like an army of guerillas to penetrate the egg's defenses is the only

victory that really matters" (62). Not only do love and sex become interchangeable, but love/sex also becomes a weapon, performed/inflicted for the specific purpose of making the soldiers feel like victors in a continual game of life and death.

Broyles' revelations are both baffling and revealing: baffling because in a war that brought us the My Lai massacre *any* aspect of sexual violence goes unmentioned; revealing because Broyles continuously refers to a "collective identity," an apparently tenuous male bond that can only be sustained by heightened experiences of violence, sex, or a combination of both. Furthermore, to agree with Broyles' conclusions not only must one readily accept that man *does* love war, but that this alleged love springs from the depths of his heart, an inexplicable yearning rooted in the "mythic domains" (61) of his soul. Accordingly, the sexual abuses committed by some soldiers in Vietnam, according to Broyles' logic, at least, must have unfortunately been caused by their nature, a theory that lends itself to endless conjecture and speculation and grossly ignores all extenuating factors, specifically the "collective identity" Broyles references, prompted by the intense male bonding he so fondly remembers.

Although Broyles never claims to be a gender theorist, he nonetheless bases his argument on the "testosterone" theory; that is, he suggests that men are helplessly "wired" to love war, biologically engineered to kill and commit atrocities if the conditions are right. His repeated references to "inner beasts" and "animal forces" implant in the reader images of primates and cavemen, and further suggest man's inability to counter his primal instincts. Broyles recalls man's march to war all the way back to Helen of Troy (56), signifying that history, too, proves that man is naturally aggressive. In his book, *The Men and the Boys*, R.W. Connell debunks this theory while speaking to its dangers: "There is a widespread belief that it is natural for men to be violent. Males are inherently more aggressive than women, the argument goes. 'Boys will be boys' and cannot be trained otherwise; rape and combat – however regrettable – are part of the unchanging order of nature" (215). Indeed, Broyles ultimately concludes that "war is the enduring condition of man" (56), a circle of life he is helpless to break.

Connell counters, however, that the argument of "biological essentialism" as it applies to man's relationship with violence is "not credible" (215). He concludes that it is not "natural" for men to kill or rape, and furthermore that most men will go through life without committing violent acts or sexual assaults – a fact that in itself proves that men are not naturally prone to violence. He also notes that when we discuss the behaviors, sexualities, and violent tendencies amongst soldiers we must be cognizant of the fact that "we are not just talking about individuals. We are speaking of masculinized institutions" (215). For example, Connell says that among the myriad of

masculinities "violent masculinities are usually collectively defined and/or institutionally supported, whether in informal peer groups (youth 'gangs'), formal armies, or groups somewhere in between [. . .]" (217). Therefore, sexual violence towards women is more likely to occur among men in groups in which violence is a way to solidify the group's bond. This is not a "natural" act, but a deliberate attempt to continually reestablish the men's connection.

Furthermore, even though Broyles attests that the love of war purely "springs from man's heart" (65), he nonetheless proves Connell's theory and contradicts his own when he repeatedly refers to war as a game, an exercise that is obviously learned and not engrained. Broyles bluntly states that "War is a brutal, deadly game, but a game, the best there is. And men love games" (58). Suddenly free of biological restraints, Broyles implies that men love war because they were conditioned to love the behaviors associated with it from youth onward. When he discusses man's allegedly inherent "thrill" of killing, he admits that "there is a connection between this thrill and the games we played as children, the endless games of cowboys and Indians and war, the games that ended with 'Bang bang you're dead,' and everyone who was 'dead' got up and began another game" (61). When Broyles recounts stories of his platoon visiting the local "whorehouses" and causing a ruckus, he tries to excuse their behavior by saying, "War, since it steals our youth, offers a sanction to play boys' games" (56). Finally, Broyles disappointingly notes that when an opposing platoon got a higher body count "it was like suiting up for the football game and then not getting to play" (61). As a result, rather than touching the "mythic domains" of one's soul, war becomes a stage on which men are allowed to continue the games they began as children, to return to a time when their closeness and affection were not questioned.

Critic Susan Jeffords, author of the groundbreaking gender study *The Remasculinization of America*, long ago determined why many soldiers (such as Broyles) latch on to the "natural" argument so eagerly when romantically describing bonds that defy social barriers. She says that "although Vietnam narratives show the bonding of soldiers from diverse and often antagonistic backgrounds, those bonds are always and already masculine. At no point are women to be included as part of this collectivity" (59). Accordingly, the men's sex becomes their common denominator, the "natural" basis upon which they will build the rest of their relationship. Sexual aggression within the group suddenly seems natural, as Broyles's says, an "animal force," a primal scream. Jeffords believes this dangerous group dynamic induces much of the horrific sexual violence prevalent during the Vietnam War: "As gang-rape makes clear, sexuality is displayed through the prism of the collective. Rape is the most violent extreme of the enforcement of the collective in

Vietnam narrative, the promise of the consequences of denying the demands and definitions of the masculine bond" (69–70). Many soldiers reported that they participated in sexual abuse because they feared reprisal (or worse) by other soldiers. Even if they did not readily accept the collective's sexual identity, they eventually adopted it to avoid their greatest fear – isolation.

This discussion of homosocial bonding and sexual violence brings us to one of the important and critically touted texts in the Vietnam canon: Larry Heinemann's *Close Quarters* (1977). Heinemann's first novel is perhaps the best example of male bonding gone terribly awry as it completely encapsulates the destructive sexual behavior (as well as the seduction) of Broyles' adored "collective." The novel's main character, Phillip Dosier, an all-American farm boy, adapts to the war zone by bonding with his fellow men, the most influential of whom are shown to be racist, sexist, and abhorrently violent against the indigenous females. When Dosier fully integrates into the collective and embraces its sexual practices, he precipitates the gang-rape of a young Vietnamese woman: the typical whore of Vietnam narrative, derivative of the "ugly" prostitutes that were shared among Broyles and his brothers who viewed them as stark sex objects. By tracing Dosier's sexual transformation, Heinemann exposes what Broyles so carefully hides: the undeniable sexual violence that occurs among certain soldiers who succumb to their fear, anger, and hatred by finding solace in a misogynistic collective.

In his article, "Sexism and Racism in Vietnam War Fiction," Phillip K. Jason discussed Dosier's actions towards Vietnamese women in the context of societal influences and man's "inherent" violence, rather than tracing how Dosier might have arrived to this behavior *after* he entered the war zone, save the standard shakiness of his first kill. Perhaps this is because Jason readily accepts what *he* believes to be Heinemann's premise, another vet offering another naturalistic theory: "[Dosier's] behavior is presented as a series of consequences rather than a series of choices. This naturalistic perspective, then, assumes the animal in human nature and treats the combat zone as a return to the wild" (129). Jason seems to adopt the popular theory that male violence is a combination of man's nurture *and* nature, and that men will swing towards their "natural" tendencies in a war zone.

However, to blame nature or society's objectification of women (even with its many faults) oversimplifies the problem, considering that Dosier (a man – and a product of his society) has only moderate sexual experience when he arrives in country, and no history of violence, sexual or otherwise. Despite his normal background, Dosier leaves war a "man," swaggering, cursing, drinking, and sneering all the way home, with at least one sexual assault under his belt. To fully examine Dosier's progression from average, middle-American guy to full blown rapist, then, one must analyze mitigating factors, the most important of which, I will argue, is not *exclusively* his

patriarchal society, his "intrinsic" aggression, or military indoctrination as Jason attests, but primarily the collective he joins, and the ways the collective perceive, define, and consequently assault Vietnamese women.

I

Dosier arrives in Vietnam as a frightened little boy; he expresses his engulfing feelings of awkwardness, naiveté, and isolation upon seeing his first combat platoon:

> I stood stiffly with my feet well apart, parade-rest fashion [. . .]. My feet and legs itched with sweat. My shirt clung to my back. My shaving cuts burned. I watched, astonished, as the battalion Reconnaissance Platoon, thirty-some men and ten boxy squat-looking armored personnel carriers – tracks, we called them – cranked in from two months in the field. (3)

Dosier's astonishment speaks to his sense of smallness and insignificance, not merely in relation to the impressive machinery, which he has undoubtedly seen before, but specifically to the multiple men who share the "easy obscenities and shit laughs" indicative to those who have endured a hellish experience and lived to joke away their lingering fear (4). Standing alone and not knowing a soul, Dosier sees instant collectivity – the men wear the same clothes, give off the same smell, and stare the same stare, a look of "neither welcome nor distance" (4). Dosier offers shy smiles, but to no avail. The men pass without a word, and their silence heightens his overwhelming sense of singularity.

Dosier's discomfiture follows him through the initial introductions and happenings of a new soldier. He nervously refers to his platoon sergeant as "Platoon Sergeant Suretees," not realizing such formality is considered awkward on the field. He does not know basic military terminology (he has to ask Atevo what the letters KIA stand for, wonders to himself what an RPG is), nor is he familiar with standard grunt lingo (he hesitates when Cross offers him "smoke," not knowing what he will receive). Thoroughly out of his element in all respects, Dosier immediately latches on to the soldiers who are most readily available to him – the members of his assigned platoon. Although Jason briefly associates Dosier's misogynistic behavior with the "consummate gookhater and survivor" (133) Quinn, he ignores the effects of Cross, a soldier with whom Dosier has the most contact when he is the most vulnerable: brand new to the war zone and frightened out of his mind.

Even though Cross completes his tour of duty fairly early in the novel, and certainly before Quinn appears on the scene, he is the soldier who lures

Dosier into the already formed collective, and from whom Dosier picks up his eventual war-zone codes of sexual behavior. Cross is one of the first soldiers Dosier sees when he arrives at his designated post (as well as the first person to whom he speaks), and, expectantly, Cross looks like he just stepped off the set of Oliver Stone's *Platoon* – tired, haggard, "manly," dripping with sweat and weapons:

> He leaned against the sloped front of his track, stripped to the waist with a stub of cigar between his teeth. His trousers, soaked through around the belt, were covered with dirt and grease, stiff and puckered at the knees. He wore a faded web belt low on his hips; a knife on the right, a green plastic canteen on his left, and a forty-five-caliber automatic pistol in a black holster hung in front of his crotch. (7)

Nothing about Cross comes across as (stereotypically) feminine, for his body and body language are the antithesis of weakness, softness, and fear. While soldiers commonly don their weapons for easy access, Heinemann's description calls special attention to Cross's overt, aggressive masculinity, his instrument of death hanged directly in front of his penis. When Cross walks towards the unit's "piss tube," Dosier eagerly soaks up his magnanimous physical presence:

> His hair shone with sweat, was matted and wild looking. He had brown teeth and dark wrinkles around his mouth, gray watery eyes, and tiny inflamed scars across his stomach [. . .]. There was a rich humus smell about him, not plain dirt or soft crumbling chunks, but powdery and damp, a thing that clings to everything it touches. (7)

When Quinn arrives to the war zone, Dosier relays his skills to the reader in strict matter-of-fact fashion: "He knew maps, compass, recon, S & D, ambush, and maintenance inside and out. He taught me to look in the oil-filter caps instead of the dipsticks" (95). Conversely, Dosier describes Cross like he is awestruck, noticing every physical detail and behavioral trait. Quinn is Dosier's equal; Cross is his man-God.

Cross teaches Dosier how to smoke pot, how to run the track, how to finagle around the rules, and, one can safely conclude, how to be the hard-core "grunt." He openly takes Dosier under his wing and tries to save him from the daily hassles of a bottom rung soldier. For instance, Cross routinely ushers Dosier past the chow hall's long line, setting the men straight when they begin to "grumble:" "'Hey, housecat, ain't ya never heard of NCOs bucking the line? This trooper's with me'" (28). Cross also imparts snippets of wisdom to Dosier. When Dosier worries about getting in trouble after Cross lies to a Military Police officer, Cross encourages Dosier to "'Fuck an MP'" whenever he gets the chance (32). Later, when Cross kills a Vietnam-

ese prisoner and Dosier shows concern for the dead man, Cross reminds him whose side he is on, enforcing the status of the collective: "'You give gooks a break like that and you ain't gonna last. Listen, I took a chance for Murphy, I'll take a chance for Atevo, and I'll take a chance for you, but don't ask me to take a chance for gooks. Dosier, look: the only thing more fucked up than being here, is getting killed here. Savvy?'" (63). When Dosier looks to Atevo for disapproval of Cross's actions, Atevo simply stares back impassively (63). Dosier realizes that the soldiers share the same sentiment, and, if he wants their affection/protection, he better share it, too.

But Cross is not just about striking hard-core poses, killing gooks, and smoking jays; he also acts as the platoon's oral historian, a role that gives him an even more authoritative presence. He emotionally tells Dosier about the untimely death of the soldier he replaced, Murphy, who "'got some wild hair up his ass and got ta chasing this gook on foot,'" to which he was fatally shot. Cross then elaborates on his seething hatred for Surtees, who "'took his sweet fucken time callin' [the dustoff]'" (20), a hesitation he believes ultimately led to Murphy's bleeding to death. When recalling the incident, "[Cross's] words came mumbled and graveled and slow," and Dosier looks upon him with heartfelt sympathy (20). Cross makes Dosier realize the importance of his fellow soldiers and the significance of his position. Consequently, the men emotionally bond, and their relationship goes further than the superficial connection some grunts form when trying to maintain outward appearances.

Cross's deeper sexual influence on Dosier begins to resonate with the introduction of Claymore Face, a young Vietnamese girl who follows the soldiers around the combat zone on her brother's scooter in search of paying sexual partners. While teaching Dosier how to drive the track Cross directs him to the Check Point Hotel, where Dosier gets his first look at the "platoon punchboard." Dosier initially responds with disinterest, until he sees her face, at which he speaks almost sympathetically about her unattractiveness: "[. . .] I saw that she had pox scars from her forehead to the neckline of her blouse, like someone had beat on her with the business end of a wire brush, like she'd had acne vulgaris since the day after she was born. She giggled some more and tried to hide her eyes" (34–35). Feeling out of place, Dosier stays by the track as the men barter with Claymore Face's brother, until another soldier, Rayburn, curiously asks, "'Hey, Dosier? How come you sittin' up there?'" (35). When Dosier reluctantly approaches the trio, Cross auctions off Claymore Face in a style that Dosier will repeat later: "'I want ya ta meet Claymore Face, the greatest piece of ass this side of the Saigon River. She ain't much ta look at but she puts out like crazy. Just put a paper bag over her head. Claymore Face, flash a little tit for the man'" (35). Dosier seems unenthused with Claymore Face's propensity for

putting out, or her breast, but nevertheless politely allows the men to have a little fun with his awkwardness.

Claymore Face "ain't much to look at" because she is the stereotypical whore of Vietnam literature: unsightly, unnamed, emotionally nondescript, ignorant, detestable, and sexually available to everyone. Despite her insignificance, Cross and Rayburn try to impress her with false stories of Dosier's bravado. Cross tells her that Dosier is "'boo-coo hardcore and a number one fuck,'" and Rayburn says he is a gangster known as "Deadeye," an ominous nickname Dosier will eventually adopt as a sexual persona (and a handy division Heinemann uses to distance Dosier the farm boy from Dosier the soldier) (35). When Rayburn goes on and on about "Deadeye Dosier's" mob connections, Dosier shyly rebuffs him: "'Rayburn, you're crazy'" (35). When Claymore Face asks "Deadeye" if he would like some "short-time," Dosier politely responds, "'No, no thank you, not this morning'" (35). As Cross and Rayburn take turns with the girl, Dosier turns his back and sips a beer. Bored and slightly anxious, Dosier seems to have little in common with Deadeye, the man who will eventually initiate Claymore Face's rape. Nevertheless, Dosier realizes he is in a place with no sexual boundaries, where the men he admires bond by "fucking" the local whore.

Predictably, this ongoing behavior begins to make an impression. When Dosier sees Claymore Face a few weeks later, the platoon are enroute to another location and make a pit stop to stretch their legs, have a few drinks, and play some cards. Following the soldiers on her brother's scooter, Claymore Face stops and solicits the men for sex, and several of them take her up on her offer. Although Dosier again deflects her advances, this time he chooses to closely watch the other soldiers who participate:

> [Claymore Face] snagged a couple of takers and took them down to the creek embankment one at a time while the others stood along the top in a gang, hooting and laughing and lobbing rocks.
>
> "Hey! Whip it to her, Lavery!" somebody said.
>
> "Goddamn Claymore Face, you sure got the *ugliest* cunt for a hundred clicks around," yelled someone else.
>
> "Yessireee," said Lavery, coming up the slope and grinning. "Terrible! Just pitiful! Like fucken a washrag soaked with vinegar. Who's next?" He made a show of hiking up his pants one more time for the crowd, picked up his shirt, and walked away, blowing kisses down toward the creek. (65)

Dosier gradually recognizes that sex with Claymore Face is a "group" event, for the "gang's" hooting and hollering show that they view her through the eyes of the collective. The rock-throwing and derogatory comments also indicate that the men are already on their way to participating in violent group sex; all that remains is for them to make their way down to the

bottom of the hill. Moreover, after his turn Lavery performs for his fellow brothers, much to their delight. Jeffords says that "gang-rape combines collectivity and display as the masculine bond performs as a group, with itself as audience" (*Remasculinization* 69). Although the men do not gang-rape Claymore Face at this stage, they perform for themselves and bond via a collective, misogynistic sexual exercise. The more Dosier witnesses this behavior, the less the shock factor; he becomes oblivious to the moral implications of the men's actions and longs to "play the game."

Much later in the novel, after Cross is long gone and Dosier is briefly away from the war with his R&R whore, Susie, he confesses to the reader that he too ultimately slept with Claymore Face, "when the ache and boredom got to be too much" (191), and, apparently, after many weeks of peer-pressure. Dosier finally succumbed to the men's "playful" coercion at Fire Base Georgianne, and went to the girl with Cross, Whiskey j., and others from his platoon, all of whom "insisted that [he] go first" because he was the new guy (192). Sadly, the experience was anything but erotic: "Claymore Face shucked down and laid back on the damp, lumpy ground, pulling me after, and it was like fucking a fat man's fist" (192). Dosier's opinion of the young girl hits bottom. Not only is she a bad "fuck," but an *easy* one, an availability that repulses him: "She would do anything for a fiver – fuck regular, ass-fuck, titty-fuck, lick your asshole, suck, fuck, with the crook of her elbow if that's what got you off – any-fucking-thing" (191). Claymore Face has been stripped of what very little humanity Dosier saw before. After sex, she becomes a "thing" with no emotions, value, autonomy, or importance, a categorization in which Dosier will now include all Vietnamese women.

But Claymore Face is not the only woman with whom Dosier will have sex while overseas, a fact that eventually serves to highlight the brutality of *her* specific treatment at Dosier's hands. Because R & R happens in the middle of his tour, Heinemann purposely uses this time to show Dosier's sexual progression into the collective. No longer the shy, embarrassed, and awkward soldier, he openly embraces the behavior that once affronted him, and goes on R & R with a specific goal in mind: He wants to get "good and drunk. [. . .] get laid, laid right, laid into a stupor" (172). He chooses the Perfect Room Hotel in Tokyo, Japan to meet these requirements because he believes its cutesy name suggests accessibility to any kind of whore he could possibly desire, a veritable "cathouse in soldier heaven." Consequently, he spends his time on the plane dreaming of freakish prostitutes with all sorts of sexual oddities and specialties: girls with big "cunts," girls with "snatch[es] no bigger around than the stem end of a tomato," girls "who'll whip a lip lock on [him] that'll scorch [his] shorts [. . .]" (177), girls who are essentially replicas of Claymore Face: whores with easy access.

It comes as a surprise, then, that Dosier passes over all the Claymore Face look-a-likes and ultimately chooses a girl who speaks to his *individual* heart: "Sitting in the middle [of the hotel bar] was Susie. She had short jet-black hair, a round face, and black almond eyes. She was short with small hands, and well built. A *farm girl*" (emphasis added 181). Dosier quickly forgets the litany of whores his imagination conjured up earlier (a journey into his dark sexual psyche that Heinemann stretches for almost four pages), and chooses the most American-looking girl among the bunch. Furthermore, Dosier wishes to treat his farm girl properly. Although he knows she is a paid prostitute, he desires a level of civility, something he does not grant the sexually limitless Claymore Face: "I would pay [Susie] cash, pay it out every morning, but I didn't want any of that 'Say, hey, slopehead, fuckie-fuckie? Let's you 'n' me go upstairs, 'cause ol' Deadeye is gonna tear you a new asshole! Guaran-fucken-tee!'" (183). Moreover, when the soldiers who accompany him to the hotel choose their own prostitutes and ask Dosier to party (a clear invitation to participate in a sexual communion of their own), he denies their advances. Dosier looks for a break from the sexual persona he portrays on the field with his fellow men. Therefore, Susie serves a different function.

As with Claymore Face, Dosier initially sees Susie as another sex object, although a definite rung up on the "sex object ladder." She seems to be the ideal Asian call-girl, paid a pretty price to keep him comfortable, entertained, and to "[fuck], eagerly, any way [he] wanted to fuck" (193). Unlike Claymore Face, though, Susie exhibits some very human and feminine traits: she is sympathetic, understanding, maternal, and, of course, subservient. She bathes and pampers Dosier, all the while overlooking his behavioral and sexual shortcomings. When he embarrassingly ejaculates at her mere touch, "Susie didn't bat an eye. She uncoiled herself and slid off the bed, telling [him] to wash up again. 'Just the privates,' she said. Then she swooped into the bathroom, retrieved a damp towel to wipe down the drapes, and changed the bed sheets" (191). Additionally, in her representative role of the defeated and "domesticated" Japanese, Susie undoubtedly gives Dosier an emotional and masculine reassurance he does not even know he lacks. Conversely, Claymore Face is directly related to the emasculating killing zone. She cannot be at the Perfect Room Hotel because she is Vietnam itself, sucking his life while staring at him accusingly.

However, Heinemann proves Susie is more than a Geisha/lover when Dosier constantly finds himself thinking of his farm girl back home, Jenny, while they are together (whom he had previously all but forgotten). Accordingly, Susie briefly fulfills (as well as prophesies) Jenny's eventual role of sexual healer and nurturer. Heinemann draws attention to a darker side of Dosier and Susie's relationship, as well, indicating not only her

connection to Jenny but also to Claymore Face. Dosier recalls that their playful foreplay once took a sinister turn "when Susie grabbed [him] around the neck from behind, a breast against the side of [his] face" (200). Dosier forgets her harmlessness, "wheeled around suddenly and keeled her over with a punch square in the middle of her chest" (200). Dosier also takes an accusatory tone when he asks Susie if she knows how he makes his money, and responds with a "twitching groin" when she frightfully closes her robe (203). Obviously, farm girl Susie, as mere (Asian) female, remains an implicit threat as long as he is near the war zone. While she offers Dosier a brief reprieve from his tormented and sadistic persona, Deadeye, she cannot rid him of it. Nevertheless, Susie manages to slightly overstep the stringent bounds of the typical R & R prostitute. She simultaneously speaks to the soldier's feelings regarding his American lover and Vietnamese sex object/ enemy, portending both his future dependence on Jenny as well as Claymore Face's rape, all the while providing the sexual pleasure one would expect of a hundred dollar a day whore. Of the three primary female characters in this text, she is probably the most rounded – which is not saying much.

II

In her article, "The Mind at War: Images of Women in Vietnam Novels by Combat Veterans," Kali Tal says that in Vietnam War narratives "Asian women are mirrored as whore, or whore-with-a-heart-of-gold, or inscrutable lover, or will-less mistress [. . .]" (Tal 77). As a result, she easily divides the primary Asian women in *Close Quarters* – Claymore Face and Susie – into two distinct categories: whore and whore-with-a-heart-of-gold, respectively. While Tal's observations offer much needed insight to a largely unexplored area of Vietnam criticism, her basic assumption of how the combat veteran novelists arrive to these stereotypes is problematic, particularly in the case of Heinemann and this specific novel. Tal asserts that the combat veteran who writes about his war experience longs to essentially "rewrite" his personal history, creating a more memorable and decent version of himself or his actions, a sort of healing process. Accordingly, she says it is possible to recognize the success or failure of the vet's healing by looking at his female characters, and that "the degree to which he can make his female characters live and breathe is a good gauge of just how 'healed' the author is" (89). Because Susie and chiefly Claymore Face are flat, two-dimensional, masculinist characters, Tal surmises that Heinemann, among others, is largely unhealed: "Flat female characters indicate that the author is projecting his own fears onto those characters and is unable or unwilling to come to terms with his experience" (91).

While no critic can speak directly to Larry Heinemann's emotional and mental stability, one can read (in his own words) his motivations for writing about the war and debunk Tal's theory, as it applies specifically to him. In his essay, "Vietnam After All These Years," Heinemann clearly states his purpose for writing his first two novels, *Close Quarters* and *Paco's Story*:

> I wrote two novels about the war because the subject simply would not go away. I wanted to make it clear as I was able that *this* is what awaits you, or something similar; that the work of the infantry will transform you into something you don't even recognize; that *this* is what you make when you make war. And perhaps I should add that those first two books were in no way cathartic, as many people would like to suppose (writing as "therapy," God help us). The world doesn't work that way. (14)

Claymore Face's stereotypical status as expressionless "whore" seems to be Heinemann's attempt at realism, a dubious assertion considering that all Vietnamese women in the war zone were not *only* ugly, repulsive, disease-stricken whores devoid of emotions, lives, or volitions of their own, born to sexually service American men over and over again.

However, Heinemann also says that "we [the soldiers] were sternly warned not to 'fraternize' with the Vietnamese; *not* to learn the language; *not* to eat the food; *not* to drink the beer; *not* to listen to their music, or in any way come to appreciate them as people" (10). While many soldiers certainly "fraternized" with the Vietnamese women often at the military's behest, the military consistently demanded that they not see these women (or enemy soldiers, old men, or even children, for that matter) as *real* people just like themselves. Various critics (most notably Susan Brownmiller, author of *Men, Women, and Rape*) have painstakingly analyzed the military's use of Vietnamese women as sexual commodities, hiring out young girls because they believed men "naturally" needed sex to be calm and effective in battle. Sexual atrocities occurred when soldiers began to blur the lines between the enemy (who was sometimes female, or, even when male, always regarded as effeminate) and the Vietnamese women who were prepackaged as sexual fair game. Consequently, no one should be shocked to learn that Heinemann sees Vietnamese women in cartoonish extremes, teeter-tottering a line between sex object and enemy, regardless of the wrongness of his perception. Yet, the real rumblings regarding Claymore Face's depiction has to do with her eventual sexual assault; Tal boldly asserts that the rape is "intended to be sexually stimulating for the reader" (83), which suggests that the scene is sexually stimulating for the author *especially*. Such an assumption is difficult to prove unless one had first hand knowledge of the

veteran writer's war experiences or particular actions (i.e. sexual assaults) that he committed while in theater.

In the most poignant sentence in his article, Heinemann argues that "war produces an astonishing, pervasive ugliness, and that's all" (12). He seems to speak directly to men such as Broyles, "*old* soldiers simply hankering for the good old days" (14) by glorifying their horrendous experiences. If one accepts Heinemann's assertion, one can surmise that he purposely crafts Claymore Face's flat character and her rape because he intends for both to be a walking reminder of the "pervasive ugliness" that consumes Dosier and the collective. Moreover, if Heinemann desires to project war's realities to his readers unfiltered, then he would probably relay *his* perceptions, and reveal his distorted view of Vietnamese women in the process. As a result, "truth" and "realism" become words with multifaceted meanings; Heinemann's "truth" might be the truth *as he sees it* (or, with Jenny, as he *wishes* to see it), or, as he *wants* the reader to see it, but one would be remiss to believe that he offers "truthful" and "realistic" portrayals of his female characters.

Heinemann's main objective, then, seems to be to convey as accurately as possible the deterioration of *Dosier's* emotional, mental, and sexual psyche. Accordingly, he emphasizes the slow, steady destruction of Dosier's pre-war self by having the gang-rape coincide with his departure, as if this is a moment he has come to *only* after many months of battle-rattle and gradual submersion into his platoon's sexual identity. Instead of feeling elated at the prospects of going home, Dosier swings back to the overwhelming apprehension he felt on the first day when he was a lonely soldier standing on the fringes of the collective, witnessing their warmth but unable to feel their heat. Dosier seeks to diminish his fears by spending more time with his friends and by having more sex with Claymore Face. In an effort to do both at once, Dosier and Quinn set up the girl in their track and have sex with her while they ride around (258). Then, Dosier suddenly "started hustling [her], freak-sideshow fashion, to the fucken new guys" (259), inviting them to do her in the Cow-Catcher. Notably, he easily steps into Cross's role of pimp and recites his infamous sales pitch:

> Claymore Face is the damnest piece of ass this side of the Saigon River – flash some tit for the gentlemen, sweetheart – and I certify that her snatch possesses ancient and mystical powers. To short-time Claymore Face – never mind how *God*-awful ugly she is, boys, just slip a sandbag over her head – is to guarantee a sovereign cure for everything from sweat pimples to tumorous blood clots. Step r-r-right up! (259)

Not only does Dosier use Claymore Face to bring new soldiers into the collective, but also to solidify the collective that looks on. Dosier and Quinn

would elicit sex for her so often that "it got so a regular crowd formed" (259), their anticipation palpable.

As the situation quickly progresses, Dosier recalls for the reader the presumably last time he had sex with Claymore Face. He explains that one day he and several other men were sitting on the track looking in on Claymore Face "fucking" one of the new soldiers, "clapping and shouting encouragement" as they routinely did (259). Rather than relishing the onlookers like the more experienced soldiers, the new guy "got flustered and pissed and picky about having an audience, so he turned his head and said, 'Hey, now, how come you guys got to watch, eh?'" (259). Undeterred by his complaints, Dosier and the gang decide to *reward* Claymore Face for her performance and start throwing money at her face (259–260). The group's jovial laughter and boisterous demeanor can both be directly attributed to the young girl; seeing her "fuck" a new soldier has brought the best out of all of them.

After the show is over, Dosier and the others watch Claymore Face quickly scrounge up the thrown money, "bare-ass – her jugs just jiggling, like somebody was slapping them with openhanded slaps, her meaty, sweaty thighs smeared with cum" (260). Dosier remembers the shock on the new guy's face when the men broke into hysterics, "laughing and pointing to her upturned ass cheeks" (260) as she scrambled around the dirty floor. When Claymore Face finally tries to exit the track, Dosier expects another show for his money and keeps her right in place: "'No, no, negative, no. You all got to suck me off. Matter of strict fact, you got to suck everybody'" (260). He then pulls out "ol' Deadeye," and the show of *his* penis signifies that the rape is about to begin.

At first, Claymore Face "giggles" at Dosier's demand and assumes that he is joking. Only when Dosier reaches for his gun does she realize the seriousness of the situation, the change in the game. Frightened yet resigned, she sets her money and clothes aside and wastes no time getting down to business, starting with the leader. Feeling no sympathy or sense of remorse *during* the rape, Dosier ridicules the girl's sexual ability and comically insults her looks, thoroughly unaware of the evil he commits: "It wasn't number one or anything, but it was all right. At least I didn't have to worry about teeth" (261).

But Dosier has ordered Claymore Face to perform fellatio on *all* his brothers, a fact that not only brings the assault into the collective's realm but also highlights the longevity of her ordeal, particularly when she gives an apprehensive glance towards the additional six penises "dangling out over the crew hatch" (261), anxiously awaiting their turn. Heinemann asks the reader to (briefly) view this rape from the victim's vantage point, for the new soldier remains trapped in the bottom of the track with her, sees

from her perspective, and adamantly voices his horror to the men throughout the entire incident: "'You guys are fucked up,' [. . .] 'You dudes are crazy, you're nuts!'" (261). Afterwards, the new soldier even reports their actions to the lieutenant, but was rebuffed when one soldier "finally told him not to be such a fucking Boy Scout" (261). Nevertheless, the newcomer's detest proves that Heinemann does not intend for the reader to derive sexual stimulation from the rape. Furthermore, Heinemann thoroughly desexualizes Claymore Face by harping on her established ugliness during the assault, her "no-toothed smile," and her "lips and chin and neck [that] were smeared with spit and cum" (261). Also, the soldiers have consistently agreed from day one that the girl was a "bad lay." By making her so sexually undesirable, and by showing the new guy's repulsion, Heinemann downplays the sex aspect of the rape and builds up the importance of the group dynamic that enacts it.

In her aforementioned book, Jeffords says that gang-rape is integral to "establishing and enforcing the status of the collective," and that "collectivity is finally nothing more, and nothing less, than its power to create and re-create spectacle" (69). This assertion reveals why "pimping" Claymore Face eventually lost its novelty and effect, and why Dosier wants to prolong the act ("I was hard again and everybody was hard again, so I told her to go around one more time") (261). After the men grew accustomed to one spectacle, they needed a larger one to sustain their connection. Dosier and the men do not rape the girl to necessarily requite sexual urges, but to maintain the collective's bond, and to stave off their feelings of loneliness and self-doubt that have been brought on by Dosier's leaving. After Claymore Face serves her purpose in reaffirming the men's relationship she is no longer needed, which is evidenced in her abrupt exit: "After [the rape] Claymore Face didn't come around much, and nobody much cared" (261). But Dosier will care – just as soon as he leaves the war zone.

III

In the conclusion of Broyles's aforementioned essay, he shifts the reader's focus away from his former collective and their sexual antics, and towards the picture of peace and rationality he portrayed at the beginning in Heirs' barn. Although the essay closes with him and Heirs skiing down a pristinely white hill reminiscing about their good old war days, their discussion of Vietnam abruptly stops as they look back at their kids following them down the slope, like "little balls of life racing on the edge of danger." The platoon Broyles once so vehemently loved, with whom he shared numerous women and kills, is overshadowed by a larger sense of familial ties – the vet is reborn, or regenerated, through his new, peaceful life. In *Close Quarters'*

conclusion, Heinemann likewise wants a corresponding scene of regeneration for his protagonist, but he does not have Broyles's luxury of time (years of reflection and maturity), so he must allow Dosier to come to certain understandings that many vets do not reach until decades after their war. Therefore, immediately after his horrible, sadistic actions against Claymore Face, Heinemann solicits forgiveness for Dosier by quickly switching his character from a misogynist to a loving boyfriend, from a rapist to just another homesick/lovesick soldier, anxiously awaiting to see his sweetheart, Jenny, pining for their sweet reunion: "I want to look at you, Jenny, hear you breathe, be with you. Say a word, any word. I want to hear the sound, the timbre of your voice. I want to put my hand to your neck and feel it vibrate when you speak, as though I were a deaf-mute just learning" (280). Dosier's mentioning of Jenny up until this point has been superficial at best. He recalls all the times that they "made it" by her parent's barn, in her parent's living room, and in the front seat of his car, signifying her status as a high-school girlfriend with whom he experiences his sexual firsts. He all but forgets her during his tour, pushing her letters aside for porn books and sexual exploits. Suddenly, she is a spiritual beacon, an angel that shines in his bleak future. She will save him from his newly developed conscience, which has conveniently surfaced.

And Dosier needs saving. Even when he leaves the field and tries to recapture his former self, much of the collective's violent and sexist mentality follows him. When the plane stops to refuel in Guam Dosier still looks upon women as sexual objects, marveling that their long legs could "wrap around [his] head and turn [him] deaf" (293). Furthermore, some pseudo-telepathic signal passes between Dosier and the rest of the soldiers in the café as they openly leer at the girls, and each other, all them knowing what they wanted to do: "Not a dude in the place was thinking about anything but walking up to those broads and saying, 'Baby, I dig your body, how'd you like to go somewhere and get laid; we'll all chip in'" (293). The collective's sexuality still stirs beneath the shaky surface; if all the guys were to pitch in, then they all would be entitled to watch, and most likely participate. Despite the strong urge that pulses through all of them at this moment, Dosier notes that the soldiers remained uncharacteristically quiet (293). Away from the field something tells them that this urge is no longer acceptable, or "natural."

When Dosier finally makes it back to the states, he considers his prospects – namely life with his parents versus life as Jenny's husband. First, Dosier envisions the emasculating status of living back under his parents' roof: "My folks, my brothers, Eddie and Danny – sure I would be glad to see them, but I would always be a boy in that house" (307). Marrying Jenny, though, would allow him to maintain a "manly," adult status. Second,

Dosier has an incident with a liquor store clerk who calls him a "kid" and refuses to sell him alcohol. Dosier promptly smashes a bottle of Jack on the floor and briefly entertains the notion of tearing the man in two (311). Frightened, Dosier realizes he can no longer function with Deadeye's temper: "That swift rush of anger; that jumping up at the first word given [. . .] the swarthiness, the swagger, the brag. It had to stop. It's all over, it's two days ago. It's history. It's dreams" (312). Dosier genuinely wishes to defuse his rage and kill his war self once and for all, and he can think of only one person who can help him cope.

After this episode, Dosier becomes frantic with the idea of getting to Jenny as soon as humanly possible: "I wanted to get to Kentucky and Jenny as quick as I could. [. . .] I wanted to get south where Jenny was, where the weather was milder, just as soon as I could get a bus or a plane" (312–313). Clearly, he looks to Jenny to bring him down from the euphoric highs of violence and carnage, which characterized life in the field. (After all, the preceding chapter is entitled "Coming Home High" – the chapter in which Dosier finally sees Jenny again is called "Climbing Down"). After enduring an uncomfortable car ride with his father, he and Jenny meet in a hotel and eventually make their way to his to his rented apartment. Finally, all of Dosier's stress, anger, guilt, bitterness, exhaustion, grief, and agony culminate in the living room where he and Jenny awkwardly stand:

> I had traveled halfway around the world to that spot on the carpet, and it all fell away – Quinn and the platoon and whatever was left of the seven-three. I was suddenly tired and felt my shoulders go limp. [. . .] I wanted to draw her into me so she would know the sheer release and relief I felt; so I wouldn't have to explain it – since the saying is always awkward. [. . .] I wanted to climb out of my clothes and get Jenny out of her clothes, then lay her on her back and love her, again and again and again. (316–317)

Jenny's function is clear. Dosier expects to rid himself of his misery, to regenerate himself, by unloading his troubles onto her (emotionally as well as sexually – but mainly sexually).

Yet, in spite of Dosier's romantically-charged prose above, his and Jenny's relationship still lacks significant emotional substance. Dosier is thoroughly uninterested in learning what Jenny has done with herself for the past year, and becomes a little annoyed when she continuously *rambles*: "She talked quickly, nervously – blah, blah, blah, school paper, blah, blah, blah, so-and-so did this, blah, blah, blah – and I uh-hummed, answering with yeses and I-don't-knows and I-guesses" (318–319). Although Dosier clearly sees Jenny as vital to his very existence he simply uses her body to

fend off *his* feeling of isolation, an isolation he feared so much that he raped a young girl to keep it at bay.

Even though Dosier shows no interest in Jenny's emotional stability, he eventually seeks her attentive ear to maintain his – repeatedly. When Dosier first comes home he reveals only superficial facts about his war experience: "I told her about mixing Kool-Aid in the drinking water to smother that heavy chlorine taste; the difference between the chalky tang of warm beer and the light, sharp taste of cold [. . .]" (321). Dosier's reluctance to immediately divulge the horrors of his former reality might signify that he is not yet ready to face them, or does not yet fully understand his culpability. However, all that changes after he and Jenny marry and she becomes the dependable pillar for his long-term tenuous sanity. Dosier wraps his albatross tightly around her neck, forcing her to endure his story over and over again:

> After we got married I told her all of it – the ambushes and firefights, and getting stoned with Atevo and Cross and Haskins and Rayburn and Quinn [. . .], and going to see Eddie; Claymore Face and Susie [. . .]. And on those nights we'd make love and make love and still I couldn't sleep – even after I started popping Hines V.A. Hospital prescription Librium. (321–22)

While the reader might appreciate Dosier's openness, or even look upon his torment as an apology of sorts (or at the very least remorse), his account is suspect. Even though he says he told Jenny "all of it," and although he mentions Claymore Face by name, is one to assume that Jenny could really make love to him repeatedly and *immediately* after he revealed the rape? Even if Dosier concealed the rape and merely said that he had sex with the girl, Jenny's understanding reaction via more and more sex (on the spot) is unrealistic.

At this point, Dosier's regenerative attempt becomes muddled, for, like Claymore Face and Susie, Jenny, as the all-American farm girl, is mainly a stereotype – she just happens to be a stereotype who is treated well. In his previously mentioned article, Phillip Jason addresses Jenny's stereotypical nature by directly relating her to Dosier's R & R whore, asserting that Jenny "exhibits the same understanding that Susie did, and is prepared to make allowances for Dosier's condition" (132). If we believe Dosier's words, these allowances include not only overlooking the revelation of his brutal rape, but also having repeated sex with him to further prove her unshakable devotion. Jason concludes that Jenny's overcompensation essentially puts her in the same class as the Asian women: "She is defined only by Dosier's needs, needs now set in a different environment than Vietnam war zones or Tokyo hotel rooms, but needs that echo the ones filled by Claymore Face and Susie in those other places" (132). Such a rationalization diminishes Jenny's importance and simply makes her a *different* type of sex object.

However, one must keep in mind that Heinemann's reason for writing the novel suggests that his personal investment in Dosier runs deep. In *Close Quarters*, Heinemann does not want to leave the representative vet twisting in the wind, but give him a pseudo-normal life, which would have to include a woman who could not only amazingly forgive but blindly ignore the realities as well as the immediate and long-term residual effects of his war. Such a woman is hard to find, especially when one considers the high number of divorces that occurred when many married vets returned home. Accordingly, Heinemann goes overboard with Jenny's character; she is too sweet, too conciliatory, too forgiving, too eager to sexually please him again and again. However, Jenny serves her sexual function on a broader scale. Not only does she act as the forgiving woman who Dosier desperately needs after his previous actions, but she is also the last woman standing, and this is the most important difference between her and the other women. She must *permanently* fill the hole that was once filled by the girls and the collective – a hole that has been reopened upon losing Quinn.

Essentially, one can surmise that in his first novel Heinemann purposely wrote flat, female stereotypes in order to fully show the multifaceted aspects of Dosier's character, of Dosier's perceptions – to make *him* realistic. As platoon whore, Claymore Face reflects not only the depth of Dosier's (and the collective's) malaise, but she also symbolizes his transformation from farm boy to sexual predator. Dosier *eventually* sees her as a sex toy, but he originally saw her as a *real* person with scars, a shy demeanor, and a personal history, all of which changed when he began to view her through his buddies' eyes. Susie can be categorized as the R & R whore (even though she shows *some* depth) because she ultimately exists to fulfill Dosier's insatiable sexual need, and the juxtaposition of their wild nights together with his innocent recollections of home further divides Dosier into two distinct characters (pre-war and war) and reinforces Heinemann's thesis. Finally, Jenny acts as the stereotypical forgiving woman because only the most artificial of women would sleep with Dosier with no questions asked, be forever supportive of him while he makes no real apologies for what he did to Claymore Face, and turn the other way when he romanticizes a bond with a man who helped him commit the most heinous of acts against women. Even though Dosier will carry the inevitable traumas of war for the rest of his life, he will be able to maintain normalcy due to Jenny's unwillingness to judge or challenge his actions.

IV

Unsurprisingly, Heinemann continues to write women as stereotypes in his next and better-known novel, *Paco's Story* (1979), again for the purpose of

showing his protagonist's very realistic difficulties while adjusting to his post-war existence. However, he evolves the stereotypes that appeared in *Close Quarters* by offering harsh, gritty versions of those types of characters, essentially turning his former depictions on their heads – Claymore Face mutates into a murderous Viet Cong who is brutally raped *and* murdered; Jenny transforms into an unforgiving, uninterested "slut," unwilling to satisfy Paco's sexual need because she is too busy fulfilling her own with more *acceptable* men. As a result, Heinemann's second novel is really a twisted, sinister continuum to the first, a "what if" scenario that asks many unsettling questions: what if Claymore Face had an AK-47?; what if Dosier killed her?; what if Jenny never existed?; what if Dosier never sought redemption? The novels, then, are intertwined, as if these vets are living their lives in parallel universes, missing each other by the slightest chance (after all, Dosier frequents a restaurant called the Texas Lunch in a town called Boone when he returns home – the primary setting of Paco's post-war life).

In her article "A Different World: The Vietnam Veteran Novel Comes Home," Maria S. Bonn says that *Close Quarters* and *Paco's Story* "are flip sides of a coin. In *Close Quarters* we have a story of partial reintegration through a traditional mythos of romantic and familial love, while *Paco's Story* is a tale of ongoing disintegration in a world where there is an absence of any sort of governing mythology" (9). While her assessment is certainly correct, she gives no credence to the deliberate "sexual" ways in which Heinemann portrays Paco's "disintegration" from beginning to end of the novel. Specifically, although Bonn certainly recognizes the importance of Dosier's connection to Jenny and Quinn's family, she conspicuously overlooks not simply the absence of these types of bonds/characters in the next novel, but also particularly who appears in their place – the lethal VC girl whom Paco's platoon rapes and kills, as well as the sexually aggressive Cathy, both of whom she only (and barely) mentions in a broad context of Paco's relationships with women overall (7). Bonn simply writes Paco off as a "fragmented man in a fragmented world, adrift without connections and without the ability to make them" (9), blissfully ignoring Paco's connection to his dead men, who make their presence known and felt throughout the novel's entirety.

Essentially, Bonn makes absolutely no reference to the continuous theme that began in *Close Quarters* – the horrific sexual violence indicative of a misogynistic collective, the vet's desperate need for sexual affirmation after he leaves it, and how, in this novel, the vet is unable to shake himself from their grasp. To highlight the importance of the women and collective that Bonn overlooks, Heinemann reveals nothing about Paco's life before the war. He is a literal and metaphorical walking wounded, existing solely in relation to his former platoon and his now desolate state. In her article,

"Tattoos, Scars, Diaries, and Writing Masculinity," Susan Jeffords says that "for Heinemann, Paco *is* the emblem of the war – unknown, suffering, halted in time, alone" (209). Consequently, she asserts that Heinemann meticulously garners sympathy for his lowly veteran to depict him as an innocent, broken man subjected to a cruel, uncaring society, denied the love of a "good" woman and granted the scorn of a callous one. In short, she believes the novel represents "a larger movement at work in contemporary U.S. dominant culture to portray men as victims, principally of a social structure revised and altered in response to feminism" (219). Jeffords argues that Cathy's sexual assertiveness is intended to further victimize Paco, a way to ensure that Paco (and not his rape victim) will be "the key focus of an analysis of oppression" (215).

However, Heinemann certainly does not coddle his alleged victim at the novel's end, when it would matter most. When reading Cathy's diary, Paco is not oppressed by Cathy's sexuality as much as he is devastated and frightened by the sexuality of his former collective, which morbidly surfaces in Cathy's rape dream. Furthermore, Paco is *never* alone throughout the novel – although his men are dead, they haunt Paco both in his dreams and during his waking hours, forcing him to remember things he tries so hard to repress. Tobey Herzog explains in his article, "Managing the Elusive Veteran: Blank Page, Tripwire, or Interstate Nomad," that Paco's character is too "elusive" to be "easily managed and inserted into more conventional categories for veterans" (119), those of hero versus victim. Even though he agrees with Jeffords that the "readers' sympathies firmly reside with Paco as the townspeople express their cruel and stereotyped perspectives" (119) of veterans, he also notes that "revelations by the narrator, as well as the actual filled-in blank page of another character's diary, shake readers' [original] constructs of Paco" (120). No longer a "victim," Herzog believes Paco becomes an indefinable, unrecognizable drifter without purpose or direction, and "remains a puzzle" (121) to the reader.

But I believe the answer lies in between the two opposing theories. Paco is not just a victim (although he is certainly portrayed sympathetically in many respects), nor does he merely symbolize "the pre-Vietnam Memorial veteran [. . .] who resists precise characterization and remains physically within society but psychologically outside" (Herzog 119) (even though he keeps to himself). Basically, much of the sympathy the reader feels for Paco is purposely solicited (often by the collective) *not* to portray the vet as victim or emphasize his lack of social skills, but to highlight his combative identities (war and post-war), and to buttress an argument Heinemann began in his first novel. As soon as the reader accepts Jeffords's theory of male victimization, Heinemann reveals (by way of the all-purpose collective and his female stereotypes) Paco's war persona – Paco the sneak, Paco the killer,

Paco the rapist. Paco leaves town not because he and society mutually reject each other, but because he is chased out by his very own mirror reflection, a mirror that is held up by Cathy, his rape victim, and the angry ghosts of his former men. Not a victim, hero, drifter, or fragmented man, Paco remains the soldier who committed the rape because he lacks a Jenny and lusts for a Cathy, because he killed his Claymore Face, and because he shows no remorse or genuine sadness for his men's deaths and their collective actions.

V

Unlike Claymore Face's continual presence, the female characters in this novel are interspersed throughout the story, and their impacts (particularly those of the VC girl and Cathy) do not truly resonate until the novel's end. In contrast, the collective always remains visible, and their influence on Paco and their interpretations of events must be considered before one can analyze Paco's reactions to the rape memory and to Cathy's diary. By understanding the collective one can better understand Heinemann's composition of his female characters, and how he uses both to play a game of tug-of-war with Paco's fragile psychological state. Each group comes together to assure that Paco's story is not one of regeneration, as was Dosier's, but one of sexual rejection, solitude, and overall despair.

The collective establish themselves as a permanent presence in the novel's very first pages, simultaneously educing sympathy for Paco the crippled veteran while sneaking in snippets of Paco's war identity (as well as hinting at their pent-up antagonism against their former brother). The narrator addresses an everyman listener, James, and says he speaks for all of Alpha Company, "us grunts" (5), but the reader soon learns through certain revelations that he specifically represents a member/members of Paco's former platoon. Nonetheless, he immediately expels Paco from the tight group when he recalls their fateful day at Fire Base Harriette. Even though the men were killed by friendly fire, the night is strangely remembered by Paco's very exclusion, "when the whole company, except for one guy, got killed" (14), when "[they] dissolved all right, everybody but Paco" (17). Years later, when the medic from the rescue platoon tells the tale of his gruesome discovery, he also highlights Paco's remoteness in an accusatory fashion: "'There was nothing there, Jack, not even the village or that old French fort, just this one guy, *that* poor dumb bastard. [. . .] The whole company, except for this *one* cat, caught some kind of shit and every swinging dick *but* him bought the motherfucker'" (23). The medic, who swears he would have been a good doctor if it was not for "this one guy, this geek," (33) is shaken by Paco's experience more than Paco. The medic's consum-

ing regret and bitterness serve to highlight Paco's very lack of these things, and set the stage for the ghosts' intrusive presence.

However, even though the reader learns that Paco never willingly reminisces about his men (his memories are often involuntarily triggered by certain sounds, words, and smells) Heinemann leaves no doubt that Paco once cared deeply for them, just as Dosier cared for his platoon. After his company is obliterated, Paco lies motionless, scared, alone, broken, blistered, and bruised for two days, all the while scorching in Vietnam's oppressive heat. Amid the pain and confusion, he waits to hear the sound of his buddies, the sounds with which he has grown so familiar and the certainty those sounds would bring:

> And at first he concentrates his whole considerable attention on listening – for the cries, the hoarse, gulped breathing, the whispering supplication of the other wounded [. . .]. Paco waits with closed eyes and stilled breath, to shiver and be appalled at the dry raspy voices; waits patiently to whisper back in the answer. But he hears, of course, nothing. (19)

Although the reader does not see how Paco slowly evolves from individual soldier to an extension of the collective, as was shown through Dosier, he knows the result is the same. Paco's fears on the battlefield lie not so much in his own possible injuries, about which he is still hazy, but the deafening silence that should have been filled by the shouts of his fellow men. One cannot argue, therefore, that Paco is unaffected by past events, only that he refuses to deal with them, which angers his collective.

Moreover, the collective certainly does not suggest, in spite of what happened to them, and in spite of Paco's present apathy, that Paco escaped the war unscathed. Not only does the collective give a detailed listing of the numerous pieces of dirt, rock, pellets, and shrapnel that have found permanent homes in Paco's disfigured body, but they also emphasize his fear and sadness, the "steady tears [. . .] hoarse, hysterical crying" (25–26) that continued even after he was found by the members of Bravo Company. They recall Paco's time in numerous VA hospitals, and explain how he was carted around and stripped down and poked at for days on end. Finally, the narrator paints a very desperate and sorrowful picture of Paco coming into Boone on the back of a bus, with his black hickory cane at his side, cramped, hot, alone, and drifting in and out of a fitful, drug-induced sleep:

> He is not really asleep, hunched awkwardly as he is, but mighty groggy from the several additional doses of medication – muscle relaxers and anti-depressants – to the point of a near-helpless stupor. [. . .] He is sore and cramped in a way that no amount of stretching and yawning, no exercises or therapies, can assuage. His whole body tingles and thrums with a glowing, suffocating

> uncomfortability that is more or less the permanent condition of his waking life. (35–36)

Not only is Paco dreadfully alone and subject to the leering and judgmental eyes others, but the reader cannot help but visually fast-forward this scene in his mind to the decrepit condition of Paco as an old man, hurting so much more than he does now.

After the bus driver ungraciously kicks Paco off of his bus, Paco travels into town, and makes an embarrassing walk of shame from business to business, sheepishly asking for work while trying to maintain some of his dignity. Everywhere he goes, however, he is greeted with implicit animosity: the barbershop owner stares at him accusingly; the pharmacy fears he will dip into their drug supply; the insurance agency is turned off by the sound of his unsophisticated voice. Defeated, Paco finally goes to the laundry mat to check the job board, and the young girls in the shop instantly remind him of the Vietnamese girls who laundered the soldiers' clothes on post. The collective narrator then stops eliciting sympathy (which he has successfully been doing since Paco's arrival) and gives the reader a brief albeit revealing glimpse into how Paco and his buddies would spend their downtime:

> The whores (all fifteen and sixteen and seventeen, you understand) worked with their loose-fitting pants rolled to their crotches, their tight-fitting blouses unbuttoned and loose, and their long black hair pulled back and done up in tight buns under their broad cone hats – their bodies gleaming with sweat and their small breasts jiggling and swaying petitely. [. . .] And watching the whores work, James, never failed to provoke our hard-ons. (86)

Heinemann carefully contrasts Paco's picture of innocence with his oversexed grunt behavior in the field, and the reader's sympathy for his condition ever so slightly wanes. Furthermore, the narrator reveals that the soldiers collectively leered at the girls, positioning themselves on their roofs and watching the show through their field glasses – a joint effort in which they all played a part. Although the recollection is short and devoid of sexual violence, it nonetheless exposes the sexual dynamic of the collective, particularly how they viewed all Vietnamese females as "the whores."

Paco eventually walks into the Texas Lunch for all the food his spare change can buy, and is instantly befriended by the owner, Ernest Monroe, a World War II veteran who immediately "recognizes Paco's 1,000-meter stare, that pale and exhausted, graven look from head to toe" (95). The reader likely sees the introduction of Ernest as a positive development, and (incorrectly) assumes that the two former soldiers will grow very close, perhaps even form a father/son bond that could help Paco make sense of his trauma. Heinemann also introduces a possible love interest, Betsy Sher-

bune, who runs into the diner looking for Paco, whom she spotted earlier. For this brief interlude, then, Paco seems to have been rewarded (a friend? a lover?) for enduring the townspeople's bigotry.

Before we know anything about Betsy, some opinions are already forming: small town girl, country girl, farm girl, *good* girl – potential girlfriend to warm Paco's lonely heart. The reader also remembers the "bosomy" nurse with a "rich, feminine voice" (52) that cared for Paco during his recovery, the only other American woman mentioned before Betsy's appearance, and who treated Paco "with that calm and soothing patience some women have who understand full well the need for physical kindness and its effect" (54). Although the nurse previously "discouraged" Paco's attentions (he achieved an erection during a nightly sponge bath – she professionally overlooked it), after many weeks of caring for Paco she suddenly and inexplicably fulfilled Paco's sexual need by performing oral sex (56). Right after his severe injury, then, Paco found a forgiving woman to get him past his war experience via sexual attention. Even though the nurse only provided him with temporary comfort, her actions imply that Paco is worthy of forgiveness, and specifically of a woman's love. Accordingly, the reader has certain expectations for Betsy.

But we soon learn that Betsy does not seek out Paco to heal him, nurture him, or fix him; she wants him for her own sexual pleasure, pure and simple, and her insatiable desire is known throughout the town: "Betsy is nobody's angel, you understand – 'Hussy,' her mother has called her to her face. Most of the young-blood pilgrims at Rita's have enjoyed her plenty, calling her the 'town punchboard,' and bragged about how mighty fine is her pussy [. . .]" (100). Betsy thinks about how nice it would be to "fuck" Paco in her parent's mansion (a farm girl she is not), and to trace the "swirled-around scars up and down his back," to draw on them "as if they were Braille, as if each scar had its own story" (101). Her sexual fantasy objectifies Paco, an odd reversal in Vietnam narrative. However, Betsy never gets a chance to use him, for she becomes repulsed when she learns that his wounds come from the war, and then "all she can think about are those scars on the back of his neck, like a piece of ordinary kitchen wax paper balled up, then spread out and smoothed flat, the paper crackling" (103). Even though Betsy's swift rejection makes her appear selfish and callous, she serves as a foreboding prelude to the *primary* American woman in this text. The reader will soon learn through Cathy's diary why women are inexplicably repulsed and frightened by Paco's scars – war stigma aside.

Ernest hires Paco to be a dishwasher, but his job really encompasses all the restaurant's needs: cleaning, cooking, and serving food. The work is "sloppy but methodical" (112), "straightforward and mechanical" (114), and Paco enjoys his job because it allows him to avoid the external reality

of his life, and especially his past. Occasionally, however, glimpses of the war will filter through. For instance, when he cleans the grease pit under the fryer he cannot help but think of "that day an a half he spent by himself at Fire Base Harriette – it is the stink, the stench of many well-rotted human corpses – and always sends him home Saturdays looking for a drink" (116). When Paco goes through the meticulous steps of closing up shop, he also remembers the laborious tasks on post, and, how, after the men would work all day, they would pass the uneventful nights in a group set off from everyone else. The narrator also remembers the routine, and everyone's part: "Paco passed out the beers, and Jonesy and Jigs made the jays and passed them out. Then we sat quiet and absorbed in that small circle for the longest time, drinking and smoking – ruminating" (118–119). The initial impression is indicative of grown men sitting around the camp fire, sharing stories and grief about all they have done and seen.

Nevertheless, the narrator soon shatters this seemingly mature and therapeutic image, for Gallagher, the designated "company killer," most commonly known for his infamous engraved lighter, "*Gonna fuck you up, boy*" (120), as well as his red and black dragon tattoo, often led conversation in the circle. Notably, Gallagher and Paco share a connection evocative of Cross's and Dosier's, for he would often "[look] at Paco as though two of them shared a secret" (120). One night, Gallagher talked about watching a guy from Bravo Company lose his arm during an attack, reminiscent of Cross' story about Murphy's death. He goes so far as to relate the look on the soldier's face to the look he often saw on his father certain nights when he realized the emptiness of his existence: "'That was the same look as come over the poor fuckin' fool from Bravo Company a couple days ago when he drew himself out of that bunker and took a good long look at what was left of his arm" (124–125). But, unlike Cross, Gallagher is unwilling to embrace his hurt or turn it into affection for the other men: "'Fuckin' Bravo Company, [. . .] How you gonna have any pity on those geeks?'" (125). Gallagher is devoid of compassion or empathy, which means that the platoon he heads is connected only through killing and violence, whereas Cross' shared a sliver of an emotional bond. This outwardly insignificant difference hints at darker things ahead.

Gallagher (and by extension, the collective) can best be described by his aforementioned dragon tattoo, a marking that serves as the embodiment of the platoon's core values of aggression, intimidation, and rage. As with his other memories, Paco does not reminiscence about Gallagher's tattoo willingly; he is helplessly transported to its image when Ernest excitedly tells the story of his own war tattoo, about which Paco is completely uninterested. The narrator says Gallagher returned from R & R proudly displaying his

badge of courage, bragging to all of the men who eagerly hung to his every word about the marvels of Thai pussy:

> This one gal had a cunt like a catcher's mitt. You could eat it till your jaws got tired. Fuck it till your pecker got as mushy as homemade Play-Doh. You could wrassle it, blubber your nose in it [. . .] fuck it frontways, fuck it backways, fuck it standing on your head: swing it high: swing it low-down [. . .]. (132)

Even more so than the memory of the Vietnamese laundry girls, this remembrance more fully reveals the sexual identity of the men. The more we learn about the collective's view of Asian women, the more difficult it becomes to see Paco as the same injured soldier who cried on the battlefield, got transferred from VA to VA, came in hunched over on a hot bus, and limped around town with dogged and noble determination amid whispered slurs and hostile stares.

After Gallagher's R & R prostitute happily "fuck[ed] his brains out" (133), he explains she took him to a tattoo parlor, littered with drifters and vagabonds. When Gallagher asked to see the owner's selection he was shocked when the man introduced him to "four or five queer-looking fags" who had been "turning tricks" in the other room (135), all them covered from head to toe with the man's art. Offended by their sexuality and insecure in his own, Gallagher refused to choose any of the tattoos their bodies displayed: "'I pull out a cigar and tell the guy, 'Naw, get these fags outta here. What the fuck you think I am?'" (135). The owner then showed Gallagher something more to his liking, a picture of a "barrel-chested guy, stripped to the waist, with a big, scrubby mustache and his hair knotted up at the back of his head" (136), standing in a body-builder pose. Covering the man's muscled arm from shoulder to elbow was a red and black dragon, complete with "'the grin, the nasty tail, the claw nails, the pig snout and curled-round scaly neck'" (136). Gallagher instantly decides this mean-looking tattoo, on this impressive model of masculinity, is the one that ultimately defines him. As their leader, the collective looks to the dragon as their ultimate symbol, prideful of the intimidating viciousness it promises to those who defy it.

When the reader later learns the tattoo's significance in the rape scene, one is surprised that Paco remembers it fondly, with no remorse, no inkling of sadness or guilt for his attachment to it and the fear he knows it caused in his rape victim. Even in hindsight, he remains completely unaware of the evil it represented. Consequently, the reader begins to fully understand why the ghosts haunt Paco. Paco never willingly examines the day of the rape, the day of his men's deaths, or the fact that he was allowed to live when his men were not (when they were *all* guilty of making that tattoo and its man their false idol), facts the ghosts make sure to emphasize:

> It may come as something of a surprise, James, but Paco, for all his trouble has never asked, Why me? [. . .] Not in all of the hours that he lay terrifically wounded – the rest of us long gone. [. . .] Not on that dust-off chopper with the medics delicately and expertly plucking debris from his wounds. [. . .] And not on any of these nights lately, after work, when Paco would sit up in bed sore and exhausted [. . .]. No, James, Paco has never asked, *Why me*? It is we – the ghosts, the dead – who ask, Why him? (136–137)

The collective narrator consistently gives the impression that everyone in the company *but* Paco died as punishment for some horrendous act, that their deaths were by no means coincidental. Accordingly, although the collective is not apologetic per se, they are condemned. The ghosts act as Paco's guilt because he outwardly exhibits none, and, they surmise if he does not feel guilt, then he should be condemned as well: "So Paco is *made* to dream and remember, and *we make it happen* in this way, particularly on those nights when his work [. . .] goes particularly well with no one to pester him, and he settles into a rhythm, a trance almost [. . .]" (emphasis added 137). It becomes plain to see that Paco is not a victim to society, Cathy's sexuality, or feminism at large, but to his very own men.

As they undoubtedly seduced him in war, the collective seduces Paco even in their death. Rather than bombarding him with harsh memories, they massage his tired wounds after many hours of thankless work, lulling him into what should be a deep, dreamless sleep, and "*that* is the moment [they] whisper in his ear, and give him something to think about – a dream or a reverie" (138). Paco has reoccurring nightmares of being chased by a mob, who is angry because he escaped their retribution (for an unknown offense), "And always, James, those truckloads of men come to stand beneath him, switching those ax handles against their thighs, muttering and bitching" (140) when he gets away. Paco has another dream in which he stands in a small room among a group of men, all of whom were "chosen by lot, volunteered – to be executed as punishment for some crime never mentioned. Cowardice? Mutiny? A fragging?" (141). The scenario, however, is routinely the same:

> The men stand bound with leather thongs twisted and looped around their necks and knotted severely around their wrists in back [. . .] Paco, at the back of the room, presses his forehead against the concrete – smelling of dust with the raw imprint of the birch plywood grain as plain as day – the twisted thong around his neck lathered with sweat and nearly chocking him. (141–142)

Both dreams, of course, are specifically designed to make Paco remember the collective's two most traumatic experiences.

It is quite possible that the mob with the shrouded faces represents Paco's former platoon, who are enraged because they believe he unjustly avoided their punishment and squanders the life he was granted. Although he escapes their clutches, they never lose sight of him or stop their pursuit. More interesting, though, is the execution dream, which puts Paco in a victimized position: gagged, bound, his face shoved into concrete and accosted by the smell of plywood. Later, his rape victim will be tied in the same choking, suffocating manner, her face ground into a wooden table. She will also inhale the acrid dust, and feel the cold, prickly material of the table's surface. Paco, unfortunately, never connects these dots.

The collective also tries to reach Paco when he is lucid, most notably through another soldier/brother. A wandering Vietnam veteran, Jesse, enters the Texas Lunch while taking a break from hitchhiking and allows Paco to briefly relive the bond he had with his former men. The reason Paco connects with veteran Jesse over veteran Ernest can best be summed up in Jesse's simple question and the narrator's straightforward answer: "'You heard of Ben Suc!' Paco had; Ernest had not" (152). Paco listens as Jesse ruminates about his time with the 173rd "Airborneski," rattling off names and places with which Paco would be familiar, and as he gripes about his various frustrations with the military and the war.

Although Jesse certainly acts as a loving soldier/brother "shooting the shit," he also serves as a living representation of Paco's now antagonistic collective, pricking and prodding Paco into remembering things he would rather not. First, Jesse encompasses the overwhelming feeling in the novel that the veteran is despised by a new breed of independent and sexually liberated women, rendered repulsive by his very uniform and the unfair stereotypes it brings. When Jesse describes the type of girl he loathes/fears, he essentially describes Betsy and Cathy, as well as references the act Paco has repeatedly tried to forget:

> Been waiting for one of those mouthy, snappy-looking little girlies from some rinky-dink college to waltz up and say [. . .] "You one of them vet'rans, ain'cha? Killed all them mothers and babies. Raped all them women, di'n'cha' [. . .] I ain't putting out for you, *buster*, not so much as a handshake!" (156)

Jesse dreams of a witty comeback to all this, throwing the girl a dime, and saying, "'Here, Sweet Chips, give me a ring in a couple of years when you grow up'" (156). As his jovial face becomes "warm with suppressed anger" (156), one cannot help but recognize some key similarities between his anxiety and Paco's reality. Cathy just happens to be a student at a rinky-dink college. She does not take their game of flirtation to the sexual level because she subconsciously suspects Paco of some vague wrongdoing, and Paco harbors implicit yet very real animosity towards her judgmental and

playful rejection of his sexual desire. However, rather than writing her off and moving on, as Jesse plans to do with his unsympathetic hypothetical woman, Paco obsesses about the girl, which turns his sexual attraction into a violent yearning for sexual vengeance.

Second, Jesse willingly and openly talks about his war experiences, and addresses the long-lasting effects of what happened to him, both good and bad, all the while warning Paco (indirectly – yet distinctly) of the dangers of keeping things inside. As Paco fantasizes about the year Jesse spent in a remote cabin when he returned home, Jesse actually tries to convey that the time was one of his lowest points, his bottom, and his eventual turning point:

> [I] scrounged work; stayed just as stoned as stoned could be; [. . .] I figured if I stayed stoned and falling-down drunk, I wouldn't be held responsible if I fucked anybody up [. . .] But I had the time to set and drank and thank, [. . .] and I came to know something, and it is this [. . .] primo is that I'm goddamned sorry I never got a chance to beat the shit out of an MP or tell General Schistkoff or Sheetrock, or whatever his name was, to fuck off. And secundo, I am a fully, stamped, qualified slab animal – successful species – who made it out of their fucking lab. (155–156)

While Jesse's revelations might not be Plato-esque, they allow him to cope and accept his past as well as his reality. He has problems, regret, and anger, but at least he tries to get a handle on them and knows that this will be a lifelong endeavor. In turn, when Jesse asks Paco if he's "bitter" about being the only soldier who survived Fire Base Harriette, the only living soul to surface out of ninety-three demolished corpses, Paco's answer is distant, simplistic, and morbidly upbeat: "'I've sat up many a night brooding about that, rolling that around in my mouth, so to say, and yeah, I expect I'm as bitter as bitter can be, more than tongue can tell most likely. But I'll tell you something else: I'm glad just to be here – isn't that what Thurman Munson says?'" (163).

While Paco bounces from job to job, stays high on VA prescription medicine, and drinks himself into a stupor (just as Jesse once did), he fails to recognize his downward spiral. When Paco asks Jesse to stick around a little longer, Jesse refuses to stay put, sensing Paco is not yet ready, that he will not be ready for a long time. Paco watches Jesse walk off into the unknown, "his eyes and beard sparkling in the light of the street; the highlights of his face glowing in the warm air," whistling "The Emperor Waltz" (164). In contrast, Paco will leave town in a frazzled, frantic state, all but sprinting towards the bus station. Paco learns nothing from Jesse, except the basics of hitchhiking, for he immediately looks outward and upward towards Cathy's window, thinking she can fill the void Jesse just left.

VI

As the novel's final, primary representation of *the* American woman, Cathy dismally fails to meet the reader's expectations, particularly any reader of Heinemann's first novel. Her nights of wild sex would mortify farm girl Jenny, and her self-fixation stands in direct opposition to Jenny's selflessness. Moreover, even though Paco is very attracted to Cathy, his interest is purely sexual, for he wishes to share nothing of consequence about his actual war experience, as Dosier sought to do with Jenny, nor would Cathy lower herself to listen to his grisly tales. Cathy's haughty attitude repels the collective, for, instead of sharing Paco's attraction, they deride her for being "small-breasted and bony-armed, [and] built like a smooth-faced, tallish boy" (166). More importantly, though, the ghosts truly dislike Cathy because she thrives off of Paco's anguished look, a look "that is unmistakable in a man who has not been to bed with a woman for a long time" (168). They share with the reader how Cathy would stand behind her bedroom door completely in the nude and poke her head out when Paco came up the steps at night, encouraging him to race to her door like a dog to its master. Unfortunately, she closes the door before he can reach it, and the narrator reveals that she *always* intends to do so, as "those nights are for *her* benefit, not Paco's, because being buck naked when she smiles that smirk down at him makes her feel so goosy and juicy, and some nights she can't help but giggle" (167). Essentially, the collective vilify her as a spiteful, narcissistic whore – Jenny's exact opposite.

Nevertheless, Paco enjoys playing games with Cathy, much to his eventual psychological detriment. When he takes his scheduled break outside the diner at night, Cathy walks back and forth in front of her window, tempting him to see what he should not: "And some nights she would have only her panties on, and she'd as good as show off, almost dancing, and Paco's cock would *stir* under his sour work pants [. . .]" (147). For all Cathy's effort at staging their game, Paco seems blissfully unaware (at least initially) that she only wants to tease him, and nothing more (148). Their nightly diversions give him a twinkle of hope, and one night when he beats her to the punch, sees her situating herself at her window waiting for him to come outside, "he feels the excitement of his blood rushing through his body – and for a moment the pain in his back is gone [. . .]" (148). The mere thought of having sex with Cathy is enough to deaden his ache, which really suggests her power – if she were only willing to become his sexual soundboard.

To make matters worse, even when Paco somberly resigns himself to another night of drugged sleep and execution dreams and tries to get the girl out of his mind, he cannot even depend upon the numbness of slumber,

for he "hears Cathy honey-fucking the everlasting daylights" out of "Marty-boy" next door (171). Moreover, the ghosts point out that Paco's eavesdropping is no accident, but another design of Cathy's:

> Now Cathy heard Paco fiddle with his key in the lock; heard him fumbling around in his dingy little room; [. . .]. And so now with each slippery thrust she stretches her thin little neck and exhales audibly toward the window. [. . .] as though to say, I get a nice little kick from teasing that gimp, but the fucking is nice and I love it, too. (172–173)

Cathy uses Paco's emotional and sexual solitude to heighten her own pleasure, knowing for certain that he will never have a woman in his room, never be able to match her and Marty-boy's screams. The reader dislikes Cathy not simply because she refuses to be Paco's forgiving woman, but because she uses sex to gleefully toy with his fragile state. In fact, as Heinemann writes her, Cathy is always either in the process of "fucking" someone, planning to "fuck" someone, or has just finished "fucking" someone – all on her own terms. Unlike the virginal Jenny and her limitless understanding, Cathy is described by all the various ways she uses her vagina, which, in this context, is as powerful and manipulative as the phallus.

And Paco wants nothing more than to be Marty-boy during their marathon love sessions, for he has the "incredible, shivering urge" to break into Cathy's room, "yank him off" her hips, and step right in where he left off, with Cathy's apparent pleasure rather than her objection: "Cathy would be pulling at her own hair by then; grinding her hips in the air, straining her legs and belly, her pussy luminescent with lubrication" (173). Paco's desire for Cathy revolves around a twisted fantasy in which he essentially takes her by force, and she submissively complies. However, the ghosts thoroughly insinuate that Paco cannot help himself, seeming to sympathize with him most when it comes to his basic sexual desire:

> And he's just a man like the rest of us, James, who wants to fuck away all that pain and redeem his body. By fucking he wants to ameliorate the stinging ache of those dozens and dozens of swirled-up and curled-round, purple scars [. . .]. He wants to discover a livable peace – as if he's come up a path in a vast evergreen woods, come upon a comfortable cabin as solid as a castle keep, and approached, calling, '*Hello the house*,' been welcomed in, given a hot and filling dinner, then shown a bed in the attic (a pallet of sweet dry grass and slim cedar shavings) and fallen asleep. (173–174)

Notably, nothing in this passage correlates with Cathy's personality, Paco's sexual urges, or their quasi-relationship. For all the attention Cathy demands from men in general, Paco (or, more specifically, his men, as this is *their*

interpretation of Paco's desire) do not really want her, or her type; they want a picture of innocence, a source of comfort, a safe place to call their own – they want their very own Jenny. In her book *Friendly Fire: American Images of the Vietnam War*, Katherine Kinney says the above passage shows how "male desire mythifies the female body into a masculine version of domesticity – the cabin in the woods, the castle keep – not only a place where the veteran belongs but one that belongs to the veteran" (171). This theory truly resonates with Dosier's view of Jenny, how Jenny fits his stereotype via forgiveness, sexual availability, and unquestioning acceptance, and, consequently, how Jenny is a true "mythified" version of womanhood. Moreover, because Paco and the ghosts are unable to transform Cathy into a "masculine version of domesticity," she floats oddly out of the text, her diary acting as her stand-in.

Perhaps it is because Paco really desires Cathy, while his men yearn for a Jenny, that the ghosts quickly snap Paco away from the lustful thoughts that he twisted into a wish of sexual assault, and send him another memory, one he desperately tries to repel: "He winces and squirms; his whole body jerks, but he cannot choose but remember" (174). Paco unwillingly returns to the rape of the VC girl, and when he remembers, he remembers all of it – not snippets or clips or fragments, but from beginning to end and back again.

Just as Cathy is the antithesis of Jenny, the VC girl acts as Claymore Face's opposite, which the collective makes perfectly clear: "She wasn't just anybody, you understand, James – not some dirt farmer's wife or one of those godawful ugly camp-following whores; [. . .]. No James, she was as hard a hardcore VC as they come (by the look of the miles on her face)" (174–175). The girl has been labeled "VC" because she successfully killed two soldiers, essentially stepping into the soldiers' rightful role. Indeed, the men believe the "miles on her face" indicate her many kills in the war zone, whereas Dosier supposed Claymore Face's "miles" represented her many fucks. Dosier's platoon loathed Claymore Face for being an ignorant slut who would do "anything for a fiver." In contrast, Paco's men detest/fear the VC girl for her lethal and typically masculine aggression. Although the girl garners some sort of attention from the men other than sexual (respect seems too strong of a word, but they recognize her strength) she finally shares a commonality with Claymore Face, as she is *ultimately* rendered a sex object – and suffers a fate worse than her predecessor's.

Initially, the men follow protocol and watch the girl as they wait for the chopper. Gallagher, however, takes it upon himself to put the girl in her in her rightful place, unwilling to let her believe that she bested any of his soldiers. When he snatches the girl up by the hair and drags her to a remote part of the post, his intentions run through the air like an electric current. The narrator renders everyone guilty of what is to come, for he makes perfectly

clear that no one followed Gallagher out of mere curiosity or especially out of concern, but because they know for certainty that the girl was going to be raped:

> Paco sees [. . .] this dude and that peel off from their night positions and follow across the hard, bare clay, smacking their lips to a fare-thee-well – there's a bunch of guys in that company want a piece of *that* gook. [. . .] And everybody in the whole ballpark knew they weren't going in that hooch to argue who can throw the blandest brush-back pitch – Lyle Walsh or Dub Patterson. Even Lieutenant John Ridley Stennett (Dartmouth, 1967) knew, for a refreshing fucking change. (176–178)

Not only are the men aware that the sexual assault is going to occur, but they also treat its arrival as a special occasion, and quickly gather the beer, cigars, and jays that they had been saving for a celebratory time (181). Heinemann also adopts Broyles's "game" language – the men become a team, hyped up on adrenaline and determined to defeat their enemy.

Before the boys can partake in the festivities, the girl must be firmly secured, and the reader might be surprised to learn that Paco played a large part in this process, as he helped Gallagher "[hold] the girl down firmly while Jonesy tied her wrists together behind her back [. . .]" (179). Paco cannot claim to be one of the guys enjoying the show because he is an active participant, the company killer's right hand man. After he and Gallagher prep the stage, the entire platoon of men (excluding the lieutenant) "formed a rough line" (179) and excitedly watched as the girl's clothes were ripped off her body. Finally, "Gallagher stepped up behind her, between her feet, unbuttoned his fly, and eased out his cock. He leaned on her hard [. . .] rubbing himself up a fine hard-on, and slipped it into her. Then he commenced to fuck her, hard, pressing his big meaty hand into the middle of her back" (180). Obviously, Gallagher performs for his men (just as Dosier), as his "showy" actions have less to do with his sexual desires and more to do with writing his own mythology. As with Claymore Face, the girl's ordeal does not end with the initiator, for when Gallagher was done "Jonesy fucked her, and when Jonesy was done, half the fucking company was standing in line and commenced to fuck her ragged" (180) – after all, each man wants to go down in infamy.

Even more so than his previous novel, Heinemann downplays the Vietnamese girl's sexuality. She is only fourteen years old, and the narrator admits that even though "she was naked from the waist up, [there was] nothing much to look at, so no one was much looking at her [. . .]" (177). Heinemann also takes greater pains to convey her fear and agony. Although she is an unnamed VC, a killer rendered victim and nothing else, he gives the reader explicit directions in how he can see exactly what she sees when

Gallagher has her by the hair: "(Take your hand, James, and reach around the top of your head, grab as much hair as you can grab in one hand and yank, then press that arm tight against the side of your head and look over, hard, at your arm out of the corners of your eyes. That's as much of Gallagher's arm as the girl saw") (176). Paco even disturbingly recalls the girl's horrified reaction as he was inside her – a twisted, sympathetic view of the girl's pain and humiliation as seen, felt, and then translated by her rapist:

> (Paco remembers feeling her whole body pucker down; feels her bowels, right here and now, squeezing as tight as if you were ringing out a rag, James; can see the huge red mark in the middle of her back; hears her involuntarily snorting and spitting; can see the broad smudge of blood on the table as clear as day; hears all those dudes walking on that rubble). (181)

Paco's memory is thoroughly de-eroticized, and, when pitted against his very sexual feelings for Cathy, the sex crime seems ironically devoid of sexual content. Paco commits the assault to bond with his brothers (as Dosier did), and the girl simply acts as a conduit. Unlike that of Claymore Face, however, the VC girl's rape is far more traumatic, brutal, and deadly because she poses an explicit, rather than implicit, threat. Consequently, the very horrendousness of the crime ironically allows its perpetrator, Paco, to better articulate his victim's trauma more than his own, and certainly more than Dosier could convey Claymore Face's anguish.

Although Claymore Face quickly disappears from her text, the narrator follows the VC girl's ordeal to its very bitter end, playing it all out for Paco to see. Before Gallagher shoots the girl point blank in the head, she is already utterly destroyed, for "there was spit and snot, blood and drool and cum all over her, and she'd pissed herself" (182). Undoubtedly wishing for blissful shock, the only thing she can see as Gallagher again drags her by the hair is his red and black dragon tattoo, a frightening image from her forced perspective. In contrast to her very individualized fear, the men follow Gallagher with the same collective zeal that led them into the hooch earlier, all of them still knowing what comes next, a natural link in the chain. Nonetheless, they somehow fail to repeat their sense of excitement and fun when the spectacle plays itself out and lies in a bloody, indiscernible heap at their feet:

> Paco remembers the spray of blood, the splatter of brick and bone chips on Gallagher and Jonesy and everyone, as thick as freckles, and how it sparkled [. . .]. He remembers the brown bloodstains down the fronts of our trousers for days afterward; remembers Gallagher turning to the rest of us, still holding her scalp, and how we made a path for him when he walked away, hearing him say out loud (the timbre and resonance of his voice

> reverberating superbly), as if we were in an auditorium, "*That's* how you put the cool on gooks." (184)

The men's stunned reactions suggest many of them did not want the *game* to go that far, despite their enthusiasm. Yet, no one did anything to stop the girl's murder, and they even paid a perverse respect to the man who initiated the entire ordeal. As a result, the men understand that the game stopped being a game long ago: "We looked at her and at ourselves, drawing breath again and again, and knew that this was a moment of evil, that we would never live the same" (184). By forcing Paco to relive the assault, the collective finally makes him confront the fact that *this* sin above all others, the rape and murder of *that* gook, locked their doomed fate – a fate he should have shared.

The VC girl's rape thus differs from Claymore Face's in crucial key respects. First, no mortified new guy exists to act as the voice of reason, and, although the new soldier in *Close Quarters* was mocked and ignored, he possibly prevented the rape from reaching sheer sadomasochism because the soldiers feared he would report their actions. Second, the fact that the VC girl is raped by the vast majority of Alpha Company makes Claymore Face's assault (committed by seven men) seem small and grotesquely intimate. Dosier and his men did have a preexisting sexual relationship with the "platoon whore," a familiarity that perhaps prevented them from taking their game all the way to a terrible fruition. Finally, and most important, the VC girl is brutally demolished because Paco's collective differs from Dosier's in an important regard. Rather than fending off the anxiety of isolation, Paco's men look to reinforce a bond that is sustained and fostered *only* through bouts of killing and sexual violence. They do not share their fears (as did Dosier and Cross, and, later, Dosier and Quinn), nor do they disclose any personal information about their lives before the war (excluding Gallagher's story about his father, which was frightfully lacking in emotion). Essentially, Paco and his men avoid the types of sharing that would have allowed them to maintain any connections to their pre-war selves, to their humanity. In *Close Quarters*, then, Heinemann offers excuses/reasons for Dosier's actions, covertly asking the reader for compassion; conversely, in *Paco's Story* the men's actions come across as inexcusable and horrific, and Heinemann surreptitiously encourages the reader to hold a grudge.

VI

When Paco is finally made to recall the rape in full, all is lost, and the time for games is over. Paco's emotional state is far too fragile to continue watching the peep shows through Cathy's window, to hear her "fucking"

Marty-boy next door, and he devises a plan to break into her room after she and Marty take a trip out of town, to finally figure out what that girl is all about. And "all that long Saturday at work Paco is preoccupied about what he's going to find in Cathy's apartment – brooding. And that night he goes straight up to bed despite the noise in the bar downstairs, goes right to sleep" (188). Paco wants to be fully rested for dawn's ambush, to make sure that everything goes according to his carefully devised plan.

The reader learns (as Paco broods) that he was once Alpha Company's booby-trap specialist, a job that by its very definition not only forced Paco to think about all the various ways his future victims would die, but also made him understand that he was singly responsible for their deaths. Although his assignment was morbid and emotionally taxing, Paco nevertheless felt confident in his capabilities, and this same confidence resurfaces when he breaks into Cathy's apartment. Oddly, Paco is perhaps his most "normal" the day he steps back into his war identity, for he is sober, fresh, alert, and motivated for the first time since he arrived in Boone. Paco comfortably settles onto Cathy's bed, easily finds her diary, and learns the inner-workings of the "prick-tease."

First, Cathy is not just some "dumb" whore; she knows what men (students and teachers alike) think as they watch her walk around the college campus and, although their gaze "makes [her] feel like a piece of meat" (201), she plays into their preconceived notions to get what she wants: "[. . .] I figure I've go the pick of this litter. [. . .] Marty-boy, Lynette calls him. But she doesn't fuck, so she's not any competition" (201). Not only is Cathy aware of her power over men in general, but she also realizes her clout over girls who "don't fuck." Cathy knowingly allows herself to be an object of the male gaze and to meet the gaze's expectations for her own personal gain.

At first, Cathy seems willing to be Paco's sex object, for in her early entries she gushes that Paco "is good-looking, with nice tight buns" (202), and even though Marty-boy has a "nice body and a nice cock" he still is "not as good-looking as Paco [. . .]" (204). Because of her crush, she secretly watches Paco's room, whose window she can see from her own. Rather than heightening her initial attraction, though, spying on Paco leaves Cathy unsettled, as she learns that the once sexy, mystery man spends his nights alone, high, drunk, dirty, and talking to people who do not exist (205). However, Paco's penchant for alcohol, pills, and bad hygiene do not in themselves dampen Cathy's desire. Rather, she is taken aback by his spooky, inexplicable demeanor: "Aunt Myrna says he has a way of stiffening up and staring right through you. As if he's a ghost. Or you're the ghost. How could I have ever thought it might be fun to sleep with him?" (206). After weeks of watching Paco alone in his room, then, Cathy essentially demotes

him from a handsome drifter to a mangled freak, and becomes thoroughly disgusted by his mere presence:

> And he's all pasty. And crippled. And honest to god, ugly. Curled up on his bed like death warmed over. Like he was someone back from the dead. [. . .] I hear him stretching his back, cracking the vertebrae. Then he draws his foot onto his lap and massages it. Cracking more joints. By then it's 3 o'clock in the morning and what this guy is doing to his body is obscene . . . . (207)

On nights when Dosier could not sleep for his memories, he and Jenny would make love over and over again and talk through the night. Conversely, Cathy wants nothing to do with Paco's trauma – she will not overlook his offensive behavior, nor will she ask him to divulge his secrets. Instead, she looks upon him as a monster behind a shaky cage, sickened by his appearance and fearful of his escape, but too enthralled with horror to turn away.

Even though Cathy is clearly put-off by Paco's eerie behavior, she still harbors some latent sexual desire, for in one of her entries she mentions a reoccurring dream in which she and Paco have sex in her apartment. The dream always starts out perfectly normal, with Paco playing his former role of mysterious, safe stranger: "Paco comes into my room with his cane. I'm in my terry-cloth robe. We stand in the doorway of the bedroom, kissing. He smells like apples, and his face is hard and warm. And his hands are hard and warm. And both of us are eager to get into bed" (208). However, even though the two consensually "fuck," Cathy chooses to hang on to the bedpost rather than put her hands on his body, and she does not know why. Suddenly, Paco's warm face contorts into a look of agony, and his scars, which went unnoticed at the dream's start, begin to throb. By the dream's end Cathy is no longer a willing participant, as Paco rips the pulsing scars from his body and forcefully lays them upon her, all but entombing her in his war wounds: "And he lays [the scars] across my breasts and belly – tingling and burning – lays them in my hair, wrapping them around my head, like a skull cap. And when each scar touches me, I feel the suffocating burn, hear the scream" (209). Paco reads this page in Cathy's diary, of course, only a few nights after the collective forces him to relive the VC girl's rape and murder.

More than Jesse, more than his men, and even more than the Vietnamese girl's rape and subsequent nightmares, Cathy's diary and her rape dream finally make Paco understand that he has not overcome his trauma, and that others plainly see the ghostly evil he thought he had so carefully hidden. When confronted with the possibility that someone else knows his war identity, Paco feels "as if he's met his wraith" (209), and fears that the ghosts finally have a reason to come and claim him to their shared fate. Paco does

not feel guilt or shame for Cathy's perceptions – just the urge to flee, which, with Paco, is just more of the same.

Many critics have given vastly different interpretations of Cathy's nightmare, some of them oversymbolizing Cathy's character or misunderstanding her intended function. For instance, Susan Jeffords thinks that Heinemann uses the dream to encapsulate both the veterans' and nonveterans' response to the war, "with Paco a living monument to the war's damage to men's lives" and Cathy standing in for "the nonveteran's inability to understand or feel the pain" of former soldiers (*Remasculinization* 71). Similarly, in his work "Veterans, Vietcong, and Others: Enemies and Empathy in Larry Heinemann's *Paco's Story*," critic David Boulting maintains that "Cathy's exhibitionistic and voyeuristic games with Paco are a synecdochic rendering of his relations with the other townspeople since they are characterised by an oscillating fascination with and horror of Paco" (118) and that by forcing the reader to endure the rape dream Heinemann asks us "to attempt to do what Cathy cannot: to wear Paco's scars, however painful their 'suffocating burn,' to see ourselves in Paco and thus to see Paco in terms of a universal human Self rather than as threatening and unrecognisable Other" (125).

The problem with Jeffords' and Boulting's theories, however, is that they never consider that Cathy is a direct (albeit warped) descendant of Jenny, and, rather than a vague embodiment of all nonveterans and Boone's residents, she specifically represents the unforgiving American woman. Her feelings about Paco differ from those of the townspeople, as does her ultimate rejection, for the locals work off of their preconceived notions of veterans, whereas Cathy follows her basic sexual instincts, not the opinions of others. After all, at the beginning of her dream Paco walks in with his cane, which (along with his scars) is the ultimate reminder of his veteran status. Unlike Betsy who briefly lusted after Paco only to recoil upon learning his backstory, Cathy is not put off by Paco's war service or even his disfigurement. As the anti-Jenny (and with Paco as the anti-Dosier), she simply cannot *heal* him, and her dream highlights the hopelessness of Paco's recovery as long as he remains the man in her diary.

Katherine Kinney also rebuts Jeffords' and Boulting's generalized assertions, and says that Cathy's nightmare "is less an admission of her guilt than a violent reaction to her gendered role as victim/and or refuge in the narrative of war" (172). Unlike the archetypical forgiving woman who consistently appears in much of (any) war literature, Kinney says that Cathy "[rejects] self-sacrifice [and] refuses to put her body between Paco and his pain" (172). Kinney's theory certainly makes more sense, for she recognizes that Cathy is supposed to serve as the opposite of a Jenny-type character who willingly cares for the troubled vet to the detriment of her own happi-

ness. However, Cathy does not truly represent a woman who consciously decides to reject the traumatized veteran for the sake of her own emotional stability. First, Paco never directly asked Cathy for sex, so no one can say with certainty that she would have denied him if he had. Moreover, her constant teasing (some of which presumably still occurred after the rape dreams began) indicates that she remains slightly attracted to Paco. At best, her dream is a metaphorical rejection, for Cathy does not deliberately choose to save herself specifically from Jenny's fate; she only decides that Paco is too weird to "fuck."

Indeed, Cathy's consistent commodification of her sexuality makes it difficult to classify her as a victim, even in her very own rape dream. In his article "*Paco's Story* and the Ethics of Violence," Grant F. Scott says that although Cathy *seems* like a victim "she controls the dream" (78) within the confines of her diary, for she is both author and editor, and, although she could stop writing at any time, she nonetheless chooses to continue in graphic detail, suggesting she is more curious than frightened. Additionally, Scott notes that in the nightmare "she does not scream, the *scars* do" (78), which means she might symbolically represent the pain and fear of *other* victims, such as Paco's men, rather than herself.

Nevertheless, Scott consigns Cathy to a subjugated status when he asserts that Paco successfully "burns the war into her skin" and "helps to purge Alpha Company, if not himself" by transferring their wounds to her (78). According to Scott's argument, Paco achieves partial regeneration from his past rape via *another* rape, which goes against all regenerative theory in Vietnam narrative. Moreover, Cathy hears *a* repetitive scream as the scars touch her rather than multiple ones, an indication that the sound likely belongs to Paco's rape victim instead of his many men. Furthermore, Paco's horrified reaction proves that even if the dream had actually occurred he would not have achieved therapeutic insight or closure. The dream itself proves too real and sends him running to the nearest Greyhound.

VII

As the unforgiving, oversexed woman, the anti-Jenny, Cathy (in conjunction with the VC soldier/whore) acts as the ultimate catalyst for Paco's fall, an ironic twist considering Jenny and (guilt for) Claymore Face specifically permitted Dosier's regeneration. Some critics, though, foolishly ignore the VC girl and Cathy's joint effect, content to live in a world of denial right along with the protagonist. In Louis K. Greiff's article, "In the Name of the Brother: Larry Heinemann's *Paco's Story* and Male America," Greiff makes absolutely no mention of Cathy, her diary, or her dream, and chooses to believe that Paco, like his veteran/brother Jesse, is a "survivor" who "[main-

tains] a stubborn and ultimately uplifting hold on life" (386). Consequently, Greiff argues that Paco "suddenly" flees Boonville because he wants to "[take] the same path that Jesse took before him – in effect following his brother's lead" (386). Unfortunately, Paco skips town not because he wants to start anew, but because he wants to bury his head in the sand. Paco does not "survive" as much as he simply exists, as the word "survivor" denotes one who faces his fears and overcomes them, which Paco goes out of his way never to do, and his brother/veteran Jesse immediately recognized the vast difference between them in this regard. Furthermore, Paco's ultimate declaration that he was "a piece of meat on a slab" (209) seems to speak against his alleged "uplifting hold on life." Most importantly, Paco failed to achieve closure with the brothers of his platoon, an indication that Heinemann did not intend to end on a theme of brotherly love.

In *Close Quarters*, Heinemann shows Dosier's potential to recapture his pre-war self through his willingness to repent and his connection to Jenny and Quinn's parents. In contrast, Paco has no forgiving, sympathetic woman to whom he can express possible sorrow for the rape, and, although he has time on his hands, he never thinks of visiting the families/graves of his former men, of sustaining his former ties. Moreover, Paco's isolation and pitiful physical appearance should not be equated with guilt; he never seems to feel "sorry" when the collective forces memories upon him – just haunted.

Although Heinemann reveals the sexually violent tendencies of a collective in his first novel, he also shows an appreciation for the brotherly love Broyles so tenderly described by allowing Dosier to use Quinn's memory to aid in his renewal. However, in *Paco's Story*, Heinemann finally proves that, at its very core, this seemingly sustaining connection was often built upon a foundation of coercion and sexual violence rather than genuine affection. As a result, the more violent, racist, and sexist the brothers, the better the chance that both Vietnamese and American women would morph into spiteful objects on which the men would release their wrath. Nevertheless, although *all* the women (in both novels) appear somewhat lifeless, bleak, and are all but dwarfed by the presence of their very realistic male counterparts, they nonetheless shoulder the weight of the vet's burden, and *they* (not the collective) are ultimately responsible for the vet's regeneration or lack thereof. For mere *gooks* and farm girls, they finally wield an amazing amount of power.

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GENDER, RACE AND SPACE IN NELLA LARSEN'S *PASSING* (1929)

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ABSTRACT. Awarded a Harmon Foundation Bronze medal in 1928 for her debut novel *Quicksand*, the first black female creative writer to receive a Guggenheim Fellowship in 1930 on the strength of that novel and her second *Passing* (1929), Nella Larsen could arguably be credited as being one of the century's first women writers to push the limits of the societal glass ceiling or "double jeopardy" blocking African-American female professional advancement in the early decades of the twentieth century. Yet like many auspicious modernist women writers of the early twentieth century, Larsen's literary production would be relegated to the margins of literary history in the half century that followed. Reclaimed from oblivion by second-wave feminist scholars of the seventies and eighties in a move that sought to counter white-male-biased critical hegemony and bring women's writing out of obscurity and into the canon, the half-Danish, half African-American Larsen is now rightfully recognized as a central figure of the Harlem Renaissance, her work lauded for critically engaging with some of the key concerns of the period and most notably the place of the mixed-race or "mulatto" woman in interwar America. At a time when the boundaries of racial and gender identity were being drawn more sharply than any other period in the nation's history, in what spaces and places, Larsen asks, may women of mixed race evolve? Larsen's novel, which takes as its subject matter and narrative process the practice of passing, offers a complex response to this question. *Passing* charts the fate of two fair-skinned black women both of whom "cross the color line," taking as the novel puts it "[their] chance in another environment," their racial origins invisible to the white bourgeois norm whose privileges they covet. Yet while the surface narrative voice and diegetic thrust of the novel seemingly reduce it to a simple moral tale, it will be argued that this ostensible currency of deception and falsehood belies a more sophisticated reflection on the cultural production and performance of identity where ambivalence and hybridity, not only about race but also sexual orientation, are largely at play.

Keywords: Nella Larsen; Harlem Renaissance; modernism; passing; homosexuality

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At the very moment when Virginia Woolf was reflecting on the tripartite relationship between gender, space and the situation of the woman writer in her cornerstone feminist treatise *A Room of One's Own*, across the Atlantic, another woman modernist was swiftly becoming one of the century's first women writers to push the limits of the societal glass ceiling or "double jeopardy"[1] blocking black female professional advancement. In 1928, just a few months before Woolf's seminal essay was published, the half-Danish, half West-Indian Nella Larsen (1891–1964) would gain the Harmon Foundation Bronze medal[2] – a prestigious award attributed for "distinguished achievement among Negroes" – for her debut novel *Quicksand*. In 1930 she went on to become the first black female creative writer to receive a Guggenheim Fellowship on the strength of that novel and her *Passing* (1929), upon which this article focuses.

Unlike Woolf, yet in common with many other auspicious women artists of the early twentieth century, Larsen's slim literary production would soon be relegated to the outermost fringes of literary history in the half century that followed, the author herself disappearing from the high-profile, mixed-race literary milieu her social ascent had given her access to,[3] vanishing into oblivion following accusations of plagiarism,[4] and returning to the archetypically feminine profession of nursing she had once been so happy to leave behind. Reclaimed from the margins by second-wave feminist scholars of the seventies and eighties in a move that sought to counter white-male-biased critical hegemony and bring women's writing back into the canon, Larsen is now rightfully recognized as a central figure of the Harlem Renaissance, her work both lauded for its subject matter which critically engages with the place of the mixed-race or "mulatto" woman in interwar America, and for the sophistication of her narrative strategies which are "hailed for helping create modernist psychological interiority."[5]

Written at a time when the boundaries of racial and gender identity were being drawn more sharply than at any other period in America's history, in what spaces and places, Larsen's subtly subversive prose asks, may such women evolve? And what is their narrative position? As the doubly marginalized "exotic other" Clare Kendry, are they to be located as forever elsewhere "utterly strange and apart,"[6] disrupting narrative closure, refusing to be mastered by plot? Or, duty-bound and genteel, are they, like Irene

Redfield, contained by the "security of place"[7] buttressing middle-class sexual-textual propriety and its concomitantly predictable dictates and plot lines? What is the relationship between racial passing and other gendered forms of transgression hinted at in the text? These are just some of the questions posed by Larsen's novel *Passing*, which the following article will attempt to address.

The social practice of passing – assuming the identity of another gender, race or class of person – captured the American public imagination in the 1920s as never before. The anxiety generated by such a blatant flouting of the perceived fixed social, sexual and ethnic identity positions may be witnessed in the renewed, often violent, vigor with which the regulation of sexual, social and racial types was being enforced. As historian George Chauncey has noted of male homosexuality:

> A battery of laws criminalized not only gay men's narrowly 'sexual' behavior but also their association with one another, their cultural styles, and their efforts to organize and speak on their own behalf. The social marginalization gave police and popular vigilantes even broader informal authority to harass them; anyone discovered to be homosexual was threatened with loss of livelihood and loss of social respect.[8]

Racial lines too were fixed more sharply than ever, and with the removal of the ethnic category of "mulatto" from census declarations altogether, mixed-race America was quite simply declared a fiction. As Carla Kaplan reminds us:

> Undergirded by dozens of anti-ethnic, anti-miscegenation, and anti-immigration laws passed during the decade, naturalization ideology fed the membership rolls of the Klan and the American Legion, which reached their zenith with appeals to racial purity. More lynchings were perpetrated in the Twenties than at any other time.[9]

Statistical studies were supplemented by a series of high-profile lawsuits. The media frenzy prompted by the Rhinelander annulment case in which, under pressure from his family, rich socialite Leonard Kip Rhinelander filed an unsuccessful annulment suit to end his marriage to Alice Jones a month after the wedding, when it was publically disclosed that his domestic-turned-bride was actually colored, is emblematic of this trend. The lawsuit, which Larsen's novel alludes to explicitly, crystalized fears over racial mobility in terms of both sex and social class: not only was Alice Jones able to use the "primitive sex appeal"[10] of the mixed-race woman to "lure"[11] her gullible suitor into wedlock but her experience in service also enabled her to infiltrate "blue-blooded" aristocratic circles with particular ease.[12] Moreover, references in newspaper reports on the case to Leonard Rhinelander

"wilting"[13] on the witness stand and being dressed as "quite the dand[y]"[14] raised questions as to the virility of her husband.

The fact that allusions to Rhinelander's effeminacy could be harnessed to the cause of racial purity evidence the frequent parallels being drawn at the time over different forms of identity norm. Indeed, similar strategies of demarcation could be observed in the sphere of gender as of race or class identity, with the period witnessing, for the first time, "the emergence of the 'heterosexual' and the 'homosexual'" as clearly defined groups in middle-class culture and the consolidation of the heterosexual couple as the foundation stone of society:

> The growing heterosexual and hetero-social imperatives were, in any case, evident throughout middle-class culture in the first third of the century. In the 1910s and 1920s, as numerous historians have shown, older patterns of gender segregation among American youth (and their elders) gave way to a new emphasis on hetero-social – and often dyadic relations. Single-sex (or homo-social) gave way to mixed-sex (or hetero-social).[15]

Thus while it had been increased female autonomy and the feminization of the bourgeois work environment that had been the root cause of anxieties over middle-class male virility in the late nineteenth century, the 1920s witnessed a volte-face with more women marrying and at an earlier age – a veritable "heterosexual counterrevolution" in the words of George Chauncey.[16]

This impulse towards stricter racial and gender identity often expressed itself in spatial terms. As with the traditional paradigm of separate spheres, where maleness is associated with the active public arena and femininity linked to the passive private, domestic realm, so too does urban segregation, by confining non-whites, provide a seemingly palpable illusion of racial supremacy and distinction, where space seems to determine and martial identity configurations.[17] The city of Chicago which forms the backdrop to the opening chapters of *Passing* for instance seems to form an unyielding topography of racial fixity and inviolable separateness: the "south side" synonymous with African-Americans and districts like Lincoln Park with the white, affluent and educated. Transgressing such boundaries may prove fatal, particularly for women: a white woman holidaying at Idlewild, a summer resort for well-off Chicago Negroes would tarnish social and moral reputation of all parties, not least "because of assumptions that a white houseguest of black friends would necessarily be of questionable social and class background."[18]

By taking the spatial image of passing as its central theme, metaphor and discursive modus operandi, Larsen's *Passing* engages with and troubles such racial and gender binary paradigms and reveals as fraudulent and contentless the stereotypes on which they are predicated. The novel charts

the fate of two fair-skinned black women both of whom "cross the color line", taking as the novel puts it "[their] chance in another environment,"[19] their racial origins invisible to the white bourgeois norm whose privileges they covet. The simplicity of the novel's title hints at a generic allegiance to the formulaic tragic mulatto tale in which a mixed-race protagonist typically tries to escape the wretchedness of black life by passing as white and, by a life of suffering, is made to pay the price of his or her transgression.[20] Early twentieth-century avatars of the traditional passing narrative regularly combine sentimental championing of negritude with moralizing homily, to culminate in a dénouement of tragic self-realization as the "selfish" passer comes to see the error of his or her ways – or as Harlemite James Weldon Johnson's "ex-colored man" remorsefully concludes in his fictional auto-biography, "I have sold my birthright for a mess of pottage."[21]

Mixed-race Clare Kendry the novel's ostensible anti-heroine, arguably embodies much of this well-worn formula: in a trajectory not dissimilar to that of the Rhinelanders, with the help of her "having way" and "caressing smile," she leaves her black roots and an impoverished childhood behind to marry a wealthy white man who with his "soft mouth, somewhat woman-ish, set in an unhealthy dough-colored face"[22] is curiously redolent of Leonard Rhinelander. Then, frustrated with the lackluster superficiality of her newly "pale" existence, and, drawn by a "wild desire,"[23] she starts re-establishing ties with her mulatto past. This occurs first with childhood friend Irene whom she encounters in an exclusive whites-only rooftop restaurant where Irene too is passing, and then all-too-ambiguously, with Brian, the latter's husband. An increasingly suspicious Irene interprets the apparent complicity between her spouse and Clare as clear-cut evidence of marital infidelity and it is she, the reader is strongly led to believe, who is responsible for her rival's fatal fall to her death in the novel's closing pages.

Despite the horror of this murderous act, whether they view the novel as an intimate chronicle of (presumed) adultery and marital breakdown or an exemplum of ethnic incompatibility, contemporary reviews of the novel almost unfailingly expressed empathy with the unreliable narrative voice of pale-skinned-but-proud-to-be-black Irene Redfield, the protagonist from whose disingenuous viewpoint the story is almost exclusively recounted, and conversely reserve unmitigated disapprobation for Clare, her apparently unscrupulous and wayward foil. Typical of such readings is a review of the novel by Harlem Renaissance heavy weight W.E.B Du Bois constructed around a binary logic that pits the virtuous, "race-conscious Puritan Irene" against her devious school friend "the lonesome hedonist Clare:"

> Irene Redfield, […] was proud, being married to a darker-skinned doctor, that her social acquaintance should not mistake her. Clare Kendry, Irene's schoolfellow, was more reckless:

> having passed so far as to deceive and marry a Nordic whose hatred of her race was a mania.[24]

She is similarly branded by another contemporary reviewer as:

> […] a despicable character […] she has no morals in either the obvious or the higher sense. Entirely selfish, she is out to do everybody. […] We find her slipping around with other white men. Even then she is not satisfied; she wants clandestine relations with colored people. She gets them too; serpents like her get everything they want.[25]

If the reader chooses to take the novel at face value – accepting with Irene that Clare is indeed "selfish and cold and hard" or as Clare herself asserts, devoid of "any proper morals or sense of duty," and that Irene is indeed ethically superior because of her "adherence to her own class and kind, not merely in the great thing of marriage but in the whole pattern of her life as well,"[26] it is possible to find matter enough to support such readings. Yet while the surface narrative voice and diegetic thrust of the novel seemingly reduce it to a simple moral tale, I would argue, that this ostensible currency of sexual and racial rectitude which punishes the wanton Clare for straying from the confines of her ethnic origins and dishonoring her marriage vows belies a more sophisticated reflection on the cultural production and performance of identity where ambivalence and hybridity, not only about race but also sexual orientation, are largely at play.

In his introduction to the representation of space in modernist literature, Frederik Tygstrup, quoting Gerard Genette, reminds us that in the nineteenth-century novel, scenes and settings – the descriptions of the spaces and places surrounding the characters in the fictional universe – are "ancilliae narratonis" or servants to the plot.[27] This hierarchy reflects the conventions of storytelling where plot is the "master" of the narrative discourse and it orders situations and actions in a logical, linear sequence, making finally rational and often moral sense of a world of human action and experience. In modernist fiction however, this neat and reassuring parallel of life and narrative "whereby the account of the former takes the form of the latter"[28] is radically challenged. Scenes and settings tend to be increasingly liberated from the demands and dictates of plot and indeed may challenge plot's ideological sway to suggest other alternative readings. The importance of space as an aesthetic and hermeneutic paradigm in modernist fiction was also highlighted by Joseph Frank in his seminal 1945 essay "Spatial Form in Modern Literature."[29] Basing his study on novels by Flaubert, Proust, Joyce and the lesser-known woman modernist Djuna Barnes, Frank called for new ways of conceptualizing and interpreting modern fiction, inviting the reader to pay particular attention to scenes and settings in their appre-

hension of the text as primarily pattern rather than teleology, as his commentary on an extract from *Madame Bovary* demonstrates:

> For the duration of the scene at least, the time-flow of the narrative is halted; attention is fixed on the interplay of relationships within the immobilized time-area. These relationships are juxtaposed independently of the progress of the narrative, and the full significance of the scene is given only by the reflexive relations among the units of meaning.[30]

Frank and Tygstrup's interventions become even more important for our understanding of Larsen's *Passing* if we recall the traditional association of space with the feminine and time with the masculine.[31] Attention to the description of places and settings may then both undercut the narrative supremacy of plot – here the tragic mulatto paradigm – and foreground a spatiality which is both literally dominated by female protagonists (most descriptions focus on exchanges between Clare and Irene) and metaphorically gendered as feminine.

Indeed as scholars such as Deborah McDowell have convincingly argued, the ostensible, conventional love triangle of the narrative that sets up the hyper-eroticized Clare against safe and sensible Irene in the affections of Irene's husband Brian is undercut by a subtext of seduction between the two women which not only, on a diegetic level, complicates hugely the reader's understanding of Irene's final and violent act, but also challenges the value placed by social convention on fixed racial and gender identities, subversively removing it from the moral domain altogether: "racial transgression is itself eroticized […] the political economy of passing cannot be separated from its economy of desire," as Biman Basu puts it.[32] The "narrative traces this developing eroticism in spatial terms"[33] beginning with the second chapter of part one of the novel, which retroactively charts the first encounter of the adult Clare and Irene as both are illicitly passing in the rooftop restaurant of the exclusive Drayton hotel in Chicago. This detail alone is enough to make the passage significant, as it spatially encapsulates the protagonists' ambition for social and professional advancement in a world hell-bent in keeping them in their place. But the chapter also opens with a paragraph rich in sultry innuendo and brazen with artifice:

> Chicago. August. A brilliant day, hot, with a brutal staring sun pouring down rays that were like molten rain. A day on which the very outlines of buildings shuddered as if in protest in the heat. Quivering lines sprang up from the baked pavements and wriggled along the shining tracks. The automobiles parked at the curbs were a dancing blaze and the glass of the shop windows threw a blinding radiance. Sharp particles of dust rose from the burning sidewalks, stinging the seared or dripping skins of wilt-

> ing pedestrians. What small breeze there was seemed like the breath of flame fanned by slow bellows.[34]

The passage is noteworthy on a number of counts. Firstly for the way in which the archetypally feminine – the natural elements, emotions, flowers, – ("automobiles were a dancing blaze," "brutal staring sun," "wilting pedestrians"), seems to be invading the conventionally male, ordered and rational domain of the urban cityscape, claiming it as its own. Also because of the inversion of animate and inanimate (the "shudder[ing]" buildings) human, animal and vegetal (the "wriggling" crowd) suggests transgression of the "natural" order of things. But perhaps most crucially because it recalls Irene's reaction ("brilliant red patches flamed in [her] warm olive cheeks"[35]) already recounted to the reader, to a letter that Clare would send to Irene professing the "wild desire" elicited by their chance meeting in Chicago, and presages through the repeated fire imagery the sexual nature of the scene about to be described. Indeed, as Deborah McDowell has noted,

> When the two are reunited, Irene first notices Clare's 'tempting mouth,' her lips 'painted a brilliant geranium-red, were sweet and sensitive' […]. Into Clare's 'arresting eyes' 'there came the sense of being petted and caressed.' At the end of their encounter, 'standing there under the appeal, the caress of [Clare's] eyes, Irene had the desire, the hope, that this parting wouldn't be the last.'[36]

A series of leitmotifs associated with Clare – red lips and clothing, mysterious dark eyes, golden hair, ivory skin and, the "ringing bells" of her mocking laugh recur through the novel, constituting a furtive sexual counterpoint, or "reflexive relation" in the words of Joseph Frank, that sabotages the official moralizing plotline and converges at the end of the novel to point to point to an alternative far more subversive interpretation of events:

> Gone! The soft white face, the bright hair, the disturbing scarlet mouth, the dreaming eyes, the caressing smile, the whole tortured loveliness that had been Clare Kendry. That beauty that had torn at Irene's placid life. Gone! […] the ringing bells of her laughter.[37]

Written at a time when ethnic and sexual norms were being policed with increasing vigor the sophisticated narrative structure of Nella Larsen's *Passing* enables the author to put across another more complex view of identity. Whilst ostensibly written in conformity with – or "passing as" the traditional, moralizing tragic mulatto tale, Larsen's text concomitantly liberates spatial description from the confining dictates of plot to give veiled expression to another even greater transgression than racial passing: lesbian

desire. In troubling the often contradictory racial and gender configurations of the period, and recognizing the centrality of position and context in literature, the novel anticipates the "spatial turn" in the arts and sciences. In signaling its own discursive disingenuousness it proclaims the fictitiousness of all identity constructions and deconstructs contemporary race and gender conventions.

NOTES AND REFERENCES

1. As the radical feminist Frances Beal famously termed it in her 1969 pamphlet "Black Women's Manifesto; Double Jeopardy: To Be Black and Female." The pamphlet gained visibility and notoriety when is it was republished in the classic second-wave feminist anthology, edited by Robin Morgan, *Sisterhood is Powerful* (1970). For the original pamphlet see http://www.hartford-hwp.com/archives/45a/196.html. Accessed 02.11.12.

2. An award for outstanding achievement by Negroes. See Calo, Mary Ann (2007), *Distinction and Denial: Race, Nation and the Critical Construction of the African-American Artist*, Ann Arbor, Michigan University Press, 75, for a discussion of the Harmon Foundation.

3. Carla Kaplan notes that sales from *Quicksand* enabled Larsen to move into the fashionable Dunbar apartment block and become neighbors with W.E.B. Du Bois, Rudolph Fisher, Paul and Eslanda Robeson. *Passing* is dedicated to Larsen's close friend Carl Van Vechten, famous for the controversial bestseller *Nigger Heaven* (1926) and his wife Fania Marinoff. See Kaplan, Cara, "Introduction: Nella Larsen's Erotics of Race," in Larsen, Nella (2007), *Passing*, intr. and ed. Carla Kaplan, New York, Norton, xii. Biographer George Hutchinson also underlines the socio-economic significance of Larsen's meteoric rise to fame: "the Negro was 'in vogue' as Langston Hughes would later famously recall, and partly as a consequence of the vogue, Larsen was being catapulted from obscurity right over her social betters in black New York – in a manner of speaking." Hutchinson, George (2006), *In Search of Nella Larsen: A Biography of the Color Line*. Cambridge: Harvard University Press, 168.

4. These related to "Sanctuary," a short story published in 1930. See Butler, Judith (1993), *Bodies that Matter*, for a discussion of this event. Butler, Judith (1993), *Bodies that Matter*. New York: Routledge, 185.

5. Kaplan, op. cit., ix.

6. Larsen, op. cit., 29.

7. *Ibid*., 43.

8. Chauncey, George (1995), *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890–1940.* New York: Basic Books, 3.

9. Kaplan, *op. cit*., xv.

10. Quoting the conclusions of a "scientific" investigation carried out by a certain Dr. Davenport, an article in the weekly New York magazine *Outlook and Independent* notes "a matter commented on by numerous scientific observers who agree that […] the primitive sex-appeal of the octoroon girl is potent." Caleb Johnson (1931), "Crossing the Color Line," *Outlook and Independent* 158, August 26, 526.

Rhinelander and his wife's "unnatural" proclivities revealed in "unprintable" correspondence formed an important part of the defense's case and painted a picture of a hyper-sexualized relationship. Morgan, Archie (1925), "Kip's 'Soul Message' Notes Read," *Chicago Defender*, November 28, l. 4. Reprinted in Larsen, op. cit., 138–144.

11. The report of the case in the *New York Times* refers to letters "Judge Mills said he would produce as documentary evidence, that the defendant then Alice Beatrice Jones, had lured young Rhinelander into marrying her." "Calls Rhinelander Dupe of Girl He Wed" (1925), *New York Times*, November 10, 1. Reprinted in Larsen, op. cit., 133–144.

12. "Alice was sixteen when she is said to have accepted a position as a maid for Mrs Alice V. Cady of Rochville Park." Ibid.,142.

13. "Leonard Kip Rhinelander wilted on the witness stand Tuesday." "Rhinelander Bares Love Secrets" (1925), *Chicago Defender*, November 21, 1. Reprinted in Larsen, op. cit., 137.

14. "Rhinelander was his usual well-dressed self. He wore a brown-suit, a fancy waistcoat, an orange and black tie and spats. He and his brother-in-law, Robert Brooks, were quite the dandies of the courtroom." "Loved Rhinelander, Wife's Letters Say" (1925), *New York Times*, November 13, 1, 3. Reprinted in Larsen, 2007, 134–136.

15. Chauncey, op. cit., 116, 126.

16. Ibid., 118.

17. As a certain Bishop Martin, addressing members of the National Association the Advancement of Colored People at their 19th Annual Conference put it: "How we colored people live in the United States of America depends upon where and under what conditions we are forced to live. Go into many of our town and you might lay down the rule that where the pavement ends there the blacks begin. Now this is not of our choosing, but is the result of conditions forced upon us. Restricted districts, prohibitive purchase price for houses, exorbitant rents threat and abuse are only some of the means employed […] when it comes to public parks and playgrounds; leisure and recreation, the Negro is often not thought of in connection with them…" "3,000 Negroes Cross the Line Each Year" (1928), *Philadelphia Tribune*, July 12, n. p. Reprinted in Larsen, op. cit., 111–112.

18. Larsen, op. cit., 17.

19. Ibid., 17.

20. See McLendon, Jacquelyn Y., "The Myth of the Mulatto Psyche: Tradition and the Tale of the Tragic Mulatto" for a discussion of this issue. Jacquelyn Y. McLendon (1994), *The Politics of Color in the Fiction of Jessie Fauset & Nella Larsen*. Charlottesville: Virginia University Press, 13–27.

21. Johnson, James Weldon (1995), *The Autobiography of an Ex-Colored Man* [1912]. New York: Dover, 100. As Kaplan underlines, "the novel was reissued in the 1920s and […] was one of the most popular books of the Harlem Renaissance." Larsen, op. cit., 248.

22. Larsen, op. cit., 14, 80, 28.

23. Bemoans Clare to Irene in a letter following their chance re-encounter on the rooftop of the Drayton: "'For I am lonely, so lonely […] you can't know how in

this pale life of mine I am all the time seeing the bright pictures of that other one I once thought I was glad to be free of […] It's like a pain that never ceases,'" ibid., 7.

24. Du Bois, W. E. B. (1929), "Passing," *The Crisis*, July, 234–50. Reprinted in Larsen, op. cit., 97–98.

25. M. L. H. (1929), "Passing," *The Wilson Bulletin* 41(4): 169. Reprinted in Larsen, op. cit., 102.

26. Larsen, op. cit., 6, 58, 24–25.

27. Tygstrup, Frederik (2007), "Still Life, The Experience of Space in Modernist Prose", in Eysteinsson, Astradur, and Vivran Liska (eds.), *Modernism.* Amsterdam & Philadelphia: John Benjamins, 253–260: 253.

28. Ibid., 253.

29. Frank, Joseph (1945), "Spatial Form in Modern Literature," *The Sewanee Review* 53(4): 643–653.

30. Frank, Joseph (1991), *The Idea of Spatial Form*. New Brunswick and London, Rutgers University Press, 17.

31. Villegas-Lopez, Sonia (2004), "Introduction," in Sonia Villegas-Lopez & Dominguez Garcia (eds.), *Literature, Gender, Space*, Junta di Andelcia, Huelva University Press, 12.

32. Basu, Biman (2002), "Hybrid Embodiment and an Ethics of Masochism: Nella Larsen's *Passing* and Shirley Anne William's *Dessa Rose*," *African American Review* 36(3): 383–401.

33. McDowell, Deborah E. (1986), "Black Female Sexuality in *Passing*," in Deborah E. McDowell (ed.), Larsen, Nella, *Quicksand and Passing*. New Brunswick, Rutgers University Press, ix–xxxv.

34. Larsen, op. cit., 7.

35. Ibid.

36. McDowell, op. cit., xxvii.

37. Larsen, op. cit., 80.

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CORRESPONDENCE BETWEEN CYBORG BODY AND CYBER SELF

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ABSTRACT. TechnoFeminist Science Fiction is a new trend in contemporary Women/Gender Studies and Feminist Science Fiction and aims at showing the stories of technowoman and their technoworld by creating new women figures − combining both cyborg and cyber. British novelist Sue Thomas has opened a new three dimensional world to contemporary women science fiction through a technodigital world in which cyborg embodiment corresponds with her cyber self by breaking down the boundaries between woman and machine and physical and non-physical organisms. In her novel, *Correspondence (*short-listed for Arthur C. Clarke Award for Best Science Fiction Novel in 1993), Thomas weaves the mutual relationship between women and technology and develops an image of cyborg consistent with Donna Haraway's cyborg manifesto and cyberspace consistent with Sadie Plant's cyber matrix. This second person narrative novel weaves the issues of AIs, role-play game, online player selves, loneliness and strangeness of cyborg figure, cyber job of the cyborg woman, cyberspace and virtual realities, cybersex between cyber-women, and cyber virus. That is, virtual reality, cyberspace, is created by a cyborg woman who composes an online cyberfeminist science fictional narrative through creating a techno-digital world, cyberspace. The unnamed protagonist, called *You*, adopts herself to the computer and begins to live in a virtual cyberworld that she composes, so by this way, she tries to transform her body into a machine, to a cyborg organism. Therefore, the aim of this study is to demonstrate how technowoman is reborn through correspondence between cybernetic organism and cyber self.

Keywords: technowoman; cyber self; cyborg woman;
TechnoFeminist Science Fiction; women studies; gender studies

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Technology and science affect women globally and contemporary feminist science fiction weaves this affect by criticizing such kind of classification as technology and science are inherently under the authority of patriarchy. Instead, technology and science can liberate women if used strategically (Melzer 19). Thus, over the past ten years or so, "there has been a great deal of general interest within feminist and cultural theory in two related but distinct metaphors, that of cyberspace, and the cyborg" (Wolmark, 1999: 1). In the age of digitalization, TechnoFeminism is the notion that gender and technology run together during the production process, women use the product for various means, that is, technological chance and the lives of women are interrelated to each other. Judy Wajcman issued her feminist views of technoscience by grounding her *TechnoFeminism* combining the philosophies of two important key feminist analysts of technoscience – Sadie Plant and Donna Haraway. In the light of Wajcman, Plant and Haraway, the aim of this study is to analyze TechnoFeminist Science Fiction novel *Correspondence* by British author Sue Thomas in terms of corresponding cyber and cyborg selves.

Feminist constructivist technology studies (FCTS) regard gender as socially and culturally produced. It is developed in social studies of technology and it adopts social constructivist perspective on technology that rejects technological determinism. Wendy Faulkner questions gendered notion of technology and this feminist constructivist technology studies are referenced by "the sense that technology and society are mutually constituting – hence, the coproduction of gender and technology" (90). Likewise, Wajcman suggests a social shaping or constructivist view of technology and offers a useful and effective interchange with feminism. That is, Wajcman, instead of technological determinism, supports a mutual relationship between technology and society, and especially between gender and technology. She puts stresses on the view that social circumstances can shape technological change, as well. Wajcman asserts that in terms of their usage, design and content, technological artefacts are socially shaped and so, she regards technology as "a sociotechnical product" both in its creation and in use. That is, gender roles and sexual divisions are considered as "part of the sociotechnical system or network" (Wajcman, 2004: 34–35).

Because of the false idea that technology and science are under the hegemony of men and that women are under-represented in scientific and technological fields, there appeared pessimistic views. Men do not shape technology and women cannot be excluded from the field; on the contrary, technology and science are free from gender and we cannot talk about any sex shaping them. Wajcman argues that contemporary feminist debates are more optimistic about the impact of radically new technologies on women

and its possibilities opened up for women. She says that "we have begun to conceive of a mutually shaping relationship between gender and technology, in which technology is both a source and a consequence of gender relations" and because of this reason she coined the term TechnoFeminism. Wajcman points out the mutual constitutive relationship between technology and women and the notion of technology is considered as not monolithic and neutral by her TechnoFeminist framework with an "emphasis on the contingency and heterogeneity of technological change." Therefore, her TechnoFeminist framework gives women opportunity to transform technologies (Wajcman, 2004: 5–7).

Thereby, while previous generation of feminists like radical, cultural, socialist identified technological pessimism, these new generation feminists like TechnoFeminists, Cyberfeminists and Cyborg Feminists identify technological optimist feminism. Women can make some choices by defying biology such as choosing the sex of the child, choosing the color (of hair, eyes, body) of the child, having a child after menopause or not having a child altogether. These new body technologies sever the link between femininity and maternity and so the categories of the body, gender, sex and sexuality are disrupted. Hence, Wajcman claims that this liberates women from the tyranny of biology or having been captive to biology. Thus, by the help of this new technology, women have right to choose to use their body as an incubator or not to use their maternity power. Women's exclusion from technoscience, their restricted access to scientific and technical institutions and careers or the structural barriers to their participation in scientific and technological jobs became the major concern of feminism. Wajcman argues, "if girls were given the right opportunities and encouragement, they could easily become scientists and engineers" (2004: 14).

Wajcman's TechnoFeminist approach has parallels with more developed gender theories as Cyber- and Cyborg feminists. Plant and Haraway have been influenced by this new technoscience development as well by claiming that new information and communication technologies provide female empowerment agency and pleasure. Within TechnoFeminist framework, Wajcman combines Cyberfeminism and Cyborg feminism. Cyberfeminists reject the patriarchal power of men on the field of technology and science because women use various technologies and participate in cyberspace. That is, thanks to the opportunities of the Internet by which female ways of being can be expressed, the relationship between women and machines has been changed, as well. As cyberspace is beyond the control of any sex, technology liberates women from the tyranny of traditional and conventional gender roles by creating gender-free future. Therefore, cyberspace allows freedom and a new space to women feeling at home; they can connect to this new space while lying on their bed.

In "Genderquake" section of *Zeros + Ones: Digital Women + The New Technoculture*, Plant argues that in the 1990s, Western cultures challenged to all "old expectations, stereotypes, senses of identity and security," so, since the 1990s women have found "unexpected economic opportunities, technical skills, cultural powers, and highly rated qualities" (37–38). However, control of power has shifted neither to men nor to women, and men began to lose their patriarchal authority and control over women. Zero may mean just a hole and nothing to the Western world, but holes themselves cannot be considered as simple absences of positive things (Plant, 1997: 57). That is, the symbol of "zero" is related to the psychoanalytic lack of women, conceptualizing nothingness or absence of positive but holes are not absences, so women exist without being affiliated to any constant "one." Wajcman argues that thanks to those Cyberfeminists like Plant, the relationship between woman and machine has shifted in a more mutual way that has secured the place of zeros in digital space by displacing "the phallic order of ones" (Plant, 1997: 57) Plant claims that the Net is the best place for the mind to be freed to flight from physical boundaries to non-physical realms. So, we can say that flight through the network is a kind of freeing the mind from constriction and restriction as well as breaking out of the prisons. Like Plant, Wajcman applauds this distributed nonlinear world, "the Net, cyberspace, virtual reality and the matrix" in which we cannot be shaped by orderly dominant authority and are not subjected to be controlled, instead, this world has its own origins and even an ideal place for women who can feel themselves as free as they are at home. Plant sees cyberspace out of male control because she believes that identity is not a goal in virtual reality: "virtual reality destroys his [man's] identity, digitalization is mapping his soul and, at the peak of his triumph, the culmination of his machinic erections, man confronts the system he built for his own protection and finds it is female and dangerous" (*On the Matrix*, 181–182). That is, for Plant, Cyberfeminism is composed of links and connections between women and computers.

A new way of thinking about the relationship between technoscience and gender, culture and gender, human and machines has become prominent with the metaphor of the cyborg. Haraway's "A Cyborg Manifesto" creates a cyborg metaphor that breaks the binary oppositions and boundaries between culture and technology; boundary breakdowns between human and machine, human and animal, and physical and non-physical. Haraway defines the cyborg as "a cybernetic organism, a hybrid of machine and organism, a creature of social reality as well as a creature of fiction" as well as defining social reality as "lived social relations, our most important political construction, a world-changing fiction" (1991: 149). We can say that Haraway rejects the dualistic way that we have explained our bodies

and ourselves, so she sees cyborg imagery as "a way out of the maze dualisms," that is, her cyborg world breaks down the gender dualistic boundary (1991: 181). Haraway regards technoscience as a cultural activity in which nature is invented and the culture-nature line is constructed as a separate process. This deconstruction will also demolish the binary oppositions such as society-nature, man-animal, machine-human, and become a liberating action for feminists. By means of cybertechnology, women will be able to reach beyond their biological bodies and redefine themselves without any historical and cultural boundary related to their bodies. Wajcman applauds loudly Haraway's playful deconstructive strategy, which gives hope and a sense of agency to women. All in all, following the theories of Wajcman, Plant and Haraway, the goal of this study is to show how technology and women correspond and new technowoman figures regenerate as more wired, wet, fluid, flexible, adaptable, mutable, multiple, ever-flowing, unstable and virtual.

In the TechnoFeminist Science Fiction novel *Correspondence*, Thomas creates a novel of woman and machine. Thomas's cyborg creature fits with Haraway's description of cyborg as the organism of cybernetic, as the machine/organism hybrid, and as fictious/factious creature. That is, Thomas creates her woman character referring to Harawayian Cyborgology as the hybrid of woman and computer machine by blurring the boundaries between non-physical/virtual reality and physical/real(ity) and referring to Plant's Cyberfeminism by creating cyberspace for cyberfigures in virtual reality. The novel consists of 27 chapters in capitals and bold, and at the end of each chapter, there are either Infodumps as Regis Tours or Datablocks, or Breaks which give information about the machine, cyborg, some references to the role of women in technoscience and the role-play game for the players/readers and the general information about virtual story and the game. The narrative of *You* –Thomas does not give a name to her cyborg woman – is written in second person narration. In this role-play novel, the story is written inside the screen of a computer which seems to write a novel. It consists of six main characters; *You* as a compositor of fantasies, Alan as *Your* boss, the artificial intelligence Marie as *Your* guide, Rosa as *Your* cyberself-figure and the virus Shirley as the friend of Rosa for years.

Correspondence does not have a linear story line because all three dimensional worlds are interweaving to each other that makes the text difficult to understand. But with its non-clear linear plot (we see first effects and then causes within each dimensional world), with its infodumps, short but many chapters and breaks, and second person narration addressing you as reader and composer of the story, it has a postmodern narrative technique. It is a TechnoFeminist Science Fiction novel with its virtual reality cyberspace created by a cyborg woman who also composes an online cyber-

feminist science fictional narrative through creating a techno-digital world, cyberspace. Marie as an AI in the composed game also becomes a guide to us as player/readers to understand the virtual reality within the text better because the text is written in second person narration, so it confuses us about whom the text is talking and to whom it addresses. Marie also addresses to players with the pronoun you in the same form (without capitals, italics or bold), so it is confusing whether she is addressing to the players or to the protagonist, cyborg composer. So, in order to make this analysis clear, we use "*You*" in italics and the first letter capitalized for the cyborg woman composer. Because "*You*" refers to the woman and also to the reader as a singular person, we use appropriate verb forms for singular third person "she."

By the help of the character *You*, you become both the narrator and the reader: as a narrator you are a computer programmer composing of virtual realities for the players and readers, and as a reader you are taught how to play a virtual reality role-play. Because of having lost her husband and her child in a car accident, *You* adopts herself to the machine, computer and begins to live in a virtual cyberworld that she composes, so by this way, *You* begins to turn herself into a machine, to a cyborg organism. As a result of this accident, the cyborg woman becomes numbness and cannot feel redemption in the real world, but within her cyberworld she feels some small redemption with her cyberfigures Rosa and Shirley. By using the desires and the hopes of the world as source material, *You* composes a cyberworld, but becomes a prosthetics for her work, so regenerates herself into a cyborg woman. This technowoman begins to live in her cyberlife with her creation Rosa, the machine consciousness that she creates from the source material of herself. Hence, *You* leaves her pain, sorrow and emotions, and all her past behind as well as future and she prefers to live in her cyber future world. *You* is a cyborg because part of her body is replaced with machinery, that is, her regeneration results from her hope of getting free from the tyranny of her female body and adoring herself to her cyberspace work. As she has to plug into a computer terminal to construct virtual realities, she does not need to engage with the people in real world. However, day by day, *You* loses the control of her cyberfigure Rosa who becomes her machine consciousness, so the more *You* is connected to her, the more Rosa starts to distance herself from *You* by developing her own life better. Hence, at the end of the novel, *You* is left alone with her own choices and completes regeneration.

In this "imaginative and highly meta-fictive cyborg novel," we meet with interchangeable and mutable subjectivity (Harper 416). The story centers on the relationship between the cyborg *You* and the computer network with which she is directly interfaced. Harper defines the character *You* not as "a

woman needs to build a better rationality/biology/technology interface, but one who wants to shed her biology altogether, replacing it with a purely technologic rationality" (416). We can say that this body without a name (BWN, the term we have coined) character, *You*, wants to plug computer hardware into her body through having various medical operations with whom she replaces her human bodily organs and ends her feminine biological functions. Harper claims that she transforms her body into a cyborg because of feeling loneliness, but a cyborg does not need a reason in order to exist; it exists as it is there. She transforms her body in order to exist not to escape from the real world. As human beings, we are bound to our origins and history, but as Haraway claims, cyborgs are not innocent and loyal to their origin, so Thomas's cyborg easily rejects her origin and past through transforming her body into an android form, super-computer in order to get rid of her bodily tyrannies and through erasing her memories and past, that is her origin, so that not to remember her sorrow and pain psychologically.

AIs and Online Player Selves

AIs populate cyberspace controlling the actions of humans and cyborgs. Cyberspace as a homogeneous place simulates social processes in which we see repressed, different and multiple identities, difference, and mutual relationships to technology (Wolmark, 1994: 119–120). In the novel, AI Marie manages the role-play game that *You* composes as well as telling the work of *You* as a compositor. *You* creates this AI as a guide to players before and during the game. While *You* is composing her program about virtual role-play for players, Marie is her guide. Until Marie appears with pop-up windows by *BREAK*, we cannot understand whether the text is talking to us as if giving directions or it is telling the story of *You*, the cyborg woman composer. In this part, we will examine the relationship between the AI guide and the players, but Marie tells the cyborg composer and her work throughout the novel. In fact, neither infodumps nor breaks are given in linear order in the text, so we have classified those interruptions in a linear way in order to make the text more understandable.

In the first chapter WHO ARE YOU?, there is an interval and Marie pops up with a *BREAK* by explaining her status to the players/readers as: "Hi!, My name's Marie, and I'm here to guide you through the story. Sorry I wasn't here to greet you, but I hope you're finding your way okay" (Thomas 2). She says sorry not to greet players/readers because the novel opens with the story of *You*, so it is certain that the whole text in second person narration is not told by this AI, we only see Marie during breaks. So, the voice of the text is unknown, it might be the writer's or the text's but

not the characters including *You*. Marie says that she will just plod along the background of the screen and bring the facts if the players need them:

> I don't want you worry too much about me […] I'm only a mouthpiece really. If you have any questions, please don't hesitate to ask. Otherwise, I'll just point out the people and places of interest as we go along, and all you have to do is sit back and enjoy. I will, of course, be giving you information from time to time to help you keep up as the scenario develops. Oh, and naturally it's my legal duty to warn you that this is a role-play.

That is, AI Marie as a guide of the program says that she will point out the people and places and give the information about the program from time to time in order to help the players/readers to keep up as the scenario develops, so the only thing players/readers have to do is to sit back and enjoy the free sample role-play. Thomas creates Marie as the guide of the cyberworld and by making her talk to the player, the text directly talks to the reader in the mouth of Marie: "Wasn't that mentioned in your brochures? Oh dear. Well, it should have been. Someone must have slipped up down at the office. I'll explain again." Then, she explains the game to the players as if the writer telling the role of you as a reader: "You've been allotted a character to play and I'm just here to fill you in on the background details. You've already become acquainted? Great!" Next, while Marie is directly talking to the players, the text speaks to the reader directly to introduce the cyber-virtual-reality which will follow: "Now, if you look under your seats you should find a starter pack containing guilt, loneliness and desire. It's there? Oh good, at least someone is doing their job properly." Finally, Marie talks about the role-play: "Now on this trip we are also fortunate to have been given a free sample of wish-fulfilment, although I must warn you to use it in single doses only. Lifetime supplies are available from Regis, although to be honest they've extremely expensive […] I hope you enjoy your small free sample." The other point is that all the players should use the features in the starter pack; guilt, loneliness and desire throughout the game as well as free wish-fulfillment. As Marie says, the players should register the info-dumps during the game in order to skip to the next level. Last, she says that she will be with them whenever they want (Thomas 3).

Marie interrupts to give information about the role of the players like a little background to help them. She wants them to retune to the Guidetron frequently and then she switches them at that moment. In Guidetron, she gives them background info about the duty and the role of game compositors, the difficult process of the composing games and the Regis game fantasies. Thus, she warns players about how impossible is to add new desires or make changes within package. It is certainly forbidden to reprogram

any kind by the compositor, so Marie warns the players not to come for such demands (Thomas 17).

Before the third *BREAK*, players skipped Datablocks A, B, C and D, so they have been introduced to the characters. Then, Marie pops up to check the online players/readers whether they like their role or not: "Well, everyone, you've had a chance to get to know Rosa and Shirley a little bit now. We'll be stopping in a moment for a bit of a rest, so how are you all feeling? Mrs Cartwright? (Thomas 31). By the time, we understand that Mrs. Cartwright plays the role of Rosa and Mr. Johnson, playing Shirley, does not like his play-character. Marie tells the directions of Mr. Johnson that he would rather be Rosa, but Marie says that it is impossible because he purchased the Super-Regis tour that he could get only one character. Only if he had bought the de luxe package, he could have been any of the characters. The only weak male player Thomas creates is Mr. Johnson and he is weaker than the woman players. Marie claims that she tries to iron out the problems players create and the only problematic player that Thomas portrays is a male one. Mr. Johnson tries to interfere in the erotic desire doze to the game untimely by makeup scenarios about sexual passion related to age when the plot was on Shirley's boyfriend's death anniversary and her devoted mothering on her stepchildren. Marie warns him again to retain from interfering more seriously; "Mr Johnson! I must ask you to refrain from interfering! Now Shirley is upset. You must be conscientious" (Thomas 78). She means that to use the desire doze will come soon, and he needs to be patient. We can say that here it is criticized masculine, untimely, insistent and libidinous passions about sex and lack of conscientious manner in men because of their sexual urges. Women players are more conscientious to their job.

Meanwhile, a day passes, players sleep and have breakfast after the last Datablock E. after this last training, and the players are now in the virtual world. After this break, the virtual plot starts in motion. Then later Marie intervenes in the game with the next break before the lesbian sexual love affair occurs between two woman cyber characters Shirley and Rosa. The plot is left to the imaginations of the players whether they will let their avatars have sex. Marie tries to learn how the players feel with the virtual bodies and the break ends with her question without answers because it is time to use desire doze for the players. That is, when the story continues, we witness the sex between two women; the players finish the dose of desire in their package. There remains only loneliness dose and players begin to use this dose. After that sexual encounter, the two virtual women leave each other feeling the guilt, and they begin to feel the loneliness. As a result, Shirley commits suicide because of feeling too much loneliness.

In the next *BREAK*, Marie pops up to calm down Mr. Johnson who cries for the death of his avatar Shirley; "Don't cry, Mr Johnson. Shirley always preferred to travel alone. Truly" (Thomas 136). Finally, in the last *BREAK*, Marie announces that it is the end of the game for the players, and it is the end of the novel for the readers as well: "AND SO THIS IS WHERE IT ALL ENDS Or begins. You go forward together now, ladies and gentlemen" (Thomas 153). Through Marie, the text provides the optimistic message that women and men are equal and can walk together side by side.

Cyborg Body of the Compositor

The cyborg has a place in feminist science fiction. Haraway does not think of the cyborg as unconscious, so she regards this conscious cyborg as a woman. Thomas' cyborg woman, compositor *You*, fits with Haraway's cyborg figuration. Haraway regards the notion of cyborg as a woman, that is, she insists on the femaleness of the cyborg because she explains her judgment like that:

> For me the notion of the cyborg was female, and a woman, in complex ways. It was an act of resistance, an oppositional move of a pretty straight forward kind. The cyborg was, of course, part of a military project, part of an extraterrestrial man-in-space project. It was also a science fictional figure out of a largely male-defined science fiction. Then there was another dimension in which cyborgs were female: in popular culture, and in certain kinds of medical culture. Here cyborgs appeared as patients, or as objects of pornography, as "fem-bots" – the iron maiden, the robotisized machinic, pornographic female. But the whole figure of the cyborg seemed to me potentially much more interesting than that. […] From my point of view, the cyborg was a figure that collected up many things. […] I was interested in affirming not simply the human-machine aspect of cyborgs, but also the degree to which human beings and other organisms have a kind of commonality to them in cyborg worlds. It was the joint implosion of human and machine, on the one hand, and human and other organisms, on the other hand. […] The cyborg became a figure for trying to understand women's place in the "integrated circuit" – a phrase produced by feminist socialists (Haraway, 2004: 321–322).

As Haraway argues, cyborgs are possible by blurring the human/machine, human/animal, and physical/non-physical boundaries. Thomas tries to breakdown the boundary between the human and machine, so this breakdown makes us difficult to distinguish the endpoint of humanity and starting

point of machinery. In the novel, *You* projects herself into the program, the game that she composes. She tries to turn her body into electronic devices connected to her body. She is terrified of going outside, and her contact with the world is completely mediated by the computer. She spends most of her time plugged into it. It can be said that human and machine meld together. Then, the fusion is reflected in the multiplying of identities, she begins to see the world from the eyes of the characters she created, Rosa and Shirley (that she accidentally created, but cannot erase). Both the virus Shirley and Rosa inhabit and control both the matrix and the composer, *You*.

In the cyborg woman's office room, there are two terminals; one is hooked up to the mainframe belonging to the firm and the other is for her personal system by which she does shopping, contact with her specialists about whom her boss Alan does not know. However, when *You* feels ready to work, she logs in to the other mainframe. The text explains what kind of feelings occurred in the cyborg woman turning into a machine organism hybrid:

> You love that feeling of logging on! It's turned you into a junkie. You look in, and you want to stay there. You can feel the feather-duster tickle of digital switches clicking in your brain. When the power is high they send frissons of electrical charge through your body, like a series of impulse orgasms. The patent for that would be worth millions– if they could control it better. You've got used to having sudden climaxes while you work, but it could be a very disruptive effect if everyone did it (Thomas 59).

Anyway, *You* spends most of her salary to prosthetic surgery. *You* is now a cyborg, but her plan is to be a full machine. Even now people recoil from *You* because "they can feel the machineness in you." People fear of *You* as they see something strange in her eyes, "They [men] assume that you're [women are] alien, or perhaps autistic." *You* makes her new body designed by people in highly advanced laboratories, "Your circuits, replacements for your vulnerable internal organs, are the product of human factories. You represent the pinnacle of human achievements. You are no more or less than a product of their own technology" and during her process "You have melded and blended until you too are now nearly all machine, and soon you will have forgotten even the change" (Thomas 141–142).

On the other side, Wajcman points out the impact of technology on women that might create utopian future visions. By using utopian, she means that the new generation feminists like TechnoFeminists identify technological optimist feminism by moving from the negative and deterministic approach of the earlier feminisms. For her, in terms of Cyberfeminism, women gain access by using various technologies, so in this way, they participate in cyberspace and achieve liberation from conventional gender

roles, freedom and gender-free future in the global cyberspace. Hence, cyberfeminist writers create virtual reality that is a proper place of freedom for women as internet is beyond the control of patriarchy and it is also the liberation of the conventional definition of women as biologically determined belonging to the private sphere and jobs (Wajcman, 2004: 4). Thomas creates utopian future visions in this novel. She also creates her female protagonist free from conventional gender roles belonging to the private sphere and job; she is the best game composer and the most suitable person to arrange this online role play game.

In addition, for Wajcman the biomedical technologies can create hopes for women by offering freedom and "fantastic opportunities for self-realization – we can literally redesign our bodies and commission designer babies." For example, women can "defy biology altogether by choosing not to have a child, choosing to have a child after menopause, or choosing the sex of their child," so "severing the link between femininity and maternity, as these new body technologies do, disrupts the categories of the body, sex, gender and sexuality. This is liberating for women, who have been captive to biology" (Wajcman, 2004: 4). Thus, by the help of this new technology, women have right to choose to use their body as an incubator or not to use their maternity power. In *Correspondence*, biomedical technologies create hope for the character *You* who tries to regenerate her body by choosing not to have a child, so Thomas disrupts the categories of body, sex, gender and sexuality by using technology that is liberating for her female protagonist who does not want to become captive to biology.

Before *You* regenerates her body into a cyborg completely, she has some feminine features that prevent her to work firmly. During this transition time, although she feels her womb absent, every month *You* continues to have her period that she cannot think straight: "This results in peculiar silicon burps in the RealTime system. Strange things happen. Your hormones send uneasy bursts of current which download on to the circuits like the lightning flashes of a distant storm, and impulses reverberate through your body causing disorientating flights of emotion." Thus, during these days it is impossible for *You* to work and "you must content yourself with minor physical tasks until the storm in your system subsides" (Thomas 110). Regenerating her feminine body to a cyborg means an early menopause because of the operation, but for a while her absent womb continues to breed. Thus, by erasing feminine obstacles from the body, as Haraway aims, Thomas's cyborg criticizes the binary oppositions between women and men that create segregation. Likewise, Wajcman argues, "There has been a tension between the view that technology would liberate women – from unwanted pregnancy, from housework, and from routine paid work" (1991: 113). In the same way, Thomas eliminates femininity from her cyborg

figure: “Your womb was one of the first things to go-unnecessary now, and taking up valuable space. It is ironic that it was replaced by backup memory circuits. Not your memory, but your body memory, functional equipment to facilitate better processing” (Thomas 64). Even the hearth of *You* has been replaced with a prosthetic one and her machinery body is told like that:

> My legs are hydraulically driven. Below my navel I have a retracted colostomy bag. My reproductive and excretory functions are inessential and the organs have been removed. I don’t eat. Or pee. Or shit. I don’t cry with tears, although the pain is still within me. I salivate simply in order to speak. I breathe air only temporarily, until that last refinements are made (Thomas 115).

The cyborg composer says that she does not have a name anymore. Hence, we can say that Robson loads her cyborg woman a BWN (body without name) characterization.

The other point is that as cyborgs are partly human and partly machine, they have humanly physiological needs but in machine format. Machines even need physiological needs to charge themselves; when they are plugged, they charge their hunger and when they are closed, they sleep. Thus, sleep is one of the necessities for both humans and machines because “robots and even computer minds will probably have to have regular outings, vacations, time off to recreate themselves. This will make them seem far more human-like to us” (Benford and Malartre 178). Thus, unlike their robotic and machinery appearance, cyborgs also require human essentials as sleep and food, but not as much as normal human beings.

In the novel, the other feature of the cyborg is her sleeping, eating and dreaming facilities. In the work place of the cyborg composer, *You* has a large room in which there are four TVS running continuously and a large collection of cassettes and books. There is not any place to sit in her lounge and she sits rather stiffly these days because she feels more comfortable standing up. Where does the power of the cyborg woman come, from the electricity when she logged on? Thomas creates her cyborg character with obvious machine parts and as strong as a machine that she can work 24 hours online and does not need a sofa to sit and does not need any necessity to eat and to drink.

You does not want her boss Allan to take the work away from her and give it to a young one, so *You* spends too much time on work. *You* finds it difficult to estimate what people need in cyberlife, but as a real woman she can always know what they need and gives them what they want, hence thanks to this talent of pleasing people in real life *You* “straight[s] towards being the perfect wife/mother/daughter/daughter/neighbour/friend/ and finally/mistress” (Thomas 8). Because of this reason, she spends all her time online in order to answer to the needs of players. She has two sorts of

sleep; mechanical and physical. However, she claims that "Mechanical sleep is when you cut out for a period of time. Sometimes it's induced by your programmers, far away at the other end of the terminal line, and sometimes it just occurs unexpectedly and for no apparent reason that you can work out. Either way you stay where you are, in whatever posture you're assuming at the time, like a switched-off toy" (Thomas 61). That is, sleeping is a problem for the cyborg woman, but again Thomas installed a different kind of sleep to her cyborg figure.

The Loneliness and Strangeness of the Cyborg

Haraway draws the cyborg as not innocent and loyal to its origin. That is, they never feel duty or responsibility to anyone or to their origin, so they are free and alone. Cyborgs are partly mechanical and partly biological beings and their partly machine side gives them a strange appearance. On the other side, Thomas criticizes the position of women in society by loading loneliness and strangeness to her cyborg figure. This loneliness, results from the patriarchal authority, has always loaded different meanings to women such as strangeness, madness, monstrous, lunatic, Otherness, and weird. Likewise, the strangeness of the Other loads the cyborg figure an alien feature. *You* explains how she misses her husband John and her child, and her loneliness without them. However, after her disastrous affair, she is impervious to the feelings of other and *You* begins to think only herself by remaining closed off because it is the easiest way to cope with the loneliness.

In addition, the paranoiac fear of cyborgs to be seen as alien by the rest of the society is best explained through the cyborg woman who is regarded as weird because of her body. In the light of Haraway, Thomas's cyborg breaks down the boundary of female/male dualism in society. Thomas also criticizes patriarchal society in which women are still harassed because of their female body. Because of such harassment, women are pushed to return to their domestic home. The other point is that; virtual world is safer than the outside for each sex, in this technodigital age, people prefer to manage their lives online while lying on their bed, even they prefer to continue to communicate with people via social media, forums and social networking websites such as Facebook, Twitter, Foursquare, Instagram, Viber, and WhatsApp and fulfill their needs via online shopping and online banking. We are accustomed to live online at full and high speed net. The new technology makes the life easier, the connection faster through regenerating us into wired cyberselves.

In the novel, the cyborg woman has a bad experience of going out to use the cash card machine, so *You* decides not to use it again, instead she

will find another way to draw money from her account. While *You* is waiting in the queue, a group of disco roller-skaters arrived. The connection between the machine and *You* is expressed like that: "You stayed a while in front of the machine, watching the lights flickers and wishing that you could talk to each other better. You felt lonely" (Thomas 10). The reason of the sense of this loneliness is going out to the real world, to the danger. When the cyborg woman comes face to face with one of the skaters who is drinking, he wheels round to bar her way. When they make eye contact, "like so many others in the past, he didn't comprehend what he saw, and he was scared" by saying: "Look at this, lads! Look at this slag's eyes! Weird, en't they?" (Thomas 11–12). While the skater boys consider her as weird, she also considers them as alien with "goggle-eyed," that is, it can be referred from the novel that *You* feels herself alone outside the technological world or cyberworld and begins to find the others scary though "there's a trace of you in every one of them, but they just can't see it" (Thomas 1). The novel tells the alien-weird position of the cyborg woman in this technodigital age and it is stated like that:

> People often turn away from you in the street, but you can understand that. You find them pretty scary too, and of course you know you're both frightened by the same ting-you see a little bit of yourself in them, and they see you likewise. The only difference is that you understand, and they don't. You've heard them whisper, when they think you're too far away to hear: 'There's something odd about that woman, but I can't quite figure out what it is. She's just not quite the same as us…' (Thomas 1).

Because of these reasons, the cyborg woman develops the habit of going out very little not to make people feel uncomfortable and not to lose time outside instead of doing online banking. She makes online shopping, online banking, and orders all the requirements to her house like most of us do in this technodigital age.

Cyber Job of the Cyborg Woman

Thanks to digital revolution, traditional hegemonic structures and power bases of male domination declined. Then, as Plant argues, there appeared a "genderquake" in the 1990s in Western cultures that the power in technological innovations shifted from men to women who gained economic opportunities, technical skills and cultural power, and she stresses on the liberating potential of cyber culture for women's subversive subjectivities. Plant argues that the technology is not a patriarchal system in which masculine identities regard female identities as nothing, a zero. There is a close

relationship between women and machines, Zeros now have a place, enter to the matrix and virtual world of infinite possibilities by displacing the order of ones. The character *You* enters to the matrix and virtual world and so, displaces the order of ones by creating multiple virtual realities. In her "Binaries" section of *Zeros and Ones*, Plant stresses on the symbolism of zeros and ones which represent Cartesian duality; male as phallus and female as lack. She asserts that while computers:

> […] are gathering information, telecommunicating, running washing machines, doing sums, or making videos, all digital computers translate information into the zeros and ones of machine code. These binary digits are known as *bits* and strung together in *bytes* of eight […] And they made a lovely couple when it came to sex. Man and woman, male and female, masculine and feminine: one and zero looked just right, made for each other: 1, the definite, upright line; and 0, the diagram of nothing at all: penis and vagina, thing and hole . . . hand in glove. A perfect match. It takes two to make a binary, but all these pairs are two of a kind, and the kind of one. 1 and 0 make another 1. Male and female add up to man. There is no female equivalent. No universal woman at his side. The male is one, one is everything, and the female has "*nothing* you can see." Woman "functions as a hole," a gap, a space, "a nothing – that is a nothing the same, identical, identifiable . . . a fault, a flaw, a lack, an absence, outside the system of representations and auto-representations" (34–35).

Here, the phrases of Luce Irigaray above "*nothing* you can see," "functions as a hole," and "a nothing – that is a nothing the same, identical, identifiable . . . a fault, a flaw, a lack, an absence, outside the system of representations and auto-representations" are quoted by Plant (Irigaray 47). That is, women living in this binary world were left to be female but nothing else while men were regarded as the ones doing anything. In other words, Plant says that women were considered as "single purpose systems, highly programmed, predetermined systems tooled up and fit for just one thing" but this is more suitable for men who have single minded behaviors and actions (Plant, 1997: 36). Women can do multiple or various several things at the same time while men cannot concentrate on two more things synchronically.

Plant claims that monitors are merely avatars of the Net, and there is a kind of actual space behind. Technology is changing us as we change technology. Plant also asserts that touch as the interplay of the senses appears as a power on the web; that is, touch replaces sight denying masculine tendency that separates and classifies the world through visual devices. In the wetware, "living is an immerse, multidimensional process," so such

world creates direct physical contact between those living on land. Plant calls the Net "hypersea … a terrestrial sea of countless and interconnected conduits"[1] with the creatures that constitute it (Plant, 1997: 248). In ancient Greek mythology the relation between body of the unknown and the ocean is linked to "water and madness… in the dreams of European man" (Plant, 1997: 250).[2] Thus, the hypersea embraces also the female besides the liquid, the mutable, the ever-flowing. Plant creates the metaphor of the digital web as the female body whose detail, multiplicities, multi-dimensionalities are against the wholes, the unitary perspective of man the screen. Likewise, the body of *You* is like the digital web which is against the wholes. She has multiplicity in her own body having both human facilities and machine-like facilities using computerized digital working system. Thus, she has much more details in her body that is multi-dimensional. As she is living in wetware most of the time, her living body has multidimensional process both as a composer, living cyborg organism in real world and managing cyberselves in virtual cyberworld. She has a direct physical contact with the virtual world she has created though both her consciousness and her body plugged by cables. That is, *You* creates a hypersea with Rosa and the virus Shirley in her composed game world, hence; virtual selves are fluid, mutable and ever-flowing. For example, the fluid Rosa is always mutable and flows to every virtual reality that differs in each play.

In addition, Plant assumes that "if women were computers, now they were programming themselves" (Plant, 1997: 151). The character *You* is also programming herself as well as programming the game. Plant claims that the computer technology consists of the contributions of women to the sciences and claims that "women seem far 'better prepared, culturally and psychologically' for the new economic conditions which emerged at the end of the twentieth century" (Plant, 1997: 42–43). In the novel, it is stated that woman cyborg, *You*, is the best for the digital work both psychologically and culturally. In one of the breaks, Marie says that "Women make the best compositors, although there are a few men who make a living at it" and even claims that "Bereaved mothers are the best candidates of all. This is because they have no demands on their imaginative resources their faculties are well developed and in need of an outlet" (Thomas 17). More, it is stated that *You* is happy most of the time and sometimes of course *You* feels some regression, but her work helps her to purge her thoughts and emotions. *You* is a compositor and busy with her work, so when she overwhelms by the amount of source material, she takes a week off by switching off completely and then in turn she begins to work as refreshed. *You* has the project of composing because of her complex seniority, but she knows that she is the best in business (Thomas 5).

Wajcman claims that it is Plant who asserts that women have been central to technology by stressing their female superiority as programmers thanks to their skills in weaving, so as weavers of information they contribute to modern computing. Plant supports her idea of weaving from Sigmund Freud who "is willing to ascribe [weaving] to women," because "He tells a story in which weaving emerges as a simulation of what he describes as a natural process, the matting of public hairs across the hole, the zero, the *nothing* to be seen" (Plant, *On the Matrix*: 332). Wajcman argues that Plant "interprets this idea that women are essentially suited to weaving by identifying weaving with the threads of communication that enmesh the world, the connections these allow, and the metaphor of the connectionist machines" (2004: 65). Plant ridicules Freud's failure to understand women and his depiction of women as a lack and absolutely nothing at all. She opposes to Freud's attempt to femininity; "to those of you who are women" as a problem; "this will not apply – you are yourselves the problem" (Freud 145–169). Freud, while watching his daughter Anna, considers the sexuality and genitalia of female as deficiency and only male genitalia can fill its emptiness. Therefore, Plant challenges to the misinterpreted understanding and consideration of women as nothingless in history as if the only presence is the masculine and absence is the female in society. Plant asserts that: "women seem far "better prepared, culturally and psychologically" for the new economic conditions which have emerged at the end of the twentieth century" (1997: 42–43).

Supporting Plant's ideas, Wajcman argues that women have opportunities to enter the workforce in current technological workplaces and stresses on Plant's regarding women as superior programmers, weavers of information and as communicators that are more skilled. From this point, Wajcman also asserts that feminization of the workforce "favours independence, flexibility and adaptability," therefore she argues that "while men are ill-prepared for a postmodern future, women are ideally suited to the new technoculture" (2004: 64). Like Plant and Wajcman claim, Thomas creates her female protagonist as a superior programmer, weaver of information, more skilled communicator who is ideally suited and better prepared to the new Technoculture thanks to her adaptability, flexibility and capability. In the novel, all the input about the job of *You* is compared with other artists' jobs. AI Marie informs us that composing has the same sophisticated development as the other arts such as painting, writing, drama, music, etc. She claims that all sorts of artists, including compositors, have been busy with the dreams, desires and fears of human beings in trying to capture those sensations, but their success was limited because "each artist was informed by only a minuscule area of human experience – his/her own, plus a few snippets read or seen – and could therefore only deal within a very restricted field." It is the

case for compositors as well. Thus, this job turns *You* into a cyborg woman, a hybrid of human and machine. The text seems to speak directly with the cyborg woman. The compositor deconstructs the real life experiences by creating virtual lives and characters, but loses her control over them later, so both the composed virtual world and selves have their own self-control differing from player/reader to player. Shortly, it is compositors by whom every human experience is researched and examined through long year study. Thereby, Marie reminds the cyborg woman of her role that is difficult to compose.

Composing Cyberselves

McCaffrey claims that "there's some kind of *actual space* behind the screen, someplace you can't see but you know is there" (272). *You*, by composing an actual space behind the screen, creates a virtual cyberself who later turns out to be an actual self within the body of her. Plant argues that:

> This actual space is not merely another space, but a virtual reality. […] Cyberspace is nothing transcendent. […] Entering the matrix, is no assertion of masculinity, but a loss of humanity; to jack into cyberspace is not to penetrate, but to be invaded. […] Cyberspace is the matrix not as absence, void, the whole of the womb, but perhaps even the place of woman's affirmation. This would not be the affirmation of her own patriarchal past, but what she is in a future which has yet to arrive but can nevertheless already be, felt. […] This fabric, and its fabrication, is the virtual materiality of the feminine; home to no-one and no thing, the passage into the virtual is nevertheless not a return to the void (*The Future Looms*, 60).

Plant makes a resemblance between the woman and the computer. That is, behind the screens of computers there are virtual realities and behind the body of woman, there lies her reality, so she conceals her reality/virtuality behind her screen that is her camouflage and veils. Like a computer, *You* creates her virtual reality self, Rosa by whom she finds her reality/virtuality.

Like infodumps, Datablocks are for players to tune one by one, and they become open and on-line when they pass infodumps, then, they are ready for the game. From DATABLOCK A to the DATABLOCK E, the composer's creation of the two virtual figures is explained as an introductory chapter to the game before entering the motion of their virtual world. *You* composes Rosa as a virtual reality character in cyberworld, but then suddenly there appears another virtual figure Shirley as a virus that *You* cannot delete, so these two figures become friends for years. These two close friends live opposite to each other.

The text is telling how *You* creates Rosa as well as how Shirley appears: "The piece is beginning to come together now. It will be about a woman, and her name will be Rosa…You love her already." It is stated that Rosa is only a composite built of data and "she lives and breathes in your [cyborg woman's] imagination and it's not yet time for you to meet her. But she'll be here soon, and her story will unfold itself." However, when *You* loges in the day before, someone else tries to butt in and "her profile popped up on the screen, so you reset. You only need one person [Rosa] in this fantasy-two would make it complicated." The Virus, Shirley, seems hopeless but she is not the type of Rosa being a designer lady. *You* does not want her to enter the program, but cannot make her out of it. *You* thinks that such an opposite figure to Rosa can make the program bad, and claims that this virus travels everywhere, has not a soul and philosophy, so she has not right to enter to her game program. However, after *You* resets, she appears again trying to squeeze in next to Rosa: "Hang on…she's got a name now…Shirley. Not a very pretty name. boring. But…oh…she's pushing in…you can't keep her out…get away!...she's messing it up…oh no…you can't stop her…" by this way, the creation of Shirley by *You* is completed (Thomas 26–27).

Male Boss and the Woman Cyborg

For Plant, "Cyberspace is out of man's control: virtual reality destroys his identity, digitalization is mapping his soul and, at the peak of his triumph, the culmination of his machine erections, man confronts the system he built for his own protection and finds it is female and dangerous." She asserts that "there is a virtual reality, an emergent process for which identity is not the goal but the enemy, precisely what has kept at bay the matrix of potentialities from which women have always downloaded their roles." Hence, Plant defines Cyberfeminism as "an insurrection on the part of goods and materials of the patriarchal world, a dispersed, distributed emergence composed of links between women, women and computers, computers and communication links, connections and connectionist nets" (*On the Matrix*: 335). Like Plant, Wajcman asserts that in "Cyberspace, all physical, bodily cues are removed from communication. As a result, our interactions are fundamentally different, because they are not subject to judgments based on sex, age, race, voice, accent or appearance, but are based only on textual exchanges" (2004: 66). Plant celebrates that cybertechnology is out of control and free from male control. Some may consider the Internet as a product of global capitalism with new forms of exploitation such as women's exploitation, but Plant does not see technology likewise and instead she asserts that digitalization of women or technology means freedom for women.

Besides, subversion of masculine identities and multiplicity of innovative subjectivities are the main concerns of new technologies. As seen in Plant's metaphor of zeros and ones, the singularity of masculine identity verses the multiplicity. That is, conventional gender roles are transformed via the Internet because a machine can alter the body and self-relationship. This idea has become a popular theme of the recent postmodern feminism. For Plant it is men who have always been in the "prospect of being in a position to know, and preferably control […] crucial to modern conceptions of what is used to be called man's place in the grand scheme of things." In Plant's term thanks to this genderquake, "Everything was moving much too fast. What had once seemed destined to become as smoothly regulated world was suddenly running away with itself. Control was slipping through the fingers of those who had thought it was in their hands" (1997: 44–45).

In the novel, the male boss of the cyborg woman, Alan, tries to suppress her. He phones *You* to ask how the story is going on, but "You hate it when he keeps tabs on you." He is friendly, but tries to control *You* and that makes him cool. He recommends her not come work these days as she is sick, but she rejects because she is afraid of his wishing to visit her. However, as she guesses, he says, "It would just be nice to see you once in a while. You're missing some very important updating sessions, you know, and it's a shame because there are so many youngsters here who'd love to meet you." *You* thinks that the problem for her boss is that he is insisting on to show her off for a long time, but does not like such kind of manly show offs. He tries to use her as an advertising face and it is a kind of patriarchal view of male authority to use a woman's body as a show off object to affect and persuade clients. The second problem with him is that she feels him too close for comfort and too close within her borders in order to control her: "he keeps insinuating that you're going a little crazy-he doesn't know the half-and you suspect that he doesn't really trust you anymore. You've grown beyond his control." It is stated that Alan is her pimp: "That's something he hasn't acknowledged. He did, nevertheless, deliberately collaborate in your deflowering on the very first day of the training course. It was many years ago, but you can't forget it" (Thomas 107–109).

Then, *You* remembers the "Personalized Training" that consisted of threesome: Alan, *You* as an unwitting lady, and a micro in a tiny room for days. Alan finding some excuses to sidle out (he does this when he understands that *You* is getting on good at training), leaves *You* alone with a keyboard and the screen, but *You* realizes that his intention is to spy on *You* and in the room next door there is another micro, networked into yours, so by this way, he can watch her working and printout her progress. At first, *You* feels uncomfortable but then thinks that "What the hell, he can watch if he likes. You knew that he couldn't do it himself, poor man" (Thomas

109). She thinks like that because she is sure that he doesn't have the ability of emphasize as she has. This shows us that men in business life do not have the ability to empathize which is often associated with women, because of this reason we can claim that men do not have a social and empathetic manner to the people in work place and this prevents the problem solving ability.

Cyberspace and Virtual Realities of Cyberfigures

Plant declares herself to be in favor of "cybernetic feminisms" that explore the "convergence of woman and machine." In her philosophy, we meet with the metaphor of weaving that she claims the computer emerging "out of the history of weaving, the process so often said to be the quintessence of women's work. The loom is the vanguard site of software development." In other words, Plant relates the computer to the process of weaving countless patterns and resembles it to the Jacquard loom which weaves the flowers and leaves. (*The Future Looms*: 45–46).

Thus, Plant gives reference to the first computer programmer Ada Lovelace, who is the daughter of Lord Byron. Lovelace designed the first computer software by weaving the looping of algebraic patterns onto machines after she understood the working system of the Jacquard machine. Plant also draws her weaving metaphor on Freud's claim that women solely contributed to civilization by weaving but Plant turns this restricted view into women's weaving contribution into the whole of human history, creative and scientific discovery. She contends weaving that "has been the art and science of software" and "even the fabric of every other discovery and invention." She claims that "weaving is always already entangled with the question of female identity" and so comes to a point "at which weaving, women and cybernetics converge in a movement fatal to history," this convergence leads to the eventual liberation of women. Plant also argues that women have woven themselves into history's fabric through learning how to imitate and simulate although they never been the subject of it. Like computers, women can "mimic any function," so they can espouse a particular kind of virtuality (Plant, *The Future Looms*: 56–59). In Plant's version of the matrix, embodiment is irrelevant because she points out self-organizing systems and self-arousing machines of cybernetic systems/ circuits. Women do not have necessity of defining or achieving selfhood because cybernetic systems lead to the possibility of "an agency, of sorts, which has no need of a subject position," so Plant demonstrates cyberspace itself as emancipatory for women thanks to its notion of disembodiment (*The Future Looms*: 54). Likewise, Wajcman claims that "the virtuality of cyberspace is seen to spell the end of naturalized, biological embodiment as

the basis for gender difference. The Internet is expressive of female ways of being, and thereby creates manifold opportunities for changing the woman-machine relationship. Technology itself is seen as liberating women" (2004: 7).

The body of women becomes invisible and has a new embodiment in cyberspace. They do not have a stable or fixed gender identity in this new frontier. They may present themselves as cyborg, avatar, men, animal, or any being and that enables them to have multiple cyber identities and embodiments. Hence, the gender becomes free-floating entity within cyberspace without bodily base. Therefore, Thomas's cyber entities are not stable and fixed; *You* creates cyberfigures in her virtual reality role-play game and these figures become her cyber identities. *You* weaves the Internet through looming an online role-play game for the players/readers and create virtual cyberfigures who both represent herself and freedom. Then, by weaving herself with her cyber identity Rosa, she decides to regenerate her body into a cyborg (hybrid of computer machine and human) in order to spend most of her time in cyberreality better. The more she comes closer to her cyberfigure, Rosa, the more she becomes fluid, wired and hybrid. She tries to make her body more flexible to computer technology by which she achieves possibility to live in virtual reality within the Net. Wajcman considers women as flexible to the changing technology and describes cyberspace, virtual reality and the Net as distributed nonlinear worlds: "It is the ideal feminine medium where women should feel at home. This is because women excel within fluid systems and processes: their distinctive mode of being fits perfectly with the changes associated with information technology" (2004: 7).

Likewise, Thomas with her distributed nonlinear worlds presents three-dimensional space for the readers; the space of cyborg woman, the space of virtual figures and the space of players. In each space, women are flexible and more suitable to technological developments. In the first space, *You* is better prepared for the online job and best in game composing, Rosa is a powerful unstable and uncontrolled virtual figure, and within the three players, two women, Mrs. Burton and Mrs Cartwright are more clever, easy going and better players than the male player, Mr. Johnson who always complains about the game, suffers transference and wants to switch his avatar Shirley with Rosa. After the artificial intelligence Marie introduced the plot in datablocks, *You* starts the game for the players. The virtual game starts with the travel of Rosa to Ireland. Thomas, by giving place to cyberspace and online virtual realities, she gives voice to the experience of women by focusing on online women bodies.

The text is speaking with the cyborg woman again about how difficult her job is: "You find that your perspective is becoming more and more

detached, causing a disturbing unevenness in the shape of the dream. Never mind, in the future it will be regarded as the first step towards a new genre of the mind-machine interface." Haraway follows this mind-machine interface genre as Cyborg Manifesto. For her, cyborg figure breaks down the binary between physical and non-physical as well as machine and human, so *You* is a perfect figure both Harawayian Cyborg Manifesto with her composed cyberworld and her machine-human cyborg body. Although *You* is a composer, she questions her fictional computerized character Shirley because it is a virus and acts freely without the control of the composer, its creator. *You* composes her cyber characters but day by day begins to lose control over them.

The virtual story starts by Rosa's travel to Ireland. Rosa writes a letter to Shirley saying that she has fallen in love to Conal who lives in Dublin. However, like her other affairs, this relationship ends and she feels very bad as she is very romantic, so Shirley comes to take her home by helping her to handle the situation. After they return, Rosa moves to new house. *You* as a composer cannot understand Rosa as well about her decision of a new house. Rosa is so busy with her new house and has treated Shirley very unkindly although Shirley has always been supportive to her. Nevertheless, Shirley feels sorry for Rosa as she has not had a man. She remembers her husband's saying that Rosa's husband Jim blamed Rosa for her coldness and unimaginativeness in bed, but Rosa claimed vice versa that she has a passion by relying on herself for erotic pleasure. Then, Shirley visits Rosa a month after moving and is shock to see a different Rosa. Rosa in this town is different to Rosa in the country: "she had become still, gentle, and soft" (Thomas 88). Rosa feels herself refreshed after moving this house. Shirley in her visits cannot find Rosa at home. She cannot find her, but while trying to calm her nerves in the cottage garden her lighter flashes and mites begin to cover her. She runs inside, takes a shower, goes to Rosa's room in search of refuge, throws off her towel and falls asleep there. Then, when Rosa returns to her own bedroom, they began to have a sexual encounter which causes their friendship trouble and causes Shirley commit suicide. As a result, this virtual story is over.

Cybersex between Two Cyberwomen

In the chapters ROSA and SHIRLEY and then SHIRLEY AND ROSA, players use the dose of desire. It is told that these two close friends are satisfied with the sex they have made. First one is told from the perspective of Rosa and the second one is told from the perspective of Shirley. It starts when Rosa finds Shirley in her bed. They start to touch and kiss each other's soft skin and the pleasure of lesbian sex is explained like that: "there

was not the self-conscious artistry of man and woman together. It was different [their first experience] to touch another person and know at the same time what that touch feels alike." Rosa sleeps on Shirley's breast until noon and Shirley in the same way enjoys "an intensely erotic submission. This was the sexual act that she had fantasied but had never expected to experience." After this experience, Shirley has thought that she "had turned into Rosa or that Rosa had become her. She had not at all expected to remain in her former body." For Shirley, the sexual intercourse is an affirmation of love. Shirley confesses to herself that she loves Rosa and wishes to stay with her in this house, but she is aware of the fact that Rosa does not think and feel like her, so decides to leave her and remain silent for the rest of her life. Shirley leaves Rosa by leaving a rose for her and commits suicide on the beach (Thomas 121–123).

Goodbye Virus

Richard A. Spinello asserts that "A virus spread when someone passes long the infected code" (208) and *You* passes long the infected code while she is composing her cyberself Rosa and there appears Shirley virus. However, "Worms are similar to viruses, but unlike a virus, a worm can run independently and travel from one system to another without attaching itself to another entity" (Spinello 208). Thus, *You* can delete Shirley virus, but cannot delete Rosa who is both a virus and a worm. Rosa is a kind of Melissa virus, a hybrid creature, combining elements of both a virus and a worm. She/Rosa mimics the virus/Shirley (after sexual encounter) and can travel from one system to another easily and independently, but like a worm she sends a copy of herself to any entity and makes herself embedded in that entity forever. By loading her self into the composer's mind, Rosa sends signal to the composer to delete Shirley. *You* places Shirley on a beach where she remembers her childhood memories. She starts to play childhood games. She realizes that walking along the cliff-top is one thing she did not do in her childhood, so she starts to climb but the rock is damp and slippery and she is unable to control her legs anymore and she falls down. She does not feel suicidal and struggle because she knows that this is inevitable and finally she dies. Hence, the cyborg woman listens to her voice of virtual conscious (Rosa) and kills Shirley.

The War between Cyborg Body and Cyberself

Plant asserts that "The computer, like woman, is both the appearance and the possibility of simulation" and she claims that "Woman cannot *be* any-

thing, but she can imitate anything valued by man: intelligence, autonomy, beauty. . . . Indeed, if woman is anything, she is the very possibility of mimesis, the one who weaves her own disguises." *You*, like the computer, is the possibility of simulation and mimics the appearance of the machine through turning her body into a machine. That is, *You* weaves her own disguises and she is "already more than that which she imitates." *You*, "like the computer, appears at different times as whatever man requires of her. She learns how to imitate; she learns simulation. And, like the computer, she becomes very good at it, so good, in fact, that she too, in principle, can mimic any function" (Plant, *The Future Looms*: 59). However, she begins to lose her control over her cyberself creature because like her, Rosa has learned how to imitate and simulate. Day by day, Rosa becomes very good at imitating the program in the Net and succeeds to transform herself into a virus and a worm so that to inhabit in the computerized body of *You*. Thus, Rosa becomes more than what she imitates and she breaks her boundary within the cyberspace and gets her freedom as a free being in real world. This transition creates trouble between the creator and the created.

Rosa's grow disturbs its creator. *You* has created many figures before but Rosa is so beautiful and different because she has had much relevance for *You*: "More and more it feels as if it's moving towards something deeper than a simple sensory simulation (Thomas 63). The cyborg woman considers Mary Shelley and her work in this chapter. The creation of a new life form by Frankenstein resembles to her creation of Rosa, but in different ways:

> The life that Shelley created in her book was male, and built by a man. Somehow that dooms it to failure. The sins of the fathers are visited upon the sons. Men have committed so many sins. And how far was Mary really thinking about the way that men take the material that is woman and recreate an image which they can own – only to find themselves unable to respond to the breathing being they have fostered? Frankenstein was the scientist who could not love his own creation, although it loved him. It transcended him, as Rosa is transcending you (Thomas 66).

That is, *You* starts to compare herself with Frankenstein who could not love his creature despite its love, but *You* believes that she will love Rosa. Both two creatures transcend their creators, but unlike Frankenstein, *You* "will not reject her simply because she is a figment of your psyche." *You* knows that Rosa is not real, but wishes that she were real with all her hearth. She is sure that she and Rosa have a future together. Thomas gives a reference to Virginia Woolf's "A Room of One's Own" essay: "Somewhere there is room in this world for a woman who feels without knowing and a woman who knows without feeling. Well, that's not quite true. You can feel a little

something now that Rosa is here with you, but it's somehow shadowy" (Thomas 64). *You* knows that a machine self can also have feelings likewise a human being might not have any. That is what *You* tries; to regenerate herself to get rid of the tyranny of feminine feelings and humanly sensations. She wants to feel like a machine and she knows that a machine can have a soul in the same way a human cannot have a soul.

While *You* is watching her creation on the screen, *You* becomes both disturbed and happy at the same time because Rosa grows and takes the control of her cyberself being. The transformation of these two figures are in process at the same time; the more the cyborg body of *You* regenerates into a machine-like organism, the more Rosa grows her own being by taking control. The more Rosa grows her own cyber identity, the more *You* tries to take her under control, but no matter how much *You* tries, Rosa establishes her own independency. We can say that women were considered either monsters or angels in the house, or mad woman in the attic. If you are mad, it is normal to be illusionary or delusionary like the cyborg woman. The cyborg woman is neither a mad woman in the attic nor an angel in the house. She works as a compositor or a computer program and knows that Rosa is not an illusion and real. The cyborg woman just waits to be brought back to life, but considers Rosa to bring her to another life. She gives birth to a child, a new virtual life, that is; she produces her new self. If she cannot end the life of Rosa, she is going to live not only within this cyberworld but also a second life within Rosa.

Then, *You* tries to speak with that emancipatory cyber character and so an online dialogue starts between *You* and Rosa. By this way, *You* has brought a forth life with Rosa one more (her sons, herself and Rosa); "From somewhere inside this gross mix of circuitry and flesh you have produced a child, which is you. Yes, Rosa is you, sent into the world reborn into a new person who even now turns to face you and cries to return." From this dialogue, we see that *You* cannot decide to end Rosa, to cast her out in order to get rid of her simulation to turn back to life again. In this dialogue, Rosa begs her not to cast her out, "I belong with you, my life is within you. If you cast me out I shall float free, and where will I go? What will happen?," but *You* says: "Don't be afraid. Look at me. I can survive without you, and you without me. I still live. You are only born of me, of my mind. You take with you my love and hope to carry them forward. I shall stay here, purged of my pain." Next, Rosa says she reminds her of joy and can make her learn to live with pain because Rosa believes that there is no way to purge pain. *You* admits that she is joy and wants to release her to go where she will, but Rosa says: "You're are selfish! You're scared! You're getting rid of me first, before I can have the chance to leave you again." This reminds *You* of Frankenstein. *You*, then, feels herself as the scientist Frankenstein because

like his creature loves him, Rosa loves her, but both creators try to get rid of their new life forms because of fear. Thus, not to be blamed, *You* begins to blame and accuse her claiming that it is Rosa who left first even before *You* could understand her existence. Rosa accepts that she left *You*, "Yes. I left you. And I'll leave you again. But I always come back. I come and go, but I need to return. Don't you understand? Without you I can't exist." However, *You* does not want to surrender to her, but *You* does not want her to leave, as well: "You must make her go, so that you do not contaminate each other. Oh, you want her to stay, but she would not stay for ever. She admits as much. And you, in turn, cannot countenance such uncertainty" (Thomas 65).

You is confused with her because Rosa is a virus from now on and if *You* does not delete this virus, it might contaminate into the machine program in the new body of *You*, so that might cause her new cyborg body not to work properly. *You* loves Rosa, but cannot trust a Melisa virus within her body all the time. Thus, *You* closes down Rosa for that night because of getting tired from her pleadings. *You* is afraid of giving in Rosa. *You* does not want Rosa to enter in her body, so the only way to prevent her body is to delete her otherwise *You* will need to end her regeneration and rejoin the human body. Hence, *You* decides to watch over her without letting her stay any more, but *You* prefers her to go first before *You* deletes her.

The cyborg process of *You* is about to finish, but "Rosa is hovering round the edges sending ripples through everything. She's disturbing the equilibrium that's taken so long to establish." *You* knows that she's not real, only a piece of software, but *You* is suspicious of her to engineer something to reach her. *You* is not satisfied with Shirley's proposed dead-end, so *You* wants to start the story all over again. However, Rosa starts a conversation that *You* cannot start it again and has to wait to the end, and *You* says, "Really? Wait until you've sabotaged the whole thing and I have to start again? I'm working to a deadline you know, and at this rate I suspect it's a dead-end too" (Thomas 126). *You* means that she is supposed to give the story a dead end in case Rosa takes the control of the virus Shirley and then *You*. Thus, *You* feels sorry for Shirley's compulsory end, but sees that Rosa is happy about that end. Rosa thinks that she has given what Shirley wanted (sex, friendship, death) that makes her happy. *You* understands that she has lost the control of her cyber character. *You* cannot make Rosa do her commands.

Correspondence between Cyborg Body and Cyberself

In the light of Plant, virtual reality is a kind of flight from the body and cyberspace allows us to create our own cyberselves, so this enables us to

create symbiotic relations between us (women) and the machines. As Marvin Minksy claims the machine can be brought to consciousness, cyberself creature Rosa is brought to consciousness by its creator. Rosa as a cyber-self transforms herself into a cyber-body loading herself into the cyborg body of *You*. Thus, the technowoman *You*, unconsciously, plays the role of communicator between her cyborg body and cyberself creature Rosa. Plant asserts that:

> Today, both women and the computer screen the matrix, which also makes its appearance as the veils and screens on which its operations are displayed. This is the virtual reality which is also the absence of the penis and its power, but already more than the void. The matrix emerges as the process of an abstract weaving which produces, or fabricates, what man knows as 'nature:' his materials, the fabrics, the screens on which he projects his own identity (*The Future Looms*: 46).

Likewise, the cyborg woman composer *You* is herself "a great communicator," like Ada Lovelace that Plant exemplifies (Thomas 46). She is a communicator between the players and the virtual selves by composing several virtual games for players and between herself and her cyberselves. The matrix, the cyberspace, is understood by the Nets of her communication. Her process of weaving cybernetic information shows Plant's association of women with software, the cyberspace and the matrix, that is, the computer which emerged out of women's weaving history. By weaving cybernetic information, she also weaves the correspondence between cyborg body and cyber self, between women as body and women as self. At the end of the novel, the woman as self, Rosa, and the woman as body, *You*, reunite within a cybernetic organism this time and then the technowoman is born.

A strange thing happens while *You* is working at her terminal. When *You* leans over to check the printer, *You* cuts out: "The next thing you know it is afternoon, and you've been standing there next to the printer for 5.35.78 hours. Your motor circuits have stopped completely, but fortunately cognition isn't affected […] but the worrying part is that you have dreamed about the aeroplane again" (Thomas 138). As a cyborg figure, *You* has not been sleeping for over two weeks, so that makes her to worry about her cognitive circuit which might override the motor section, so the energy might be drained off because of over use. Only one solution comes to her mind; to run the recall memory by the help of RealTime in order to purge the system. However, in order to protect herself from the total shutdown, she needs to erase the entire recall file by isolating. If she succeeds this, she will be "a woman (woman?) without a memory." She does not call herself a woman since she tries to regenerate herself into a machine-like cyborg. Then, she succeeds and begins to recall her past.

Then, *You* has tests for the whole three days such as blood tests, urine tests, and marrow tests. *You* has doctors, technicians, programmers, Real-Time consultants. *You* can start Rosa up when *You* is free from the tests by connecting to the computer. *You* lets Rosa enter her computerized brain body by imprinting her inside herself. Rosa asks where the real world is and whether this is Earth. *You* tries to explain the real world, "Look around, Rosa. This is my source [cyberspace]. This place is giving me life, as I gave it to you." *You* gives chance to her cyber-creation to live in a virtual world as a simulation of real world (game space). *You* through connecting via her own cables plugged into the computer wants Rosa to feel her body and wants her to touch her hand. Rosa says that the hand of *You* is cold (because of mechanical skin), and Rosa asks if *You* feels her as well. *You* says, "Yes I can feel you. Not in the same way that you feel me perhaps, but this new skin senses you are there, and tells me who you are" (Thomas 160). However, Rosa says that she does not like her new cold skin and wonders why *You* tries to regenerate her body into machine look. *You* explains her thoughts about this regeneration: "This is my last major reconditioning, Rosa. Tomorrow my systems will go down for the last time, and I'll go to sleep for the last time. When I wake up I'll never go to sleep again. I'll never feel the pain. Everything will be forgotten – including you, Rosa. We won't speak together again." In fact, Rosa tries to prevent the last operation of *You*, her full regeneration both physically and psychologically because she will delete her memory and past and start a new life without her, so it means that *You* will not remember her composed realities and characters any more, even Rosa. Rosa does not want *You* to leave her and the cyberworld, and begs *You* to stay with her by saying that she has a home for both of them, but *You* says "I want to stay. I want to turn back the clock and not do this. But how could I stop it now? It's nearly finished. By this time tomorrow I'll be desensitized, and I'll have forgotten you […] You'll have your sensuality, I'll have my logic (Thomas 145). *You* rejects Rosa while she is in connection with the computer and while Rosa is still inside her body. Although she does not trust Rosa, she is not aware of the fact that a virtual cyberself can grow herself into a virus and transmit herself into the body of *You* during the connection. Then, Rosa deliberately threatens *You*, "I can follow you, you know. I know of a way to pursue you into the place where being is all there is. So, if you won't stay with me in my place I'll follow you to yours." However, *You* says that this transmitting is impossible and there is no way to such thing as they have their own lives. *You* knows that after this new operation, *You* won't remember her although *You* wants to remember Rosa who is the only one alive *You* has in this world though it lives in cyberworld.

At that time while *You* is arguing with Rosa, there is a knock and *You* quickly switches Rosa off-line. You cannot not say goodbye to Rosa. The senior technicians and two doctors enter and they ask if *You* has ever contacted with any other systems during the whole process of her transformation. *You* says that it is impossible to do this with the terminal line *You* uses for the work. However, they say that *You* has picked up a virus, "We've isolated it to you of course, but it's very persistent and we don't seem to be able to remove it" (Thomas 146). They say that *You* needs to decide either to scrap the project or to remain with virus. *You* prefers to continue the project. *You* knows that this virus is coming from Rosa with only whom *You* contacts online every time as Rosa claimed before that she will find a way and regenerate herself within Y*ou*. That is, *You* and Rosa will reunite in the cyborg body of *You* this time rather than in cyberspace. Rosa steps into the world of cyborg body through transmitting herself like a virus. After the last sleep of operation of *You*, Rosa confesses that:

> I told you we couldn't be separated! […] I found a way. As you say yourself, I'm only a programme, a piece of software, but that means I can do any of the things a programme can do. Some small adjustments, and I was able to reproduce myself within you. Ha! You like to lecture me about how you created me – well, I've created myself, again and again and again. . . You don't understand. You can't answer me, can you? Well, let me put it another way – I can copy myself. I'm the so-called virus! But not a virus to do you harm. I only did it so we could be together (Thomas 148–149).

Thereby, *You* has created a life that is the simulation of the real world and now *You* has to follow Rosa's world with her new body and soul. The players finish the game, but *You* knows that the game of Rosa will continue. A still place *You* sends Rosa is the cyberworld in which she will always live through the players. Rosa ends with this game, but she prisons herself in the body of cyborg *You* as a virus.

Following Haraway's cyborg figure, *You* continues her life as a human-machine hybrid as well as physical-non-physical hybrid organism thanks to non-physical virus Rosa within her body. She breaks down the boundary of physical and non-physical world through combining real and cyber/virtual reality in itself. Now, her machine consciousness is completed. Her cyber-reality Rosa grows, flourishes and develops her own life in the world *You* has composed for her, but later announces her independency breaking the control of her creator and moving to a still place; to her creator's body and mind. We can say that neither Rosa nor *You* is innocent and loyal to their own world, origin and creators. This time *You* starts a new life in this simulation world that she has previously created for Rosa and so for the

players. Her new body is a kind of correspondence between cyber and cyborg hybridity, and between real and cyber/virtual worlds/spaces.

Consequently, the title of the novel is the correspondence of a cyborg woman between physical and non-physical reality, between human and AI machine consciousness, and between cyber and cyborg figurations. In the novel, there is a direct correspondence between the reader and the writer; and Marie plays the role of the guide or mediator between the cyborg woman, compositor/writer and the players/readers. In real life, there cannot be a direct mutual correspondence/conversation/contact between a woman and a man, that is to say, men cannot understand and enter the world of women without a guide. In an interview with Sue Thomas, we asked how she came up with the title *Correspondence* and to what it refers, and whether the title is a kind of correspondence or conversation of a cyborg woman with a machine or with people in cyberspace or virtual realities. Or it is a kind of mutual correspondence between women and cyberspace, machine, the Internet, or the technology. That is, we asked if the title means that there cannot be any correspondence between men and women in real world, but only in cyberspace. Thomas answered that the term correspondence "refers to what might be described as the phenomenological correspondences between our relationship with nature and our relationship with computer/ programmed space. I didn't realize it at the time but it is really about the experience of the sublime, online and offline, physical and virtual" (Erkan and Buran, 140–146). Shortly, we can say that the novel gives voice to the mutual correspondence between women and technology.

NOTES

1. See also Mark McMenamin and Diana McMenamin, *Hypersea: Life on Land*, Columbia University Press, New York, 1994, p. 93.

2. See also Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, Pantheon, New York, 1965, p. 18.

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CREDITABLE MARRIAGE GOALS AND GOVERNMENT INTERESTS: A SYSTEMS APPROACH FOR HANDLING COMPLEXITY, APPORTIONING EXPERTISE, AND USING FEDERALISM (ANTICIPATING *OBERGEFELL*)

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PREFATORY NOTE. Written and posted in late spring 2015, after the oral arguments in *Obergefell* and before the Court announced its decision, this article is being published as of that date, with tenses unchanged and without including subsequent developments in the discussion. The author intends to publish further analysis of the Court's work in the area of marriage in light of the final decision in *Obergefell* and the responses that have ensued. This pre-*Obergefell* essay is offered as an entry in the author's overall scholarship on access to marriage, in terms of both procedure and substance.

ABSTRACT. This article argues that the Supreme Court should require that all states recognize legal same-sex marriages rather than mandate under the Fourteenth Amendment that states must issue marriage licenses to couples of the same sex. The briefing that advocates, including most amici, provided to the Supreme Court was generally abstract. The Court did not benefit from a combined answer to the two questions. It therefore did not hear a useful comparison of why a Yes to recognition, with a No to mandating authorization, might be a superior approach. If the Court were to require only recognition, it could avoid constitutionalizing marriage law; it need not decide the recognition issue under the Fourteenth Amendment, despite its having certified the question under the Fourteenth Amendment. Rather, principles of comity draw upon the Court's expertise in federalism and do not call for a direct intervention in state law-making about marriage. Such an approach could incentivize some states to offer their marriage licensing, and even their substantive law, to couples who do not travel to the state. Gay rights activists could help improve and modernize marriage licensing procedure by encouraging states to provide for the issuance of licenses to couples unable to travel or to be present together. They could also bring energy in the state legislatures and before state courts to the substantive evolution of marriage law that is less defined today by beliefs about gender complementarity but not entirely severed from the element of gender in the moral architecture of many marriages. The relevance to marriage law of gender

difference in a regime of marriage law that includes same-sex couples does not by any means pose a threat to the institution of marriage. But abstract arguments about the essence of marriage fail to bring the Court's attention to a constitutional path permitting wide input into decision-making, with the benefit of comity among the states as a means of ensuring respect for all marriages and families. A shortsighted judicial shortcut to solve a complex issue by resort to grand abstraction may seem to cure an injustice, but at the same time loosen the rooting of a critical institution in the nourishment of immersion by policy-makers in its practical requirements.

Keywords: creditable marriage goal; same-sex couple; government; federalism

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The recent debates about marriage equality, and especially the oral arguments at the Supreme Court on *Obergefell v. Hodges*,[1] call for a careful look at how governments set goals and pass laws to implement public purposes.[2] The oral arguments[3] at the Court, which occurred on April 28, 2015, were muddy in regard to the goals of marriage law. The justices and the advocates were not crisp in thinking through how the Court should evaluate the states' marriage goals in the jurisprudential terms for constitutional law of "tiers of review."[4] The result was, in my view, an inadequate consideration of why it is or is not important for every state to include same-sex couples in their marriage licensing, particularly when there is the alternative of requiring states simply to recognize marriages that other states authorize.

The First question posed to the advocates was whether the Fourteenth Amendment requires states to issue marriage licenses to couples of the same sex.[5] I submitted an amicus brief, drafted with Michael Worley, in *Obergefell*, in support of neither party, only focusing on Question 1 asked by the Court.[6] The second question posed to the parties was whether the Fourteenth Amendment requires a state to recognize a marriage between two people of the same sex that was legally licensed and performed in another state.[7] Mr. Worley and I did not agree on the answer to Question 2, since he believes that legal status for marriages between couples of the same sex is an error, perhaps well meaning, but damaging to the function marriage serves. I believe there is no basis for states to deny recognition to a common form of American marriage, authorized and recognized by many states.[8] In our agreement on Question 1, we have a degree of agreement on the constitutional structure for the primacy of Question 2 as the ultimate question for the Supreme Court.

Why I Write This Now

I have, at least for now, lost some friends, whom I cherish, as a result of filing my amicus brief. I am writing this essay to explain my whole view and to dispel any misunderstanding about my support for the dignity rights of couples of the same sex. I am also writing it to explain what I strongly believe to be the best result the Court could reach in the current marriage litigation. I support and urge that the Supreme Court act as a federalism referee and address the contending forces with a blending of federalism and equality by mandating that every state recognize legal marriages made by couples of the same sex. My views are based on having written about the early efforts in the 1990s to place a restrictive meaning of "marriage" in state codes, and then in the federal code, as a story about an unrealistic understanding of marriage.[9] I explained that imposing a restrictive meaning on a term evolving into a wider usage would fail, as it has manifestly failed.[10] I explained that speakers, and American citizens, would provide the meaning in their ownership of the language, of ceremony, and of respect for couples.[11]

I expanded upon the insight with a theory about marriage procedure that sought to sever the literalist tie between territorial jurisdiction and the offering of marriage formation services under a state's law to distant couples.[12] In my view, couples are the expressive vessel of their dignity if they are able to celebrate a marriage in their home state under the law of another state. Ceremony and the relationship of the couple provide dignity. It is not conferred by a recalcitrant state from which a couple seeks dignity grounded in control over territory and the power of the Court to order that the state preside over a dignitary moment. Dignity inheres in the couple, and validating ceremony can be imported to combine a couple's sense of home with the presence of official authorizing action. Ceremony can be experienced, for now, with travel.

I will sort out the arguments and try to clarify which ones best fit the constitutional jurisprudence of the Court and which best capture the goals of our constitutional order. I have written in favor of gay marriage for many years, though without arguing for the Supreme Court to order every state to issue marriage licenses to couples of the same sex. Rather, I have tried to show that refusing to acknowledge the marital nature of the relationships between same-sex pairs is a form of denial and is an "Unsaying" of the lives of gay people. Yet, I submitted a brief to the Supreme Court that urged that the Court not mandate that the states issue marriage licenses to couples of the same sex. As noted, I wrote the brief with Michael Worrell, hoping to give some exposure to my broader view of the right answer. I maintain that a broader view of the progressive understanding of state input into marriage, couple autonomy, and federalism provides strong glue for national citizenship. I hope to provide that view here.

Marriage Goals: Policy, Planning, and Legitimate State Interests

Managers, and what were once called systems analysts, think about solving problems by listing their goals, and then setting out a plan and a timetable.

A. Example: Marriage Law as a Planning Problem

For marriage law, a systems analyst would see a complex environment that calls for a broad statement of goals. The environment includes differing understandings of what formal marriage as an entity given legal standing by a state should and can achieve. There are views situated in competing normative understandings about families. Some believe the biology of reproduction, with or without a religious interpretation, provides a moral basis for marriage as a means of giving most children a biological connection to their parents within a marriage. Other groups believe that marriage has a broad function that can serve both adults and children, whether biologically connected to their parents or not, in practical and symbolic ways. Still others see the marriage ceremony as a citizenship rite that enacts political consent in personal relationships as legally cognizable and morally freighted vows of engagement. A planner would attempt to list the functional and moral goals, some of which are not compatible, and create a solution that serves, in the most objective design, to reconcile the tensions and achieve the goals, all to the extent possible. The planner would strive for precision, using nuance and creativity as a tool.

B. Example: Traffic Enforcement

Governments create goals but with less purported science. Governments create programs to address perceived problems. Sometimes they do it after careful hearings designed to gather evidence. Some problems require experts to address a technical question. Often citizens with a reason to care testify. Other problems take far less effort to design a program in collaboration with experts. A strong sense of community instinct is the guide.

For all government programs, there is something behind them that courts call a legitimate government interest. For traffic laws, the primary interest is safety. Everyone knows that governments also design traffic enforcement for revenue, but for purposes of possible court review, it is sufficient that the government has a legitimate interest in enacting traffic laws and then enforcing them.

The managers who help plan traffic policy have a much greater and more refined list of goals beyond safety: efficiency in movement of traffic, influence over volume, revenue (taxes, tolls, fees, enforcement), and many factors that non-experts do not think about at all. These goals are also legitimate for purposes of court review, but traffic safety as a general proposition is an adequate state interest to describe to the courts, if anyone should challenge the right of the government to enforce traffic laws. Courts

would apply what is called rational basis review to a challenge to the right of governments to enact and enforce traffic laws.

If a government passed traffic laws that explicitly targeted black drivers for more stringent enforcement, the courts would look at the problem with more "exacting scrutiny." They would apply a form of heightened review that is triggered when certain groups are treated differently by virtue of a classification on the face of a law. The program would be, in today's constitutional jurisprudence, unconstitutional. Government may not use a formal classification to treat black drivers worse than other drivers.

What if data should show that black drivers are treated differently than other drivers – stopped more often for minor offenses? Is that unconstitutional? How would a court review it? On its face, the traffic enforcement law would not be unconstitutional. In the course of its review, if the Court accepted a constitutional claim of race discrimination, the Supreme Court would require proof of intentional race discrimination. How to do that would take too long to explain here.

So let's try another question. Suppose a city passed a law calling for stricter enforcement of traffic laws in areas that are generally known to have more black drivers than white drivers. Is that unconstitutional? Maybe. It would depend on evidence about why the law was passed. Can one find indications that the law was in truth aimed at black drivers? Is there animus against black drivers in the overall atmosphere of the area? How would we know?

C. Complexity and Simplicity: Marriage Law, Traffic Law

Marriage law addresses a complex set of social functions. The role of the state in defining and addressing the social functions of state involvement in the family has less clarity than does the social purpose of regulating the ground rules for driving safely. One cannot make the simple comparison of an obvious basic purpose of marriage law regulation that one can with the needs of efficient, safe movement of vehicles. Thus, to give the advocates on both sides of the marriage issue and the Court fair credit, marriage law is a subject not easily contained within the neat categories of legal argumentation, or even of systems planning. It is not a technical challenge like traffic safety, which requires the combined skills of engineers and human behavior analysts to plan safe roads designed to minimize common human errors, set speed limits, and enforce rules for safe driving. Rather it is a human artefact, enmeshed in a long history of continuity and change, with forms of collective memory wedded to disparate understandings of its purpose, social meaning, and importance. The idea of mutual loyalty has a strong social appeal and a function for social adhesion, with or without the tie of reproduction. The sex difference has been salient in marriage and retains a hold on the collective imagination, even as marriage law has

evolved to make less of it in terms of the enforceable promises in a marriage. The social goods that marriage is meant to foster are no longer amenable to unstated assumptions, carried along by a lack of deep inquiry occasioned by new patterns of living among men and women. Those social goods cannot be reduced to a list prepared by behavior experts in consultation with engineers schooled in environmental factors that create or mitigate risk, the type of technical task that traffic engineers approach using defined goals that can be listed.[13]

All of this shapes our thinking about the current case before the Court on state laws that both deny a marriage license to couples of the same sex and that refuse to recognize a lawful marriage of a couple of the same sex that resides in the state. Among the questions are: what legitimate interest do states have in these denials of marriage rights afforded to other couples? If the goals of marriage law are so complex that the public purpose of the law is elusive, other than a sense that it is a core institution that bonds individuals, contributes to the welfare of children and other vulnerable persons, and helps knit society into closer relationships founded on familial and group loyalty, how does the state formulate a design and purpose of marriage law? Besides a proper state interest, that is, a counterpart to the simple, well accepted goal of traffic safety, what might lie behind these denials – prejudice, animus, religious dogma? If prejudice, what group is the target? Is the target persons who are gay, lesbian, bisexual, or transgendered? Is the marriage law the proxy for strong, persisting prejudice against gay people? Or is it stereotyping based on the sex of the marriage partners? Might it be nothing more than a claim that a majority has a right to design a complex institution without oversight by the judiciary? Is it perhaps a claim that the design of an entity with complex functions is necessarily subject to popular mandate, and sufficiently elusive in purpose as to be immune to the tools of the judiciary for parsing purpose and applying an independent assessment? Could it be a reasonable, if debatable, choice to emphasize the needs of male–female partnerships, despite the incidental effects on same-sex couples of their exclusion?

The Debate at the Court about Government Interests in Marriage Law

How well did the oral arguments at the Supreme Court elucidate these issues? In my view, we heard a confused and confusing interaction by the Supreme Court justices and the advocates before the Court. Because the oral arguments necessarily wandered about, and the justices had no plan for spooling out questions in an orderly, logical fashion, let me try to break the issues and the stakes down in order to offer something a planner might find useful, and that could inform legal thinking as well.

First, the obvious issue that comes up for a planner, in a common sense way, and for the Court in applying its framework for assessing claims of constitutional injury to individual rights, is the goal – *the government interest*. What is the government interest at stake in Michigan's refusal to issue licenses to couples of the same sex? I see a problem in the arguments the Court heard to inform its judgment. First, the advocates for same-sex couples argued heavily in the abstract. Same-sex advocates argued that the government interest in opposite-sex couples is the same as for same-sex couples: providing family stability for the protection of children they take care of.[14] Thus, they argued that there is no logical reason to have marriage law written the way it is. It is simply not rational. Despite the claim that the statutes fail the relatively dry test of rationality, the words used by them evoke emotion about stigma and exclusion – the denial of "the basic constitutional commitment to equal dignity."

Michigan's lawyer responded with a long lecture to the justices, explaining that the core purpose of marriage is and always has been the channeling of heterosexual people into marriage for family stability and the protection of children.[15] Since the same-sex advocates made the same claim about marriage as a haven for family stability and the welfare of children, Michigan's lawyer worked hard to rebut a claim of fact – there actually are children depending on couples for whom marriage would help solidify the family as a haven.[16] His answer was a theory that marriage was designed to address the biological tie between males and females as reproductive pairs, and for *nothing else*.[17] Not only was it for nothing else, but any dilution of the core biological meaning that would result from including couples with children but no reproductive tie would exact a high cost, a cost so high that it would swamp the benefits that marriage might bring to the children of same-sex couples.[18] Moreover, his argument that, without marriage, heterosexual couples would have sex outside marriage and thereby reproduce irresponsibly, strikes many today as risible.

If some might laugh at the Michigan argument, the attempt to make a claim about the essence of an entity as a barrier to the recognition of individual rights lacks resonance in a case raising claims under the Fourteenth Amendment. I have explained elsewhere that the Supreme Court has no theory of marriage, only of individual rights, many of them emanating directly from the Fourteenth Amendment.[19] For that reason, a highly theoretical argument about a singular essence of marriage, an essence that would be destroyed by recognition of other pairs as eligible for the benefits of marriage, seems to be misdirected. A Court concerned with individual rights is unlikely to allow highly abstract claims and predictions of catastrophe to undermine the framework for reviewing claims of individual rights.

Second, for planning then, if marriage law is like traffic law, why isn't a legitimate state goal the end of the discussion? Without going into theories of marriage's heterosexual essence, it is not difficult to argue that the states which do not authorize marriages for same-sex couples have a good enough reason to write marriage law the way they do. They don't see a comparable problem where same-sex pairs are involved. The states are dealing with issues relating to intimacy and sex "one step at a time." They are not excluding same-sex couples from marriage; they are sticking with the design of marriage as a solution to a state interest in preventing irresponsible reproduction by heterosexual pairings. Gay people might be eligible at some point; indeed, some states have chosen, either through the legislature or by referendum, to include same-sex pairs in official marriage. Each state can choose on its own time line when it feels policy-makers, or perceived local needs, may call for a design for marriage law that includes same-sex couples. There may well be a reason at some point to expand the coverage of marriage law and adjust some of the premises to fit a more inclusive group, but the states are in the best position to reconfigure marriage law for a larger set of couples.

The dogmatism of the Michigan lawyer allows some members of the Court and the advocates for same-sex couples to debunk his claims of harm. They can mock the idea that marriage rates would decline if same-sex couples can marry. They can point out, and they did,[20] that the state allows infertile couples of opposite sex to marry. They can point out that all couples bring children into a marriage in many ways – assisted reproduction, adoption, re-marriage, etc. The answer to all of that, if the standard is rational basis, is simple. The state can rationally believe that its primary energies, at least for now, should be directed at the problem of irresponsible heterosexual reproduction. After all, it is seemingly worse these days, not better.

The Michigan lawyer missed the opportunity to show the Court a road map to leaving states discretion over marriage law, without claiming that same-sex pairings were toxic to marriage. His argument was invested in persuading the Court of an absolute that relied on rejecting a pressing claim of rights that has growing support in opinion polls and public discourse. He did not have to concede that state marriage law excludes gay people. He should have merely said that the state, under rational basis review, need only advance an arguably rational reason for the form marriage law takes. He need not justify, or bear a burden of proof, that the marriage law's design is perfect or solves all problems. The rational basis argument, for Michigan, is that the state wants to devote all its energies, where marriage is concerned, to guiding heterosexuals into productive, stable marriages for the upbringing of children. If the Michigan lawyer had pursued that line, he could have offered concrete guidance to the Court about the specific parts of marriage

law, such as the paternal presumption of parentage in an intact marriage, that deserve examination as part of state choices about what goals to focus on in designing marriage with reference to new facts about the pairings. When, and if, he could have said, Michigan someday decides that the needs of same-sex couples are best addressed with marriage, the state can then change its design of marriage law. It was a large gamble to pose a choice between disaster and a world populated by heterosexual married couples abiding by their marriage vows in the merciful absence of married same-sex married couples. By comparison, debates over traffic safety would never raise arguments of such apocalyptic warnings about the sole purpose of regulating the speed of cars, but not pedestrians or wheel chairs. Arguments against enforcement of traffic laws because there is a potential for jurisdictions to emphasize revenue collection lack force. A profit motive by municipalities is not entirely congruent with the goal of safety, but it can be tolerated without an existential threat to the perceived primary goal of safety.

Another mistake made by the Michigan lawyer was to argue that the state has no interest in the dignity of marriage for the married couple.[21] He stuck with his dogma about the sole purpose of marriage. Observers believe that he may have singlehandedly lost the case, because Justice Kennedy expressed astonishment at the claim.[22] It's well known that Justice Kennedy has repeatedly emphasized the dignitary interest of same-sex intimacy and respect for their unions, including in marriage.[23] He might as well have told the Pope that marriage has nothing to do with children. It did not work. To his credit, because Michigan also opposes any requirement to recognize legal marriage of same-sex couples, he could not give the obvious answer. Recognition provides dignity, and there are solutions for couples present in a state that will not issue licenses. Those solutions are discussed below. They are reasonable alternatives for a planner to consider.

What is the best, most institutionally intelligent argument over time to keep the Supreme Court away from a direct supervision of marriage law? In my view, the correct rational basis review argument is that states, such as Michigan, have a rational interest in remaining the primary source of a normative statement on marriage. Though gender is less relevant than it once was, it is not irrelevant. Michigan's preferred normative statement remains one about working through the logic of heterosexual pairings. What commitments does sex between heterosexual couples create, especially if children result? How can the state best channel a heterosexual couple's sexual energies into responsible behavior? What does a husband owe to a wife who enters a traditional marriage? What does a wife owe to a dependent husband? What do they owe, together, to their children? Do the answers differ for couples of the same sex? These are real puzzles brought about by the evolving logic of gender. They provide a sound basis for

conceding that there is a state interest in retaining the lead role in shaping its primary law – the body of law for which a state issues marriage licenses. Gender retains some relevance to the moral premises of marriage – a significance subject to reasonable discussion and resolution policy processes.

The Supreme Court and Government Goals: Differences and Similarities, and Tiers of Review for Question 1 and then Question 2

Considering Question 1

-Where does this jumble of claims about marriage goals and government interests take us? For the Court, there lurks the issue of levels of scrutiny.

Rational Basis Review

Under rational basis review, it works to say the state can rationally use a rough approximation of the way marriage solves heterosexual problems by generally designing marriage for couples who have the biological form that is connected with natural reproduction. When the burden shifts to the state to justify not including a class of couples who cannot naturally procreate, the job of justifying becomes harder. The Michigan lawyer made the standard reply that it would be too intrusive of privacy to test all couples for their intention to reproduce and their capacity.[24] Rough approximation is good enough for rational basis review but not for heightened scrutiny. Does a "rough justice" argument work in heightened scrutiny? It can, depending on what the justice had for breakfast. The Michigan lawyer was arguing that the poor fit cannot be corrected, because correcting requires an improper intrusion into marital privacy. If you don't believe the argument is phony, it works. If you think every argument against including couples of the same sex is phony, it is entirely unpersuasive.

Heightened Scrutiny: Discrimination on the Basis of Something about Sex

Sexual-Orientation Discrimination. Are we looking at discrimination on the basis of sexual orientation? Should the Court therefore shift the burden of proof to Michigan? If they do, then the arguments that same-sex couples bring children into a marriage in ways often similar to opposite-sex couples have real bite. It means the state interest is not a good fit for marriage law. Marriage law unjustifiably fails to serve the claimed interests closely, because it bulldozes over those interests for couples the state does not include. At the same time, it allows many couples to marry for whom the interests are irrelevant. It is either prejudice, pure and simple, or it is undue regard for a traditional assumption that gay people's lives are not a good fit for matrimony. Some gay or lesbian groups dislike being included in marriage, but that does not provide a good reason in constitutional argumentation to veto rights being sought by many other individuals.

Sex Discrimination. Suppose we decide the problem is sex discrimination, the refusal to let Linda marry Jane? Is that a better, more established approach? Again, that brings us to heightened scrutiny. For analysis, just read the paragraph before this one. One claim is that it is a more modest solution to the case, since there is already heightened scrutiny for sex discrimination. But there are a couple of answers. One, the argument is too mechanical. It does not appeal to peoples' sense of justice triggered when they hear about a bad form of discrimination based on nothing but prejudice. And, for a second answer, it would have far reaching implications, by virtue of possibly converting claims of sexual orientation discrimination into sex discrimination. That may be a good idea, but it is hard to see getting there by embedding the maneuver in a case that is understood as being about the exclusion of gay and lesbian persons from marriage. And the arguments about state interests and the possibility for a better fit are mostly the same.

Considering Question 2

So let's look at the second question. Is there a state interest for Michigan to refuse to recognize a marriage by couples of the same sex, if the marriage was made in a state that issues licenses to and marries couples of the same sex, even if they are resident in Michigan? The legal arguments about this are about something called *comity* – the obligation, and mutual courtesy, of states with differing legal regimes of recognizing legal statuses created pursuant to the law of another state. For the question of requiring recognition, the Court's questions to the advocates were not terribly good. Some of the justices had forgotten their basic classes about the difference between state policy interests in not recognizing a legal status, such as marriage, if it is too alien to the state's laws and cultural practices, and the Full Faith and Credit Clause of the Constitution. Justice Ginsburg intervened at one point to explain it to her colleagues,[25] but at least one persisted in asking questions better suited to a law school classroom.

The real issue is whether states that do not authorize same-sex marriages under their own marriage law have a legitimate state interest – a strong local policy interest – in denying recognition to a critically important legal status present in their state. Some have shown an interest in the issue, but suggested that the state's interest in refusing recognition would be no different from their interest in maintaining the marriage status as exclusively for couples of the opposite sex. That is, if states have a legitimate interest in maintaining traditional marriage law that is only about opposite-sex pairings, they have the same interest in denying state recognition to such marriages. What's the difference?

No one answered the question all that well. One answer is comity itself: "The key rules [of comity as part of horizontal federalism] are designed to

prevent actions that might trigger or exacerbate interstate hostility and to help forge and preserve among citizens a sense of identification with a political community that is national in scope."[26] Thinking about comity really does alter the question and the considerations. It is not all about tiers of review. It is not about, "What's the diff?" It is about what sense it makes for an American state to stand between some married couples and "a sense of identification with a political community that is national in scope."[27] In a federalist system, that is a substantially different issue than mandating authorization.

Common sense, not tiers of review, counsels that it is too disruptive to couples to have their marriages legally cancelled when they relocate – perhaps unexpectedly. But while that addresses the reason why the harm inflicted by the state's policy of marriage as opposite-sex only is far graver in the recognition context, it does not fully explain why the state may have an interest in maintaining its own marriage licensing rules though it lacks an interest in refusing to recognize a marriage made elsewhere. And it also is weak as an explanation of why states do not have an interest in refusing to recognize marriages that couples enter into by traveling to another state, getting married there, and returning to their own state, which does not authorize same sex marriage. Yes, refusal to recognize a marriage is disruptive, but same-sex couples are on notice when they marry that that their state of residence does not give standing at all to their marriage.

So, how might the Court analyze this possible path – concluding that states may continue to write their primary law, using the traditional purpose of marriage as the baseline, but also concluding that they lack an interest in refusing to recognize marriages of same-sex couples made under the law of another state?

There are two possible paths for the Court to require states to recognize same-sex marriages but not to authorize them. The first path takes account of the due process disruption argument, but it takes the Court deeper into premises of marriage as a portable status that, in the ordinary case and without unusual factors personal to a couple or alien to the legal system of the United States,[28] other states recognize as a matter of comity in a federal system. When states write laws to cancel marriages of couples coming into the state, those states make a step from writing a policy for their normative view of marriage to an aggressive rejection of existing marriages with no concern for harm to existing marriages, the plight of married couples unable to disentangle their legal connection, or the tax on mobility in an increasingly homogenous nation. The purpose seems to be to express hostility, and even to relish the erasure of an existing couple's family form, with studied indifference to the impact. But would the Court consider the refusal to issue marriage licenses in substantially the same light – as an expression of calculated insult to a portion of their population?

The potential answer, as indicated, lies in the interest the state has in writing its marriage laws in the first instance, compared with the limited ability of the Court to guide the states to rewritings of marriage law. A rule mandating recognition draws on the Court's supervision over horizontal federalism, which it must supervise. It allows the Court to defer to the ongoing project, in states that authorize same-sex marriage, of adjusting local marriage law in light of the weaker presence of gender as a morally significant factor within marriages. A consideration of the relative competence of the Supreme Court, compared with state legislatures, state judges, and the multiple sources of state opinion, to work through the meaning of marriage in a changing understanding of gender roles and the function of marriage as source of dignity and stability, reveals a difference of function and knowledge. The Court is the referee of federalism. The states have "primacy over domestic relations," in the words of Mary Bonauto, counsel for the Petitioners for marriage rights.[29] The role division between the states and federal law as long construed by the Supreme Court is logical and sound.

Justice Kennedy began the day by stating, "[t]his definition has been with us for millennia. And it – it's very difficult for the Court to say, oh, well, we – we know better."[30] In that statement, aimed at the issue of a universal state obligation to include gay couples in the marriage licensing laws, Justice Kennedy assumed that adding gay couples to every state's primary marriage law redefines marriage. Chief Justice Roberts then emphasized the point by saying, "you're seeking to change what the institution is. The fundamental core of the relationship is the opposite-sex relationship and you want to introduce into it a same-sex relationship."[31] And they are not really wrong in respect of the Court's role in overseeing constitutional rules in states. Ordering states to change what they see as the core meaning of marriage really is a major step for the Supreme Court.

Supreme Court Marriage Jurisprudence: There is no There There

The audacious nature of the Court's imposing such a mandate can be understood as one contemplates the amount of experience the Supreme Court has with marriage law. In sum, their experience with jurisprudence about marriage as an entity is, precisely, none. The Supreme Court is a body that, when doing constitutional interpretation, addresses individual rights. The oft-cited removal of racial restrictions on marital pairings is not an exception; removing the racial barrier did not require a theory of marriage, but only the cancellation of a barrier to the formation of a marriage in the form in which marriage was then commonly understood.

In marriage, the Court has said that a husband may not be given a right by states to be notified that his wife is going to have an abortion.[32] Why?

Because she has an individual right that no one other person can try to veto (unless it's the state itself making an abortion difficult to attain).[33] The Court has ruled that a man who is not supporting his indigent child has a right to marry, because that right is individual and cannot be supervised by the state in the interests of a moral consideration about paternal responsibility.[34] The Court did not attempt to understand or respect the entity concept that underlay the states' effort to add moral substance to eligibility for marriage. The Court has held states may not charge fees for divorce adjudication, because a right to divorce is critical to the individual right to marriage.[35] The Court's focus does not allow room for sensitivity to marriage as a legal grouping with mutual obligations between spouses and substance apart from the individual rights. In the Court's jurisprudence, individual rights, including free access to divorce and individual decision-making by a woman about a pregnancy, override any argument made by a state or by marriage conservatives that the entity should be sheltered from an unfettered expression of individual rights.

Some of these results might be thought to show that the Court has a reason, in consistency if nothing else, to disallow all the moral ideas and intuitions that drive states to maintain a traditional definition of marriage.[36] But what they basically show is that the Court is an expert on individual rights and entirely unburdened with an idea about marriage as an entity. For that reason, the Court's reservations about announcing itself as the final expert on marriage meaning, in its myriad details, are well grounded. The Court is not an expert on marriage.

The Court's lack of expertise is the right place to address, then, the different considerations in the justices' decision whether states must recognize marriages made elsewhere.

First, if states must recognize marriages made elsewhere but are not required to authorize them under their own marriage law, there is no immediate occasion for the legislature to enact conforming legislation; there is no need for state officials to begin supervising clerks who are reluctant to issue marriage licenses to couples of the same sex; and there is no sense by the public or state officials that they have lost all control over their local normative input into marriage law.

Second, the moment a marriage is recognized legally by operation of law, what happens? Basically, nothing. Couples do not leave their homes each day to demand that the state "recognize" their marriage. They go about their business and they are married. When do issues arise? First, when couples pay their state taxes, they file as a married couple. Today, the federal government already recognizes the marriages of couples of the same sex, wherever they live. So those couples now file two versions of their taxes: for state taxes, they are legal strangers. For federal taxes, they are married. For tax and

estate planning lawyers, they are a gold mine. With universal recognition, tax filings for same-sex couples would be the same as for other couples – one set of filings for state and federal taxation. Second, if they decide to divorce, the state courts would have to hear the case. Those judges, sworn to uphold state, federal, and constitutional law, would then do what judges do: they would work to find good solutions for a novel case. They might refer to the law of the state where the couple married. They might try to apply the purposes reflected in state marriage law and family law cases to the novel problems, if any, presented by a divorce of a couple of the same sex.

Today, without a recognition requirement, couples become trapped in a state that refuses to recognize their marriage in order to end it legally. States have residence requirements for divorce adjudication, so returning to a state that will divorce them may not be practical.[37] In case you are wondering, a couple cannot ask a federal court to award them a divorce, because the Supreme Court held in the nineteenth century that federal courts do not have divorce jurisdiction.[38] Third, if a member of the couple has a child, by childbirth or surrogacy, the state must decide whether the presumption of paternity kicks in for a female spouse, or, with surrogacy, for a male spouse of a male. If there is recognition only, the question would be litigated before a state judge. Again, in the absence of applicable state legislation for the novel situation, a judge in State X might look to the law of State Y, the state that created the marriage. Some of those states have enacted laws to deal with the issue in what they view, under state law and culture, to be a sound approach that respects a whole set of values and practicalities.

But suppose the Court does mandate that all states authorize same-sex marriages. How would any of this differ? First, as to the paternity presumption, the case would be arguably a federal case, if the state resolution is not the preferred solution for a given couple. Second, if the Supreme Court uses a constitutional principle to require what seems to many a novel composition of the entity, it does in fact face issues about how to draw a bright line between couple marriage and polygamy, or polyamory. If the Court only requires recognition, it has no need to draw distinctions about the definition of marriage. *The states are the vessel of law-making about marriage.* The Court is expert on federalism, and has the competence to decide whether states can refuse recognition to a common legal status, critical to the parties to it, that is present in their states.

By contrast, if the Court participates in setting forth one of the parameters of marriage, the question about the presumption of paternity becomes constitutional. Yet the federal courts would only have tools of constitutional law, rather than state policy making, to answer the question. The critical difference between mandated authorization and required recognition is the

locus of law-making for difficult issues. If the Supreme Court directly constitutionalizes marriage law by mandating what may seem like a small rewrite – take out gender from the marriage licensing law – disputes about other particulars of the law as administered are all, potentially, constitutional questions. Yet, neither the Supreme Court, nor lower federal courts, have any experience with substantive marriage law. Nor does the Congress have a record of writing marriage law. In the states, there is a loose collaboration between legislatures and judges to gradually adjust marriage law to changing times and assumptions. If marriage law becomes constitutional law, the decisions of federal judges are not nested within a set of institutional working arrangements for maintaining the coherence, fairness, and soundness of marriage law.

Yet, even so, Congress would gain an opening to taking a role. Under Section 5 of the Fourteenth Amendment, Congress has powers to effectuate the mandates of the Fourteenth Amendment.[39] But it does not have free rein that is contrary to the Supreme Court's Fourteenth Amendment jurisprudence. Today, therefore, it has no basis to use the Fourteenth Amendment to supervise marriage law in terms of the core purposes and entity meanings of marriage law. For that reason, federal law on marriage is extremely limited, addressing such clearly federal matters as disallowing marriages for immigration standing if they are bogus. Federal law criminalizes entering into a bogus marriage to obtain a green card for a non-citizen. But there is no federal legislation aimed at regulating the formation of marriages under state law. The federal law that defined same-sex marriages made by states out of existence was declared unconstitutional two years ago.[40] Notably, Solicitor General Verrilli acknowledged that Section 5 would confer new law-making power on the national government.[41] While the framing of the recognition question by the Court as arising under the Fourteenth Amendment could implicate enforcement powers, the Court could avoid Fourteenth Amendment analysis in favor of pure federalism analysis – comity not equality under the Fourteenth Amendment. Rather, equality as an American norm could inform the federalism analysis.

If the Court tells states that they must form gay marriages, the new regime would seemingly and undeniably put Congress into the marriage business – directly. We could have Congress passing very liberal rules, or we could have Congress in conservative control passing conservative rules. What would these rules be? We would find out over time. But we know Congress has become ideologically extreme, fighting abstract battles to appeal to a base of voters in primaries. Both because of ideological motives and institutional cultures, there would not be the kind of practical interaction between Congress and federal judges who adjudicate family law, as there is between state family law judges and state legislatures. Federal law would

play a role in an area where the decision-makers lack the tools for policy making, experimentation, and local input.

The equal marriage movement may benefit from a court decision in its favor disregarding federalism concerns initially, but in the long run, the movement sacrifices a key component: framing. In her book *The Politics of Common Sense*, Deva Woodly observes that a key difference in the success of the marriage movement and the decline of the living wage movement has been the adequate framing of the issue. Woodly's work examined articles written in both the *New York Times* and *USA Today* and found that a high degree of salience in the framing of the anti-living wage argument as opposed to scattered pro-living wage arguments effectively overpowered the pro-living wage arguments and contributed heavily to the lack of political acceptance of the movement.[42]

In contrast, the marriage equality movement gained political acceptance through the proper framing of the movement as "about equality," while the anti-marriage equality frames were generally more scattered. The "strongest" and most "resonant" argument against marriage equality was a "social/ religious conservative" argument, with the second "strongest" and most "resonant" argument being a "political conservative" argument concerned largely with states' rights and the Court's place in changing an institution perceived as a basic building block in society.[43]

Woodly observed as well the consequences of improper venue in the living wage movement. The movement was initially successful in enacting legislation. Later, 10 percent of that legislation was repealed after state governments argued that municipalities lacked the authority to pass legislation concerning living wages.[44]

A win in the Supreme Court would garner initial political success, but at a long term cost, of unknown size, to the framing of the issue. Admittedly, the fight in state court will take longer. In their article, "Toward the Permissive Society? Morality Policy Agendas and Policy Directions in Western Democracies," Studlar and Burn hypothesized that morality discussions would have a longer duration within countries that had decentralized, multiple venues.[45] In their study, the United States with its many venues topped the list on duration at a mean duration year of 43, followed by the UK at 41.[46] While duration may be inconvenient, duration helps avoid – in connection with morality discussions – knee jerk reactions with unforeseen consequences. A top-down order from the Court does not eliminate the multiplicity of venues. The cool assurances that no one will care in a few year assumes that contestable issues about the gendered moral dimensions of marriage will fade into the distant past. An ahistorical people, it is claimed, will forget their deeply engrained ideas about the moral significance in marriage of the gender difference.[47]

Second Class Status with Recognition Only

If I am right that the Supreme Court's direct intervention into family law puts federal courts and Congress into the marriage business, what of the sense that under the opposite ruling, couples of the same sex would be remitted to a second-class status? Am I advocating the twenty-first century version of *Plessy v. Ferguson*?[48] Some of my best friends and colleagues have accused me of it. I do not think I am advocating any form of second class citizenship. I think that, like other aspects of this issue, the charge is off-hand and little better than a sound bite.

Under my approach, no one in the United States would be excluded from marriage. No state would have a law that set up two kinds of marriage, one the regular kind, and one what Justice Ginsburg calls "skim milk marriage."[49] Within the state, all marriages would claim the same legal status. State court judges would work in good faith to reach fair resolutions to the problems that arise in connection with any marriage that is present in the state. As to legal standing, no person in the state could lord it over another person because their marriage has a different legal status. No one in the state would be required to use a separate legal status for their relationship, such as civil union. The dignitary status of marriage would be entirely protected in the state. In state, marriages would be equal, with no analogue to a separate railway car for those remitted to second-class citizenship.

What of the requirement that some couples travel to enter the status that the state recognizes? Why is that not second-class citizenship? I acknowledge that, at first, it would be an inconvenience. Several answers present themselves. First, it may not be long before a number of states decide to concede that a legal status that is so widespread in the United States and available in a neighboring state might as well be subject to home-state licensing for their own residents. A sense of harmony, neighborliness, and local control over marriage law would become the basis for expanding marriage access. Second, at least one state has expressed some interest in modernizing their marriage licensing law to make it available to persons who are not able to travel to their state for an in-person ceremony.[50]

Adam Candeub and I advocated this reform of marriage procedure several years ago.[51] It is more relevant than it was when we first advocated it. At that time, getting married in another state did not deliver any concrete result to a couple of the same sex. Their own state did not recognize it, and neither did the federal government. If the Court were to require states to recognize the marriages, as the federal government already does, the benefits would be comprehensive. Nothing would be left out. For that reason, states that authorize gay marriages would have a real incentive to reform and update their marriage licensing procedures. With local input and expert

help to build in safeguards from fraud, they could design marriage procedures that make marriage more readily accessible, both for couples of the same sex in a state that does not do the authorization and for traditional couples who find themselves unable to be physically present together when they wish to marry, or who are in a foreign jurisdiction that presents obstacles to formalizing their marriage.

For marriage activists working in the interest of couples of the same sex, this should actually be seen as a desirable opportunity for the gay and lesbian civil rights movement to become a broader movement for justice-one both for couples of the same sex and for the unknown number of couples subject to the antiquated marriage licensing procedures – requiring joint physical presence by the couple in a specified geographic place. If the Court chooses recognition only, gay rights advocates can become practical helpers to states to design sound licensing laws to serve the needs of a contemporary, mobile society.

What of dignity in the non-licensing but recognizing state? The simple answer is that ceremony can be imported. Ceremonial dignity belongs to the couple, and goes where they go. The authorizing state could issue a license for use outside the state, with various degrees of specifics for time and place and perfection through filing and interaction with state officers. The authorizing state could require a presence of a state official at the ceremony through audio-visual connection, or they could waive a requirement to replace a physical presence with an electronic presence. Whatever the specifics, a local ceremony in the couple's state of residence, in real time, could be arranged. The insult to dignity would simply not exist. The couple would have the local support any couple has – friends and family would want to be present when the couple performs a public, state-authorized and legally-enforceable covenant with one another. The local jurisdiction could not harm the dignitary value of the ceremony, and under recognition rules, it could not harm it by withholding any benefit or courtesy.

The Whole Picture

This is the whole picture of state interests in creating sound marriage law; couple interests in entering marriages with full ceremony available where they live and having it recognized as a legal status anywhere in the United States; local interests in having the primary say over the course marriage statutes and policies take; and cultural interests in having marriage adjust to the times by encouraging states to innovate in procedure as well as substance. The times today involve differences in assumptions about the gender

element in marriage, a mobile population, and a real need to improve marriage procedure to enhance access for all couples, wherever situated.

The times also call for greater tailoring of marriage law to the differing needs of couples. Some couples opt for entirely traditional marriages based on division of labor into a male sphere and a female sphere. It makes sense to have a default marriage law that fits the moral understanding between them if the marriage ends. Other couples enter entirely egalitarian marriages with no plans for income sharing or child bearing; the dissolution of their marriage can be an uncontentious severing of legal and financial ties. If children are involved, the state of residence would play a role to safeguard the minors' welfare, and would apply local law designed for child custody problems. The range of discretion concerning parental rights would occur within a constitutional general framework of the sort that, except at the margins of contemporary understandings, can be constructed by states making law in response to changing cultural practices and norms.

What is marriage? It is a state-created dignitary unit that usually involves sexual or romantic intimacy and serves a wide variety of practical purposes for the couple, including the care of children and elders States try to devise ground rules that enable marriage, as a dignitary unit, to flourish and to fit the evolving needs of couples and their dependents. Marriage law is never a perfect fit for the range of relationships that occur within marriage, but in the United States, the shape of the entity is gradually changed by the combination of state legislative work, public expression of needs and values to those state legislative bodies, and the work of common law judges applying state policies, common law norms, and evolving understandings.

The states apply flexible norms to marriage and over time have taken out the overt use of gender as a design feature, even while specific areas of marriage law retain reference to gender as a result of the biology of reproduction. Constitutional law has an influence but it does not create the basic design parameters.[52] Similarly, common law has an influence, but judges shape the law for the twenty-first century family. Cultural change plays a role, but incorporating it occurs in collaborations among state lawmakers and state judges, with input by national bodies that study family law and by constitutional norms articulated, on limited occasions, by federal courts, and always, by all those who participate in shaping the law of marriage for today's marriages.

In the complex task of regulating an intimate yet legally governed relationship, federal judges are not at the drawing board for the numerous judgments about fairness today and the relevance of past understandings. For that reason, the argument by the pro-gay marriage advocates that even though marriage law is a state creation, it must conform to constitutional rules[53] is circular; the question at issue is whether there is constitutional

requirement that each state issue marriage licenses. *If there is not, the state control is of primary importance and the federal role confined to special issues and the boundaries of constitutional limits.* So the question that is presented is which constitutional norm prevails in a collision between the allocation to the states of primary control over family law and the allocation to the Supreme Court of the task of interpreting constitutional provisions that may partially, but not completely, limit state control.[54] A simple solution in the marriage case is for the Court to referee federalism, with attention to equality, stability, and common sense.

Too Much Abstraction

The consideration of the question through briefs and oral advocacy has suffered from flaws. The arguments occurred at an abstract level on both sides. The pro-gay marriage side argued that the good of marriage is similar for all couples.[55] It produces stability, helps children thrive as a result of legal protection and symbolic approval of their relationships with their parents, and has practical benefits that should not be withheld from a subset of couples.[56] The anti-gay marriage side claims that marriage has an essential, core meaning that the state is entitled to advance and respect, for the symbolic endorsement it provides to the importance for children of having a biological, morally significant tie to both of their biological parents, a tie protected by marital commitment by their biological co-parents.[57]

Since gay marriage has become possible and argued about, conservatives have protested that courts were changing the definition of marriage when they have held that couples of the same sex have a right to marry. The claim, as a soundbite, is shallow. The common usage of the term has changed. Marriage, as a dictionary definition, has evolved to include marriages between couples of the same sex. Experts who testify about the definition of marriage are merely supplying a cultural meaning that, in some respects, we all know. We know that before any state gave legal authorization to a marriage between two men or two women, people were calling the relationships marriage. We know that other people understand marriage to be a religious covenant only between a man and a woman. The popular definition of marriage is in flux in part of the culture and still held in glue by other sectors of the culture. I explained years ago that the new provisions of marriage laws that inserted a restricted definition were a concession that marriage has a broader cultural meaning than the new "defined term" in the legal provisions for marriage. As an abstraction, marriage's meaning has evolved in the speech of Americans. What does that mean for the Supreme Court's role as a referee of changing meaning in a federal system?

Change and Continuity

If the cultural meaning of marriage has changed, is the protest that including same-sex couples in the marriage institution redefines it therefore simply wrong – at every level? I think it is not. The simple label – marriage – at which many have launched their linguistic protest over its expansion, is a word with a newly broad meaning in our shared vocabulary.[58] But the legal definition of marriage comprises a complex body of law drawing on long-standing assumptions about gender, changing norms about gender that reduce gender's relevance to the whole meaning of marriage but do not efface it, and experimental efforts to create a body of law responsive to the needs of couples upon whom the state confers a marital status. Developing the whole definition of marriage is a state project that uses statutory enactments, common law reasoning, judicial deference to legislative mandate, and incremental revision in light of the changing understanding of the gender component of marriage. Ideally, the constitutional parameters are gradually understood and incorporated by state legislators and judges, all of whom are subject to the supremacy of constitutional law.

Where then does the Supreme Court's role lie in refereeing the incorporation into state law of changes to a critical social institution, one understood as a core building block of society? I have argued, in a law review article,[59] an issue brief for the American Constitution Society,[60] and an amicus brief in the current case[61] that the Court should find its role in the federalism framework for marriage. In that capacity, the Court should conclude that, in today's understanding of marriage as a cultural practice recognized in law by a number of states, states have no policy interest in refusing to recognize legal same-sex marriages present in their territory. A policy interest in denying recognition of an entire class of marriages had to do with the incompatibility with state marriage law and culture of a marriage form that is sufficiently radically different from the state marital practices and arrangements as to be alien to the working logic of family law. Polygamy has been the iconic example of a form of marriage considered foreign to American states' traditions.[62] Indeed, so strong was the rejection of legal authorization of polygamous marriage that courts even declined to recognize a traditional marriage between one man and one woman made in a legal system that authorized polygamous marriage.[63] This effacing policy rejection of certain marriages is no longer appropriate, if it ever was, for same-sex marriage.

Same-sex marriage does not emanate from an alien legal system. Rather, it is an American marriage form, now common in the United States and present throughout the American states (as well as some other countries).

The effort to deny the reality of a common legal status is a form of denial lacking credibility in a mobile society, and can be readily, and without reaching into new ventures of writing primary marriage law, located within the capacity of the Supreme Court to end. The alteration in the gender composition of marriages is not in such a category in 2015. As noted by Justice Ginsburg, the assumption of male dominance has been expunged from our marriage laws.[64] Nonetheless, marriage norms originated in ideas about the mutual dependencies and expectations of male/female pairs. Now similar, but perhaps not identical, mutual dependencies and expectations are understood to exist between pairs of the same sex. It makes sense, and it is not a dogmatic or religious claim about the gendered essence of marriage, to remain sufficiently agnostic about the right answers to new questions in marriage law to leave the primary law-making about marriage to the states. Let Vermont, and even Alabama, contribute to the ongoing revision of the statutory underpinnings of marriage meanings. Alabama is not without anything to contribute, and, in my view, Vermont is a rich source of citizen law-making attuned to the needs of real people in real marriages.

My argument that marriage law belongs to the domain of the states is not a states rights' argument. As just noted, it is not dogmatic and makes no claim about the essence of marriage. It does make a claim about the allocation of primary work on marriage law and norms to the states. It is late in the day to reassign the primary work to Congress and the federal judiciary.

My "equality federalism" thesis is rather a practical argument about the good reasons to allow the states to continue on a path of articulating marital norms for a changing society in light of fairness and prudence. It is about the dispersion of the work in a democratic society among a wider set of collaborators and the concession by the Supreme Court of its lack of a jurisprudence with which to guide marriage law in the states. It is about optimism about federalism as a source of real energy to solve and harmonize the differing abstract goals for marriage law that were argued in the Court. It is about planning for a complex institution with wide citizen engagement.

Conclusion

In closing, I will repeat my view that this moment in American marriage history presents an opportunity to enrich marriage law by 1) energizing federalism as a source of change in marriage understandings about its obligations in a less gendered society, 2) providing a stimulus to states to modernize marriage procedure by severing it from a literalist requirement of a couple's physical presence in a marriage authorizing state, and 3) permitting state judges to play their role as supplemental law-makers who construe state statutes and work with common-law reasoning.

The gay rights movement would benefit from helping to innovate marriage law and procedure in the interests of a wide set of interests. All couples have the potential need for better marriage access across distance as well as more responsive family law, attuned to the understandings and agreements in our contemporary family lives.

In taking that constructive, policy-making role, the gay and lesbian community would take the first step to looking beyond its unique interests as a community long under majoritarian siege, and begin trying to show a wider community the capacity of a long burdened group to think large – for themselves and for others.

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I wish to thank Max Hutchinson for admirable research assistance and good discussion. My usual gratitude goes to Barbara Bean for her keen eye for imperfection.

NOTES AND REFERENCES

I am posting this article in hopes of dispelling any misunderstandings about my approach to marriage fairness. As the text of the piece explains, I filed an amicus brief in the current same-sex marriage case that addressed only the question of whether the Fourteenth Amendment requires the states to issue marriage licenses to couples of the same sex. I am posting this in the hopes of receiving suggestions about my argument and to fill what I perceive as a gap in the argumentation presented to the Supreme Court on April 28, 2015. After the case is decided, I will provide commentary on the outcome.

1. Obergefell v. Wymyslo, 962 F. Supp. 2d 968 (S.D. Ohio 2013), *rev'd sub nom.* DeBoer v. Snyder, 772 F.3d 388 (6th Cir. 2014), *cert. granted*, No. 14-556, 2015 WL 213646 (U.S. Jan. 16, 2015).

2. The public purposes are determined, in the typical case, by legislative deliberation.

3. Oral Argument on Question One, Obergefell v. Hodges, 135 S.Ct. 2584 (2015) (No. 14-556), http://www.supremecourt.gov/oral_arguments/audio/2014/14-556-q1; Oral Argument on Question Two, Obergefell v. Hodges, 135 S.Ct. 2584 (2015) (No. 14-556), http://www.supremecourt.gov/oral_arguments/audio/2014/14-556-q2; Transcript of Oral Argument on Question One, Obergefell v. Hodges, 135 S.Ct. 2584 (2015) (No. 14-556), http://www.supremecourt.gov/oral_arguments/argument_transcripts/14-556q1_7l48.pdf; Transcript of Oral Argument on Question Two, Obergefell v. Hodges, 135 S.Ct. 2584 (2015) (No. 14-556), http://www.supremecourt.gov/oral_arguments/argument_transcripts/14-556q2_1813.pdf.

4. Oral Argument on Question One at 10, 55, *supra* note 3; Oral Argument on Question Two at 14, *supra* note 3 (The term "scrutiny," referring to the extent of judicial scrutiny merited by a claim against the government for a violation of individual rights, was used only twice in the question 1 oral argument and only once in the question two oral argument).

5. *Transcript of Oral Argument on Question One* at 4-5, *supra* note 3.

6. Brief of Amici Curiae Mae Kuykendall, David Upham and Michael Worley in Support of Neither Party and Urging Affirmance on Question 1, Obergefell v. Hodges, 135 S.Ct. 2584 (2015) (No. 14-556), 2015 WL 1004711, https://www.aclu.org/legal-document/amicus-brief-kuykendall-support-neither-party-urging-affirmance.

7. *Transcript of Oral Argument on Question Two* at 4-5, *supra* note 3.

8. For an expert brief on the obligation of states to recognize out-of-state marriages, *see* Brief of Conflict of Law Scholars as Amici Curiae Supporting Petitioners and Reversal, Obergefell v. Hodges, 135 S.Ct. 2584 (2015) (No. 14-556), http://www.scribd.com/doc/257910157/BRIEF-OF-CONFLICT-OF-LAW-SCHOLARS-AS-AMICI-CURIAE-SUPPORTINGPETITIONERS-AND-REVERSAL14-556-Tsac-Conflict-of-Law-Scholars.

9. Mae Kuykendall, *An Essay on Defined Terms and Cultural Consensus*, 13 J.L & POL. 199 (1997); Mae Kuykendall, *Resistance to Same Sex Marriage as a Story about Language*, 34 HARV. C.R.-C.L. L. REV. 385 (1999).

10. Kuykendall, *An Essay on Defined Terms and Cultural Consensus*, *supra* note 9, at 202.

11. Kuykendall, *Resistance to Same Sex Marriage as a Story about Language*, *supra* note 9, at 395.

12. Adam Candeub & Mae Kuykendall, *Modernizing Marriage*, 44 U. MICH. J.L. REF. 735 (2011).

13. *Cf. Goals*, INSTITUTE FOR TRAFFIC SAFETY MANAGEMENT, https://www.itsmr.org/about-itsmr/ (last visited November 30, 2015) (describing the institute's focus on implementing data collected and analyzed by traffic experts).

14. Transcript of Oral Argument on Question One at 28, *supra* note 3.

15. *Id.* at 32.

16. *Id.* at 44-45.

17. *Id.*

18. *Id.*

19. Mae Kuykendall, *Equality Federalism: A Solution to the Marriage Wars*, 15 U. PA. J. CONST. L. 377, 401 (2012).

20. Transcript of Oral Argument on Question One at 43, *supra* note 3.

21. *Id.* at 49. *See also id.* at 72–73 and *id.* at 72–73 (. . . [T]he state has no interest in bestowing or taking away dignity from anyone.)

22. *Id.* at 73.

23. Lawrence v. Texas, 539 U.S. 558, 574 (2003) (quoting Planned Parenthood of Se. Pa. v. Casey, 505 U.S. 833, 851 (1992)) ("These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment.").

24. Transcript of Oral Argument on Question One at 54, *supra* note 3.

25. Transcript of Oral argument on Question Two at 31, *supra* note 3 ("[F]ull faith and credit applies to judgments. You can't reject a judgment from a sister State because you find it offensive to your policy, but . . . full faith and credit has never been interpreted to apply to choice of law.").

26. Gil Seinfeld, *Reflections on Comity in the Law of American Federalism*, 90 NOTRE DAME L. REV. 1309, 1314 (2015).

27. *Id.*

28. Kuykendall, *supra* note 19, at 401.

29. Transcript of Oral Argument on Question One at 5, *supra* note 3.

30. *Id.* at 7.

31. *Id.* at 5–6.

32. Planned Parenthood of Se. Pa. v. Casey, 505 U.S. 833 (1992).

33. *Id.* at 853 ("While we appreciate the weight of the arguments made on behalf of the State in the cases before us, arguments which in their ultimate formulation conclude that Roe should be overruled, the reservations any of us may have in reaffirming the central holding of Roe are outweighed by the explication of individual liberty we have given combined with the force of stare decisis.").

34. Zablocki v. Redhail, 434 U.S. 374 (2014).

35. Boddie v. Connecticut, 401 U.S. 371 (1971).

36. Lawrence v. Texas, 539 U.S. 558 (2003).

37. Frederick Hertz, *Same-Sex Divorce, Post-*Windsor: *Lingering Legal Complexities*, 28 AM. J. FAM. L. 180 (2015).

38. Barber v. Barber, 62 U.S. (21 How.) 582, 584 (1858) (*dicta*).

39. U.S. CONST. amend. XIV, § 5.

40. United States v. Windsor, 133 S. Ct. 2675 (2013).

41. Transcript of Oral Argument at 37, *supra* note 3.
(CHIEF JUSTICE ROBERTS: "Well, you have enforcement power, too."
GENERAL VERRILLI: Right. And – and – well, that's certainly true, but there is no Federal law now generally banning discrimination based on sexual orientation, and that's where those issues are going to have to be worked out." Shortly after, in a colloquy with Justice Alito, General Verrilli acknowledged that the matter of whether a university can claim tax exempt status if it opposed same-sex marriage will be a valid issue if the Court rules yes to Question 1.
JUSTICE ALITO: "Well, in the Bob Jones case, the Court held that a college was not entitled to tax-exempt status if it opposed interracial marriage or interracial dating. So would the same apply to a university or a college if it opposed same-sex marriage?"
GENERAL VERRILLI: "You know, I – I don't think I can answer that question without knowing more specifics, but it's certainly going to be an issue. I – I don't deny that. I don't deny that, Justice Alito. It is – it is going to be an issue.").

42. DEVA R. WOODLY, THE POLITICS OF COMMON SENSE: HOW SOCIAL MOVEMENTS USE PUBLIC DISCOURSE TO CHANGE POLITICS AND WIN ACCEPTANCE 169–182 (2015).

43. *Id.* at 183–207.

44. *Id.* at 64.

45. Donley T. Studlar, *Toward the More Permissive Society? Morality Policy Agendas and Policy Directions in Western Democracies*, 48 POL'Y SCI. 273, 278 (2015).

46. *Id.* at 281.

47. Thank you to my research assistant, Max Hutchison, for finding the supporting research and providing an initial draft for the preceding four paragraphs.

48. 163 U.S. 537 (1896) (holding in favor of a separate but equal approach to racial injustice).

49. Transcript of Oral Argument at 71, United States v. Windsor, 133 S.Ct. 2675 (2013) (No. 12-307), http://www.supremecourt.gov/oral_arguments/argument_transcripts/12-307_jnt1.pdf

50. Kuykendall, *supra* note 19, at 441 (citing Representative Bill Lippert, Chair of the Vermont House Judiciary Committee, Roundtable discussion at the MSU College of Law symposium on E-Marriage (Nov. 2010)) (showing openness to possible adoption of E-Marriage).

51. *Id.*

52. Troxel v. Granville, 530 U.S. 57 (2000).

53. Transcript of Oral Argument on Question One at 4–5, *supra* note 3.
(JUSTICE GINSBURG: "What do you do with the Windsor case [Ed.: Windsor v. U.S.] where the court stressed the Federal government's historic deference to States when it comes to matters of domestic relations?"
MS. BONAUTO: "States do have primacy over domestic relations except that their laws must respect the constitutional rights of persons, and Windsor couldn't have been clearer about that. And here we have a whole class of people who are denied the equal right to be able to join in this very extensive government institution that provides protection for families.")

54. *Troxel*, 530 U.S. 57.

55. Transcript of Oral argument on Question One at 11, *supra* note 3.

56. *Id.* at 28.

57. *Id.* at 45.

58. Kuykendall, *Resistance to Same Sex Marriage as a Story about Language*, *supra* note 9, at 400.

59. Kuykendall, *An Essay on Defined Terms and Cultural Consensus*, *supra* note 9.

60. MAE KUYKENDALL, AMERICAN CONSTITUTION SOCIETY, THE CONVERGING LOGIC OF FEDERALISM AND EQUALITY LOGIC IN SAME-SEX MARRIAGE RECOGNITION, (2012), http://www.acslaw.org/sites/default/files/Kuykendall_-_Converging_Logic_of_Federalism_and_Equality_0.pdf

61. Brief of Amici Curiae Mae Kuykendall, David Upham and Michael Worley in Support of Neither Party and Urging Affirmance on Question 1, *supra* note 6.

62. Kuykendall, *supra* note 19, at 401 (citing Léon Duguit, *Comment, The Concept of Public Service*, 32 YALE L.J. 425, 472 (1923)) ("The goal of repose had as its background the sense that marriage 'essentials' were stable in the United States but the subject of 'great diversity of view' in 'different countries.'").

63. Duguit, *supra* note 62, at 471.

64. Transcript of Oral argument on Question One at 10-11, *supra* note 3.

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THE VOICE OF SUBALTERN IN MARGARET ATWOOD'S *SURFACING*: AN ANTICOLONIALIST APPROACH TO THE NOVEL

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ABSTRACT. This study aims to examine Margaret Atwood's *Surfacing* from the ecofeminist point of view in the light of Spivak's theory. In her essay "Can the Subaltern Speak?" Spivak questions the concept of the colonial "subject" and the "other." Atwood creates an unnamed protagonist and displays the difficulties of being a woman in a patriarchal world. While doing this, Atwood establishes a connection between woman and the nature which are both exploited and subordinated by patriarchal society. The protagonist, her friend Anna and the nature are subordinated by this patriarchal world and they look helpless and desperate. But at the end of the novel, the protagonist decides to rebel and make her voice heard by the subordinator (her boyfriend). In this process, the protagonist doesn't use subordinator's language to be heard by others. Unlike the patriarchal world, she equals herself to the nature and tries to create a new civilization which is in harmony with the nature.

Keywords: ecofeminism; subaltern; voice; wilderness; nature

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My paper analyzes Margaret Atwood's *Surfacing* from the perspective of anti-colonialism, employing the concepts of "voice" and "subaltern" from Spivak's work. The novel was published in 1972 and it occupies a place of prominence in Atwood's substantial body of literature. The novel is mostly concerned with women's equality, the violence committed against women and the natural destruction in Canada. Ecofeminism builds a kind of bridge

between these two theoretical groundings and tries link feminism and ecology in the sense that the oppression of women and the oppression of the environment are two issues, which are closely connected. Oppression of women in a patriarchal society and exploitation of nature by means of new technologies are the major themes of her novel, which I approach as colonial oppression of female and nature. Actually, in this novel all kinds of ideological oppression are bitterly criticizes in the sense that not only the women but also the nature is decreased in to an object, which can be manipulated by the oppressive ideological system. Besides this, ecological awareness is a constant issue and the importance of nature in the protagonist's psychological development expresses this awareness. Atwood also tries to show people that Canada has been suffering from the impact of the society in which modern technology has an important role. In "Can the Subaltern Speak?" Spivak critiques the essentialist underpinnings of Subaltern Studies, where the marginalized subaltern subject is always defined via his or her difference from the elites (Lane 247). In the novel, wilderness, protagonist and her friend Anna are subaltern and subordinated. The subordinated can never express their feelings, emotions and thoughts. The only way to be heard is to speak the language of subordinator. In *Surfacing* the female protagonist has no name and this represents that she has no identity and she doesn't belong to any culture. The unnamed protagonist goes to a remote island to search for her missing father where she grew up. The island takes place in the wilderness of Canada and it is clear that the unnamed protagonist comes back to her birthplace after many years. During the investigation she is accompanied by her boyfriend Joe and another couple Anna and David. But when they can't find her father, they decide to stay on the island for a week.

While Atwood portrays the struggle of female characters in search of a fixed self-identity, which rises against the male domination, in *Surfacing* the female subject is also depicted as rising against all kinds of oppression including colonial exploitation, capitalist exploitation and yet, most importantly ecological repression. In this paper, basing on the readings on *Surfacing*, I will focus on aspects in which Atwood metaphorically criticizes the oppression of both the female-self and the nature-self. Therefore, the novel can be analyzed from ecofeminist point of view. According to Greta Gaard, "Ecofeminism's basic premise is that the ideology, which authorizes oppressions such as those based on race, class, gender, sexuality and physical abilities, is the same ideology which sanctions the oppression of nature. Ecofeminist theorists consider the interconnections between sexism, the domination of nature, racism, speciesism and other social inequalities" (1).

In the novel, from the ecofeminist point of view the connection between women and nature can easily be seen. Atwood makes it clear that the unnamed protagonist sets up an inner journey through the nature and during this journey she challenges the idea of women's and nature's inferiority against men and culture. The heroine undergoes a deep process of self-analysis throughout her investigation. The struggle to find her father becomes an excuse for the inner journey which leads her to natural world and helps her to find herself at the end. When protagonist travels into nature, she realizes that there is a gap between her and nature and nature is victimized by Americans. Throughout the novel, the connection between nature and women is represented by the protagonist and Canadian wilderness. Thanks to this interconnection, the protagonist more independent and more powerful. Such interconnection may be associated with Ecofeminism, which has as its basic principle the notion that patriarchal thinking is harmful to nature and to women. In this case women and nature are viewed in similar terms (Serpa 140). In traditional thought women and nature are considered as objects which should be dominated. According to ecofeminist thinking, two contradictory and dualistic worlds exist in the patriarchal society: the feminine and the masculine. The feminine world is represented by Mother Earth, the body, emotion and intuition. On the other hand the masculine world represents logic, rationality, the head and separation from the nature. Gaard and Murphy states that ecofeminism is deeply involved in the criticism of the "dualisms of white Western patriarchal culture, such as self/other, culture/nature, man/woman, human/animal, and white/non-white, which construct male human identity as separate from and superior to the identities of women, animals, and the natural world" (Gaard and Murphy 9).

In the novel, Atwood shows us the man's damage to the nature in the first sentence by mentioning about the death of white birches. This death is caused by technological development which is thought to be done by Americans. "I can't believe I'm on the same road again, twisting along past the lake where the white birches are dying, the disease is spreading up from the South, and I notice they now have sea-planes for hire" (Atwood 3). As soon as she arrives in the land she realizes that she has been taken apart from the nature. "Nothing is the same. I don't know the way anymore" (Atwood 10). There are two meaningless killings in the novel; the first one is the dead heron and the second is explosions on the lake made by Americans fishers. These killings make her feel sad and later she doesn't want to kill fish for food. "I couldn't anymore, I had no right to, we don't need it, our proper food was tin cans. We were committing this act, this act. Violation, for pleasure, recreation they call it" (Atwood 153). The turning point in the novel is the time when she dives into the lake and sees an image of body which she thinks it is her father's corpse but in fact she sees

it as the body of her aborted child. The abortion has a traumatic effect on her she remembers that she married and simply aborted the child. This vision makes her remember the truth, her relationship with a married man, her pregnancy and the abortion. This abortion is represented as her falling apart from the nature. But after this experience she becomes powerful enough to confront the reality then she establishes her connection with the nature again. She feels that her abortion was an anti-nature activity and she has to compensate for this activity. So she decides to bear a child and grow the baby in the heart of nature in the most natural way. "This time I will do it myself . . . the baby will slip out easily as an egg, a kitten and I'll lick it off and bite the cord, the blood returning to the ground where it belongs; the moon will be full, pulling. In the morning I will be able to see it, it will be covered with shining fur, as god, I will never teach it any words" (Atwood 209).

It can be said that her healing process begins with the dead heron. The protagonist sees the heron as symbolic of her own psychological death (Bhalla 4). She blames Americans for the killing but later it turns out that Canadians are responsible for this killing. They destroy their own landscape and wild life, and because of the fact that she thinks Canadians are innocent she also takes part in the destruction process. She begins a process of a withdrawal from society, in which she rejects all the social games. The rejection she experiences toward the killing of the animal (heron) is the beginning of her transformation process (Serpa 144). After withdrawing from culture and turning to wilderness, she removes the boundaries between herself and nature. She gives up all civilization and tries to create a new civilization which lives in harmony with the nature. She starts to rely on the Mother Earth and wants to gain her absolute freedom. "The lake is quiet, the trees surround me, asking and giving nothing" (Atwood 251). Her powerful relationship with nature makes her realize that women are victimized.

Another important point in the novel is the relationship between women and men and this is represented by two couples. The relationship between Anna and David represents the usual relationship between men and women in a patriarchal society. David is the powerful and dominating male and he tries to humiliate Anna. For instance, In *Surfacing*, Anna knows well that her body is a good weapon for controlling and holding over her husband David. Therefore, she is horrified when she forgets her make-up. She has to tolerate physical and sexual humiliation in order not to lose him. She is just a doll (Zidan 15): "'God,' she said, 'What'm I going to do? I forgot my makeup, he'll kill me.... He'll get me for it,' she said fatalistically. 'He's got this little set of rules. If I break one of them I get punished, except he keeps changing them so I'm never sure' (Atwood 131).

Another example is that: David forces Anna to get naked and take her photo beside the dead heron. This shows that in patriarchal culture women are considered as inferior to men as animals. The female body has historically been an object whose boundaries are drawn by patriarchy and whose shape is limited by the fear of rape, pregnancy, immorality and violence (Korkmaz 83). The camera is the symbol of male power over the women and by destroying the camera the protagonist acts her first protest against this dominancy. Indeed beforehand she has been affected by this oppression and domination and as a result she has aborted her baby. "It was my husband's, he imposed it on me, all the time it was growing in me I felt like an incubator. He measured everything he would let me eat, he was feeding it to me, he wanted a replica of himself" (Atwood 39). According to her ex-lover this is "simple, legal and like getting a wart removed" and "it wasn't a person, only an animal" (Atwood 185). Atwood emphasizes the fact that men exploit the bodies of women for their needs. They even control the process of childbirth which nature has assigned only to women (Bhalla 4). But when she gains her freedom with the help of nature, she uses Joe to get pregnant bur refuses to get married to him. This action can be considered as a revenge for the things done to her before. Now she feels confident and refuses to be a victim anymore. The narrator leaves the male dominated society, artificiality of urban life behind, and prefers to be a "mad" outsider who finds the whole liberation into nature. Rejecting the submission to the patriarchal codes and roles, she isolates herself into the nature, which is the only destination where women are without any oppressive restrictions and where they could discover their own genuine individualities without any male requirement to stay fit, beautiful and "civilized."

During the course of the story, the narrator pays closer attention to the blessings of nature and draws parallels between nature and human body, which is a manifestation of the ecofeminist perception. Therefore, the narrator usually has the tendency to go back to nature; she treats nature, animals, the woods, the wilderness with respect and admiration. Even wearing the leather jacket makes her feel comfortable as it is the raw leather of an animal, via which she does not lose her organic connection to nature. The touch of the skin of the animal, via the leather jacket, makes her feel integrated into the nature, into an animal body. So, therefore, the narrator takes off all the boundaries between animals and human beings and merges herself into the nature. Hereby, the ecofeminist notion that combines and merges the female body and the nature locates its manifestation with this metaphorical narration. At the end of the novel, as a genuine ecologist, the narrator decides to live rest of her life in the nature, which is away from artificiality, complexities of city life. There is no one to exert power on her, no trace of civilization to control her own being, but just the Mother Nature.

Atwood, concludes her novel with a significant ecofeminist remark that female body and nature body are tow separate oppressed entities which can only liberate each others'.

In conclusion, *Surfacing* deals with the problems of women and nature which are oppressed and dominated by patriarchal society. The female protagonist explores the nature, leaves the civilization and escapes into wilderness. Her experience gives her the ability to see things clearly. She becomes a more powerful and more independent woman which is enough for her to make a new start and this helps her to face her past and make important decisions about her future. At the end of the novel, she makes a new start with a new identity, now she belongs to a place, Canadian wilderness. After her inner journey, she realizes that she is not superior to the nature but equal to it and a part of it. She does not want any dominance neither patriarchy nor women's dominance. She wants to fix the balance between men and women and she wants to create a new civilization which is in harmony with nature. She screams and makes her voice heard by the patriarchal society and subordinators. In order to be heard and known, oppressed subaltern of the novel doesn't use subordinator's language unlike them she sees herself and the nature in the same level and equalizes herself with the nature. Then, the subaltern *can* be heard and this voice can be different from the subordinators' voice.

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RADICAL OR CONVENTIONAL? – PORTRAYAL IN CHINESE MEDIA OF THE RELATIONSHIP BETWEEN AN OLDER WOMAN AND A YOUNGER MAN

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ABSTRACT. Recently the romantic relationship between an older woman and a younger man has been a popular topic in the Chinese media landscape. This type of relationship is basically represented as something new, modern, and radical, engaged in by many celebrities as well as creating media celebrities out of some ordinary people. The media portrayals seem to add another alternative in the discourse of heterosexual relationships, especially conventional heterosexual marriage. This paper is a critical content analysis from the perspective of media studies. The analysis is conducted by drawing scholarly works from sociological, feminist, economics and gender studies, and comparing the representation of the relationship in different historical eras in China, Hollywood films since 20th century, and East Asian media since the 1990s with those in recent popular Chinese television. Focusing on recent popular Chinese television dramas, I examine how the media portrayals signal and celebrate a new form of relationship and marriage, yet still strongly reinforce the male-dominant status in romantic relationships. The representation of the older woman–younger man relationship raises some novelty in marriage and life in current China. However, because the current studies can't provide a true understanding of age in relationships, the media heavily emphasizes patriarchal values, and as a genre, the plots of romance often conform to conventional views on gender roles, the relationship between an older woman and a younger man has always been a myth in the cultural discourse. Despite the many Chinese TV programs focusing on the older woman–younger man relationship, its popular image neither challenges traditional gender roles nor the form of marriage and relationship in mainstream Chinese culture. The representation apparently is more interested in how an older woman is better than the younger girls because of her willingness and effort to protect the dominant family values and gender roles and her innate kindness. The moment that the older woman truly wins her love and proves her values is the moment that the heroine reinforces the vision of womanhood well established in the mainstream culture and protects the values of and man's dominance in heterosexual relationships, marriage, and family.

Keywords: Chinese media; older woman and younger man; romantic relationships; gender roles; age and relationship; patriarchal values

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The opinion that a husband should be a few years older than his wife is commonly accepted, although it is not rigid in reality and there are stories that tell otherwise in different cultures. The belief is supported by biological, sociological, economics, and psychological studies and by individuals' reflections on experiences.

Contrary to the belief, in China, the rate of marriage between older women and younger men reached 40.13% in 2010, much higher than in the 1990s (Liu and Liang 2014: 47), and recently the romantic relationship between an older woman and a younger man has been a popular topic in the Chinese media landscape. Despite the increase in the number of such marriages and media attention on the older woman–younger man relationship, very little serious and in-depth academic work has focused on this relationship. As a myth, this type of relationship is basically represented as something new, modern, and radical, engaged in by many celebrities as well as creating media celebrities out of some ordinary people. The media portrayals seem to add another alternative in the discourse of heterosexual relationships, especially conventional heterosexual marriage. At a time when the number of the women who concentrate on education and career and delay marriage has been increasing, the dilemma that these women often face is that they cannot easily find the type of mate they traditionally have been taught to seek: single men who are older, more successful, and more financially dependable. The relationship between an older woman and younger man presents a new model and possibility for women who spent their time pursuing educational and professional dreams and self-realization rather than finding Mr. Right when they were young. If this type of relationship is truly well accepted by individual men and women, it can make such marriages more satisfying, as Lehmiller and Agnew (2008) suggest based on their research. However, individuals' perceptions of the relationship can be highly affected by normative beliefs on heterosexual romantic relationship and marriage, especially in a society such as China, where communal, societal, and familial views and reactions still substantially influence individuals' happiness and satisfaction. The way in which dominant culture, especially the powerful mainstream media, portrays the older woman and younger man relationship can greatly guide the perception of the relationship among the general public. As a result, a detailed examination of the

mainstream media's representation of the older woman and younger man relationship can help us learn how the dominant culture imagines and broadcasts its beliefs concerning the relationship, and whether the beliefs can truly empower women and provide more alternative choices for both men and women to find a suitable partner based on their individual satisfaction and happiness.

Focusing on recent popular Chinese television dramas, I examine how the media portrayals signal and celebrate a new form of relationship and marriage, yet still strongly reinforce the male-dominant status in romantic relationships. The representation of the older woman–younger man relationship raises some novelty in marriage and life in current China. However, because the current studies can't provide a true understanding of age in relationships, the media heavily emphasizes patriarchal values, and as a genre, the plots of romance often conform to conventional views on gender roles, the relationship between an older woman and a younger man has always been a myth in the cultural discourse. Despite the many Chinese TV programs focusing on the older woman–younger man relationship, its popular image neither challenges traditional gender roles nor the form of marriage and relationship in mainstream Chinese culture.

Scholarly Discussions on the Age Difference between Spouses

Research concerning partners' ages in heterosexual relationships among people who are not legally registered is hard to find because of the difficulty of collecting tangible data and statistics about individuals who are dating. As a result, most available research focuses on married couples who are registered in official records. Although these studies have limits because they are only about couples who conform to the authoritarian, institutional, and dominant form of coupling and because the studies' subjects are from very different cultural backgrounds, they help in understanding which aspects of relationships have been mentioned in the dominant scholarly discourse and which have not.

Based on critical interpretations of data and sociological studies on individual cases, scholars have examined the age differences between spouses and provide possible explanations for the patterns. Unsurprisingly, the research has found that in most cultural contexts, a high number of marriages are between women and men of the same age and between an older man and a younger woman (Buss 1989, Kenrick and Keefe 1992, Kenrick, Gabrielidis, Keefe, and Cornelius 1996). The reasons include the particular culture's customs, women's fertility, and the social and economic status of men and women in patriarchal societies (Glick 1950, Duncan 1934, Casterline, Lindly and McDonald 1986). "Age-discrepant couples reported

experiencing significantly more social disapproval than individuals involved in gay or interracial relationship," and "women-older relationships received significantly more opposition" (Lehmiller and Agnew 2008: 75). Among academic researchers, despite the increasing number of marriages and relationships between older women and younger men and the literature portraying this relationship, "the research on this subject is very limited or outdated" (Proulx and Caron 2006). The scarce research on the subject hasn't been changed in the recent decade.

Most of the research on age differences between spouses, especially studies of developing countries, examines whether women's social status has changed in the culture. In their study of age as a factor in marriages in contemporary Indian culture, Desai and Andrist focus on three factors that have caught scholars' attention: economic context, women's empowerment, and the gender scripts (2010). Desai and Andrist find that the gender scripts of dominant western culture still have far to go before they can be woven into families' views concerning the age at which it is appropriate for daughters to wed in traditional Indian society. Desai and Andrist's research helps clarify why many women still get married at a young age when increasing numbers of young women pursue their careers over a marriage, and shows that women with high wages tend to work longer before they get married because they either support their families or are independent enough to wait longer to get into marriage. Therefore, economic factors are very important in affecting families' arrangements of their daughters' marriages and women's choices to get married at a certain age. However, the research does not touch on the issue of what kind of candidates will be available to the "older women" to be Mr. Right when the women are ready to seriously engage in a romantic relationship leading to marriage. As a result, the question of how the older women can find men who are suitable to marry is not asked.

Jeofrey Abalos's (2014) research found that in current Philippine society, pursuing higher education is the main reason that both men and women delay getting married. Similar studies have been done on the marriage age of women in developing countries. The conclusion is quite similar that urbanization and modernization provide young women with opportunities to pursue higher education and financial security and thus to get married later than was the previous norm; however, there are still girls in certain countries and regions who get married when very young because of economic concerns and traditional cultural beliefs. All the research suggests that women who get married later are more empowered than those getting married at a young age. As for the situation of the single women who are in their late 20s and 30s and want a conventional marriage in developing countries such as China, the research is incomplete.

As more women wait longer to get married, relationships between older women and younger men are becoming more common. Some scholars suggest that this is because women are more independent and strong and they can decide who they want to be with (Wang 2014). Other scholars have found, based on analysis of interviews, that many women celebrate the sexual desires of the midlife women who have been involved in a relationship with a younger man (Montemurro and Siefken 2014). Meanwhile, some scholars warn people that this type of relationship needs more nurturing and a long period of reflection, renewal, and repair to keep it alive and fresh and keep the younger husband interested and the older wife attractive as both spouses age and the men gain maturity (Mu 2004, Ma 2010). The warnings, professional suggestions, and self-help manuals suggest that this type of relationship happens because of economic, political, and familial reasons, not because of the passion that occurs naturally in other relationships (those between people who are the same age or in which men are appropriately older than women), and that there are bigger risks in this type of relationship. The fact that compared to the past, people in contemporary society are more open to relationships that are different from the conventional forms, such as social class, age, nationality, race, sexuality, etc. is contradicted by the representation of the older woman–younger man relationship in media and its perception by general audiences. What has caused this delay or prejudiced views on the older woman–younger man relationship in our dominant culture? Scholars, especially feminists, had once passionately studied the issue.

What Does This Relationship Challenge in the Dominant Imagination of a Heterosexual Relationship?

In 1981, when relationships between older women and younger men were a fresher topic in the United States, Arlene Derenski and Sally B. Landsburg examined how this type of relationship challenged dominant beliefs. At the beginning of their book (3–5), they pointed out that family members and friends often accept the relationship as a temporary fling and believe it helps the older woman restore her confidence and honor and extends the younger man's education; however, when the relationship lasts and becomes serious, it is perceived as an unrealistic choice for the woman, who craves a sexual fantasy; and an indecent surrender to establishment for the young man, who doesn't want to work hard for his future. In other words, once such a relationship becomes serious, people tend to focus on the potential dangers and question, if they ever believed, "is there true love in the relationship?" The question becomes why, given that in modern culture's popular imagination of love, love is always represented as resulting from unexplainable passion,

often irrational and dangerous, people tend not to believe an older woman and a younger man can have passionate, devoted, and long-lasting love. Derenski and Landsburg argue that it is because this relationship challenges the norm of an ideal marriage: the woman is young and pretty; the man has more experience, makes more money, and is dominant; the woman should be following in the man's lead, etc. (10). In brief, "an entire belief system about the ways in which men and women are supposed to behave in marriages is threatened by the older woman/younger man couple" (10).

The "ideal" type of relationship exists in most patriarchal societies and is followed to different degrees based on gender relationships in the particular society. Unlike in 1981, today's American middle-class view is much more open to variations in the gender relationship in terms of women's power and social status. However, the belief that women should be beautiful is probably reinforced because of the consumer culture and the effect of media's hierarchical power on women's appearances; being young is on top of the beauty menu. The physical image of an older woman and a younger man often deviates from the look of an ideal beautiful couple and visually challenges the dominant belief. This is not to say that no older women can conform to the ideal image of a happy couple when they are in a relationship with younger men. Some older women can maintain slim figures and young looks with cosmetics, plastic surgery, modern dietary science, or physical exercise, and it is these women that are often attractive to the younger men. However, their relationships with younger men do not really challenge the acceptable images of couples that the dominant culture requires, and these women are often powerful in terms of their financial ability and social status.

Besides the visual image and the power relationship, an older woman–younger man relationship also might make people wonder about the woman's sexual desires. In most patriarchal cultures, "older women, no matter how beautiful and in shape, are not supposed to be seen as sexy. It's taboo. Disturbing. In some people's minds, disgusting. It is also a mind-set that serves the needs of insecure older men" (Brings and Winter 2000: 79). The belief that young men are much more driven by sex than are older men makes people assume that the woman in a relationship with a younger man craves sex, which is apparently "too threatening to the commonly accepted view that older women and sexuality don't mix" (79). Consequently, the older woman–younger man relationship also challenges men's absolutely dominant role in sexuality, because older women now might have a choice to enjoy sex with a younger partner. This is extremely disturbing in a culture such as China where both traditional culture and communist regimes have suppressed women's sexual desire, and the recent openness to sexual

desires mainly aims at creating a harmonious patriarchal society rather than liberating women's sexuality.

A Brief History of the Relationship in Chinese Culture

While current Chinese media present the older woman–younger man relationship as a radical, brave, and new choice for people, it has always existed in Chinese history. The dynastic records indicate that many emperors married women older than they were, such as the talented emperor Tang Taizong (Emperor Tai Zong of the Tang Dynasty), whose second empress was older than him; the only female emperor, Wu Zetian (empress Wu), who was four years older than her husband; and the most famous one, Ming Xianzong (Emperor Xian Zong of Ming Dynasty), who married Wan Zhen'er, who had been his nanny and who was 19 years older than he was. Surprisingly, not all the women in these marriages were beautiful. For example, Wan Zhen'er was actually a tall and strong woman who did not have the feminine appearance that people assumed an emperor's favorite concubine should possess. According to the historical record, she was so jealous, manipulative, and brutal that she forced many women who were carrying the emperor's children to get abortions.

Historical evidence of the older woman–younger man relationship is not limited to the records of the royal families. There was a custom in many areas in China for a family to raise a Tong Yang Xi (young daughter-in-law). In the 1930s, the accomplished Chinese writer Shen Congwen wrote a novel, *Xiao Xiao*, that tells the story of a twelve-year-old girl who marries a two-year-old boy. Xiao Xiao takes care of her husband as would an older sister and a wife and waits for him to grow up so they can be a real couple. The wait is long; when Xiao Xiao is sixteen, she is already sexually mature, but her husband is only six years old. Xiao Xiao has an affair with Hua Gou Da, a young man employed as a farm laborer by her husband's family and becomes pregnant. Fortunately, Xiao Xiao's in-laws are generous and let her stay and have the baby. The baby, of course, eventually will become the family's laborer. The story ends with Xiao Xiao preparing for a wedding for her two-year-old son, too. This story sounds very tragic, but it is probably the most generous and least painful story about Tong Yang Xi, a custom that exposed the exploitative relationship between the poor and the wealthy and how the patriarchal and feudalist system exploited women from lower-class families.

As a common saying goes, "It is better when the man is ten years older than the wife than the wife is even one year older than the husband;" people rarely prefer the relationship between an older woman and a younger man. As the records of ruling class men's "unusual" choice of older partners

suggest, the relationship between an older woman and a young man has always had a negative connotation in Chinese history unless the age gap is appropriate and good for the man's individual values and the wealth of the man's family. There is another common saying in China: "If the wife is three years older than the husband, the marriage will hold gold bricks; if you want to be rich, a man whose zodiac is snake should find a wife whose zodiac is rabbit, which means the wife is three years older than the husband" ("女大三抱金砖 要想富 蛇盘兔"). It is obvious that this saying has nothing to do with women's primacy or the relationship between the man and the woman; instead, what is significant is only the wealth and future of the man's family. Despite presenting the older woman–younger man relationship in a somewhat positive light, the saying does not dispel the common perception and imagination that there is less romantic affection and attachment between an older woman and a younger man as in relationships between an older man and a younger woman or a man and woman of the same age.

Meanwhile, some popular modern magazines, borrowing ideas from psychological and sociological opinions, suggest that the older woman–younger man relationship has a healing effect on the "diseases" caused by modernization and high-speed commercialization, by reducing men's stress and anxiety caused by competition and the demands for comfort and financial support made by young women in most relationships. In other words, the healing power comes from older women's success in their careers and their lower, if not nonexistent, requests for economic success and support, and from older women's maturity, understanding, and compassion that make them more like older sisters than demanding and moody little wives. Apparently, the healing power of the relationship is not actually mutual but mainly fosters men's happiness and quality of life.

Whether in the ancient historical record, the common sayings, or traditional and contemporary popular discussions, the older woman–younger man relationship always heavily emphasizes its influence on the value systems of the patriarchal culture.

Literature Review of the Older Woman–Younger Man Relationship in Hollywood and East Asian Regional Media

The older woman–younger man relationship experienced a historical change in Hollywood, initiated to a certain extent by the movies *The Graduate* (1963) and *Harold and Maude* (1971) (Keogh 2013: 15). While the plots of the two movies added an alternative type of romance to Hollywood, neither of the two stories helped make the older woman–younger man relationship acceptable in reality. In *The Graduate*, the fifty-something Mrs. Robinson seduces the college student but the young man eventually falls in love with

her daughter; in *Harold and Maude*, the relationship between the teenager and the woman in her late seventies is cute and inspiring but it is hardly a romance between a man and a woman, especially because both characters are portrayed as excessively strange people: a teenager who was ignored by his mother and obsessed with death, and an elderly woman who is ready for her last days on earth and so fearless that she acts like a teenager, only more confident and humorous. Despite the intention to explore the meaning of life in *Harold and Maude*, the connotation of the relationship is in general negative in Hollywood. The stories' plots rarely depict women as independent love agents, but always complicated women's pursuit of love with their roles as mothers and school teachers and their relationship with other women of their age after they became romantically involved with some woman's son and or a teenaged student. The older woman–younger man relationship was not portrayed as an individual's choice until the movie *The Rebound*, depicting a 40-year-old woman with two children and a 25-year-old coffee shop waiter, whose romance starts and progresses without any interruption from moral judgment but more from the characters' self-doubt and hesitation.

The older woman–younger man relationship was not depicted in Asian media until the 1990s, when the Japanese TV drama *Long Vacation* portrayed a retired 30-year-old woman model falling in love with a 25-year-old piano student. With the tall and slim female protagonist and a cute young man, accompanied by melancholy piano music, the drama greatly influenced the popular imagination of a romantic relationship between an older woman and a younger man. Kimura Takuya's young and innocent look started a craze of feminine young men in the media landscape in East Asia. The harmless masculinity this type of celebrity represents significantly affected the perception of manhood in the region, and therefore influenced the idea of who is more desirable and suitable in romantic stories. *Long Vacation*, like many 1990s Japanese TV dramas, portrays young urbanites' lives as independent from family, and the romantic relationship develops as the two protagonists grow and interact with each other, rather than being interrupted by social values and dominant norms. But the "pure" romantic story does not mean the representation of the relationship challenges the social norms on gender, which romance is still struggling to do in many cultural contexts: the female protagonist gives up her job and life in Japan and moves to support her young boyfriend's career in symphony and ends up happily married to him in Boston. This type of ending is not unusual in such stories. This kind of romance is, "after all, the story of a man. While the top girl agency is manifested only through her choice of love, the ultimate transformation lies in the male protagonist" (Yang 2013: 1082).

The other trend in the representation of the older woman–younger man relationship in East Asian media exists in film, a media genre more radical than TV dramas. A well-known film that challenges age and romantic relationship is the South Korean movie *Green Chair* (2005). The movie tells the story of a relationship between a 32-year-old divorced woman and an 18-year-old boy. The movie, besides depicting the maturity of the young man and the innocence of the older woman, goes into their sexual life in great detail. The older woman acts like a mentor for the young man to perform better in their bedroom. Although the two protagonists' love for each other is strong, the future of the relationship is uncertain by the end of the film. The story suggests that the future depends more on how the male protagonist grows and transforms than on what the woman would want because she basically gives up everything for love.

Although the plots of *Long Vacation* and *Green Chair* are different in terms of the focus of the stories – the former is closer to the mainstream tradition of romance and emphasizes the progress of the relationship, and the latter is more erotic and radical – they share a characteristic: in each, the woman is betrayed by a man before meeting the younger love interest. The women are often strong and independent in life generally yet extremely fragile and powerless when it comes to emotion and sentiments. This common code is consistent in Asian media although depicted with different twists, such as the woman does not know how to make others feel comfortable despite her efforts to get along with people or the woman grows up with a single mom and has a good heart and is afraid of opening herself to others, etc. Chinese TV dramas share the same plot but add their own cultural concerns and ideological suggestions.

The Representation of the Older Woman–Younger Man Relationship in Recent Chinese Media

There are many TV programs focusing on the older woman–younger man relationship in recent Chinese-language media, such as reality TV, talk shows, and TV dramas. Two couples in particular frequently appeared on many different talk shows. At the time of their appearances, one couple was a 30-year-old man and a 59-year-old woman and the other was a 24-year-old man and a 43-year-old woman. Their stories were different because of the context – one couple was from the countryside and the other from a city – and the two couples had completely different experiences in terms of their individual lives and careers and how they met and fell in love, but both narratives focus on the hardship before and after they met and both men acted like saviors of the unfortunate women. These talk-show appearances seemed to reemphasize the dominant gender values while presenting unusual

and nondominant heterosexual relationships. While the purpose of the appearances was to open the possibilities to alternative forms of coupling, these men's and women's real-life experiences were portrayed very dramatically to satisfy curiosities, yet completely supported the patriarchal values and gender roles. If talk shows use real stories to promote the dominant views on gender relationships in marriages, how about the TV dramas, which are supposed to be more dramatic and beyond the daily mundane? Can the dramas open a door to the real alternatives? Analyzing the plots and the narrative while comparing it with other TV genres, I will focus on *Enlightenment on Life* (*Shenghuo Qishilu*), one of the most successful TV dramas centering on the relationship between an older woman and a younger man.

The Drama: *Enlightenment on Life* (生活启示录)

In 2014, the TV drama *Enlightenment on Life* (hereinafter *EL*) won four main awards on the Chinese National Drama Grand Ceremony. In the ocean of TV dramas, *EL* has to compete with many dramas that are well-accepted by the industry and the audience and *EL*'s success isn't an easy one. The story is about a married-then-divorced middle-aged woman who falls in love with a single man in his 20s, gets married, and rebuilds a life in which she redeems her dignity and confidence, gains her independence through a successful career, and, more important, wins the love of a young and funny urban man and becomes the mother of two children. The drama breathed new life into the urban romance on Chinese TV with its comic representation of the relationship and more significantly, the visual challenge to the perfect match that TV romance usually creates.

The female protagonist, Yu Xiaoqiang (the name literally means "little strong" and usually is used for boys), is a kind and devoted wife and daughter-in-law. Her life is almost perfect; she has a big house, a rich husband, and a mother-in-law who really likes her. She tries very hard to become pregnant until she finds out her husband is cheating on her. Worst of all, although Xiaoqiang wants to tolerate her husband's affair, the mistress decides to take her place. Xiaoqiang meets Bao Jiaming, a computer engineer, when his company sends him to her house to repair her laptop. While Jiaming is doing so, he and Xiaoqiang recover pictures that her husband deleted, in which the mistress and the husband are hugging and smiling. Jiaming sees Xiaoqiang melt down and feels sorry for this middle-aged housewife. They meet again when Xiaoqiang is investigating her husband's affair and incidentally finds out Jiaming lives next door to the mistress's apartment, and they start a contract, letting Xiaoqiang rent a room in Jiaming's apartment so she can catch the affair. The mistress later twists

the story; she convinces Xiaoqiang's husband that Xiaoqiang and Jiaming are having an affair and urges him to get a divorce. Xiaoqing then discovers she is pregnant with her husband's child, but the mistress leads the husband and his mother to believe the child is Jiaming's, not the husband's.

From the beginning of the disclosure of the husband's affair, Xiaoqing's life tangles with Jiaming's. Beginning with two accidental encounters that are central to the changes in Xiaoqiang's life and Jiaming's sympathy for her, their relationship develops into romantic love. In the end, all the conflicts caused by their previous relationships are resolved and all obstacles are overcome and help prove the true love between Xiaoqiang and Jiaming. The story ends with Xiaoqiang's son from the previous marriage happily growing up with love from two fathers; and Jiaming and Xiaoqiang, pregnant with Jiaming's baby, watching their son play on the soccer field and chatting about their future.

The depiction of the relationship in *EL* is like a summary of the plots for this type of story in recent Chinese television. The representation echoes the three major questions brought up in scholarly works on the older woman–younger man relationship.

A. How to ensure that the Older Woman is not dominant and the Younger Man is not powerful?

As scholars have argued, the older woman–younger man relationship challenges the dominant power of a man in a relationship, especially in marriage, and contaminates the purity of the only power that a woman can have over a man – the mother-power. Even with the examples of Balzac and Henri II in this type of relationship, "we are so profoundly insulted by the Oedipal imagery that we are likelier to find a great genius tarnished than mentor relationships between older women and younger men exonerated" (Sunila 1980: 34), not to mention when an older woman and a younger man are so serious about their romance that they want a long and lasting marriage with each other to legitimize the relationship. While taking advantage of the age taboo to create obstacles for the characters to overcome, TV programs, to ease the anxiety about the taboo, practice the "right" voice to narrate the story – to disempower the woman before she is capable of falling in love with a younger man. The disempowerment is also important for the progress of the romance, which should be completely based on love or emotional attachment between the two people. In *EL*, the disempowerment process starts with the husband's infidelity, which provides the most persuasive reason for Xiaoqiang, the female protagonist, to start a new life without challenging the power of the husband, who represents middle-aged married men that are successful in their careers. At the same time, she is kicked out of the house and forced to divorce because the mistress uses all kinds of

tricks to create misunderstanding and hatred between Xiaoqiang and her husband and mother-in-law.

Xiaoqiang's adventure, a romantic relationship with a younger man, starts with the pain and tears of being betrayed, misunderstood, and abandoned by her ex-husband and his family. The younger man, Jiaming, enters when she is at her most vulnerable and helpless. The story line ensures that the older man remains powerful and the older woman cannot be dominant in the relationship when she starts becoming romantically involved with the younger man. During this process, Jiaming always stands by Xiaoqiang and helps her overcome self-doubt, disappointment, frustration, and desperation. In addition, Jiaming asks Xiaoqiang to marry him when her baby with the ex-husband is almost due because the baby needs a father and a family. Later, Jiaming is the best father that any woman could dream of. He not only treats the new baby as his own but also plays games wholeheartedly with him and takes care of him as a stay-at-home father, a role that deviates from dominant Chinese beliefs on masculinity and men's individual fulfillment in society but that preserves the absolutely dominant status of the man in mainstream heterosexual relationships. Jiaming's lack of control of temper and unequivocal love and hatred represent him as a boyish man in his late 20s. The show, like other TV dramas, portrays the younger man as immature and simple, often making mistakes because of his lack of experience and because of placing trust in unworthy people. To make sure the woman is not dominant and the man will not threaten the dominant status of men in romantic relationships, the TV drama must drag down both of them, making the woman extremely vulnerable and the man immature and unambitious. However, it will not stay that way due to the requirement of developing a romantic comedy.

B. How to make sure the story, in the end, absolutely protects patriarchal masculinity?

Xiaoqiang, with the help of Jiaming's love, encouragement, inspiration, and understanding, redeems herself in society. She becomes the department manager in a private maternity hospital. Not only does her career take off but also her fate as a love interest starts changing: one of the best doctors in the hospital, slightly older than her, falls madly in love with her because of her kindness, independence, and talent. But of course, Xiaoqiang only wants to be friends with him; she is completely loyal to her young husband and gains a most devoted friendship from the doctor. At the same time Xiaoqiang's life future becomes bright and encouraging and her value in society and as a love interest increases, Jiaming, the young husband, is struggling with finding himself and his future. As a stay-at-home father, his life is happy and simple, and his career seems stuck because of his upright and

inflexible personality despite his unquestionable talent and knowledge in computer engineering. However, the writers can't let the story stay that way – an older wife becoming more successful every day and a younger husband being a stay-at-home father forever – because it simply does not fit expectations concerning the roles of men and women and the image of a happy romance in the dominant culture. Jiaming's masculinity is quickly redeemed when his role as a helper and supporter of the wife should end, through the disclosure of his family being one of the most successful and richest tea merchants in eastern China. His father is an understanding and extremely successful businessman and as the only son of the wealthy family, Jiaming is destined to inherit the property and the tea business. Moreover, his father is nearing the end of his life because he has cancer and Jiaming must grow up and become the man of the family and the "king" of the "kingdom" as soon as possible. Xiaoqiang's success is no longer comparable to what Jiaming is given and challenged with at the moment when the story suddenly transforms Jiaming from a young urban IT professional to an inheritor of a giant tea industry, who is also filial, responsible, and talented. Jiaming's family, without being mentioned in the early stories, helps reestablish his masculinity as soon as all the romantic imaginations are fulfilled with the help of the male protagonist's temporary deviation from the dominant masculinity. Although the older woman–younger man relationship temporarily challenges the power relationship in marriage in the drama, as soon as the woman is saved and renewed, the man must redeem his masculinity, by attaining one of the most crucial elements in the patriarchal scripts – a successful career. Meanwhile, Xiaoqiang, although at that moment a successful woman, suddenly must spend most of her energy and time impressing Jiaming's mother, who does not understand their relationship and thinks it was unacceptable for her son to marry an older divorcee. As a result, both the older woman and the younger man, despite their relationship initially challenging the dominant imagination, in the end preserve the dominant belief in femininity and masculinity.

C. How to ensure the relationship protects the dominant moral codes as do other romantic stories?

Criticizing the narrative of strong women in Taiwanese TV romance, Yang says, "Even in the women's genre, the narrative is ultimately about the active desire of 'what does a man want?' masked under the guise of 'what does a woman want?'" (Yang 2013: 1082). Yang's critique echoes feminist critiques on romance as a conventional genre while highlighting the narratives that at least on the surface do not follow the typical plots. The narrative of *EL* does change some conventions in the TV romances, among which the most obvious example is that the female protagonist is not a young and

beautiful woman according to the criteria set up by the idol and trendy dramas initiated in 1990s Japanese TV dramas. However, beneath the surface and following the development of the story, *EL* eventually not only confirmed but laid even more stress on patriarchal values than on other plots in popular romance.

The story progresses when Xiaoqiang's ex-husband and his mistress-turned-to-new-wife are punished for their immoral involvement – the wife cannot get pregnant because she has an incurable problem. Xiaoqiang's ex-mother-in-law thus is punished for her blindness to the cruelty of the new daughter-in-law and to Xiaoqiang's kindness and loyalty to the family because the only thing the mother-in-law cares about is having a grandson. All the "evil" or "foolish" characters are punished because Xiaoqiang has a son who is related to the ex-husband and the new wife cannot have a child. Xiaoqiang, Jiaming, and Xiaoqiang's ex-husband and ex-mother-in-law begin a battle for custody of the son. The ex-husband and the ex-mother-in-law beg Xiaoqiang, offer to pay large amounts of money, and constantly give in to Xiaoqing's requirements so that they can see the boy, their family's only legacy. Xiaoqiang finally wins back the dignity she lost in the previous marriage – she defeated, punished, and showed mercy to her ex-husband and ex-mother-in-law. The most triumphant moment occurs when Xiaoqiang's ex-husband holds her hand and apologizes for his infidelity and mistakes and says he wants her back but Xiaoqiang pushes away his hand and walks away because justice has been done. When the ex-husband, ex-mother-in-law, and even the wife of the ex-husband all appreciate Xiaoqiang's kindness and forgiveness, spending time with the son, it is clear that Xiaoqiang has prevailed. The drama thereby restores the morality of marriage and rewards the heroine who represents the virtues that the patriarchal ideology requires women to have – willingness to sacrifice, endurance, forgiveness, chasteness, and of course being a good mother. To a great extent, in spite of all Xiaoqiang has achieved after she was abandoned and forced into society, the qualities that help her regain the respect and love she deserved in the previous family are not her independence and self-realization, but her power as a mother and a chaste wife. Similarly, the love, trust, and respect she finally wins in her second marriage are a result of her incessant willingness to prove her chasteness, loyalty, and unquestionable effort and patience to impress the mother-in-law. Her insistence and effort prove she is mature and dependable, demonstrating to her new mother-in-law and husband that she is a much better daughter-in-law for the family than a younger woman would have been. In comparison with other strong women characters in romances, Xiaoqiang's sacrifice is mainly caused by the complications of being an older woman, and her age, instead of bringing her experience and the power that is feared in the patriarchal culture,

causes inferiority in her relationship and requires her to sacrifice her individuality if not give up her individual desires and life goals.

Conclusion

Despite how the older woman–younger man relationship is represented as a revolutionary change to traditional marriage, paradoxically, the portrayals of such relationships in Chinese TV are much more conventional in terms of gender roles than many other romantic plots, especially women's roles in the heterosexual relationship, marriage, and family. Compared to the beautiful and young heroines in many romantic dramas, the older woman in the older woman-younger man relationship, as the love interest, is often represented as more willing to sacrifice self-dignity for the harmonious family relationship, more enduring in terms of misunderstanding from others and the hardships of life, and more willing to give up self-freedom in exchange for being accepted and liked by everyone else in the story. The heroine's sacrifice and surrender to patriarchal values often are so stressful and overwhelming that they function as the most important hooks with which the story develops, twists, holds the audience's attention, and in the end helps the narrative reach a climax.

The heroine in the older woman–younger man relationship, although often depicting women's "second chance" to fix their lives, works more to praise the younger man's determination and loyalty to love than to represent a woman who was often mistreated by her family and society gradually grew up to an independent and strong woman. The representation apparently is more interested in how an older woman is better than the younger girls because of her willingness and effort to protect the dominant family values and gender roles and her innate kindness. The moment that the older woman truly wins her love and proves her values is the moment that the heroine reinforces the vision of womanhood well established in the mainstream culture and protects the values of and man's dominance in heterosexual relationships, marriage, and family.

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The Family-Work Conflict in the Context of Female Scientific-Academic Research

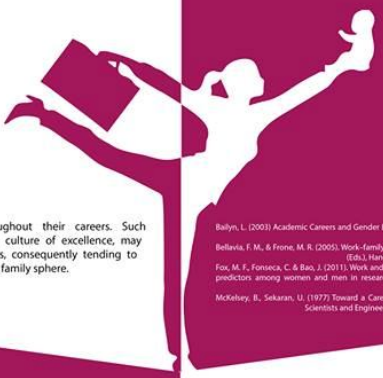
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Introduction

In this age of transformation, where women´s emancipation has become a distinguishable mark, several changes have arisen at the level of their matrimonial and professional role.
As such, this study aims to analyze the variables that might influence or even instigate the conflict occurring between the professional and family spheres of women involved in scientific research, taking as sample Portuguese researchers from the field of medicine.

Within the context of female scientific research, the family-work conflict must then be investigated by taking into account its bidirectionality, that is, by emphasizing the idea that not only family interacts with work but that the same also happens inversely, giving rise to different behaviors and shapes of conflict (Fox, Mary; Fonseca, Carolyn; Bao, Jinghui, 2011).
This bidirectionality of the conflict is assessed and explored according to key factors, among them the professional career phase in which the researcher is at, her age, household, research field, children´s age (if there are children), husband´s occupation (if she is married), working hours, extracurricular activities that she might engage in, abroad travels (mobility issues), etc. The family-work and work-family conflicts constitute distinct binomials (Bellavia and Frone, 2005), hence the analysis of its characteristics will be anchored on pre-existing studies on the subject.

According to some authors, as is the case of Bailyn (2003), scientific activity potentiates the conflict with non-working areas.
Along this line of thinking, the expectations concerning the figure of the scientist revolve around the notion that he/she regards his/her job as a priority. Such trait, moreover, is recognized as being inherent to the personality of any professional working in the field of science. In effect, studies conducted by McKelvey and Sekaran (1977) show that the involvement in scientific careers shapes the character of the scientists, instilling in them a constant need for striving to reach professional goals of excellence.
Additionally, scientific work defines itself by the awarding of prizes and by the evolution of the social status that accompanies the professionals throughout their careers. Such characteristics, in association with the culture of excellence, may intensify the number of working hours, consequently tending to diminish the scientist´s dedication to the family sphere.



"Toute réussite déguise une abdication" Simone de Beauvoir *

Methodology

The methodology to be used includes the combination of an indispensable analysis of bibliographic contents – namely gender studies and various works focused on the conflict between the professional and family spheres – with a revision of texts related to the History of Women in Science, comparing, whenever necessary, Portuguese bibliographic references with their foreign equivalents.
Complementing this application of qualitative-based methodologies, interviews will also be performed, since it is essential to identify possible sources and types of family-work conflicts that stem from the interaction between the family and the professional fields. By means of a reflectional/critical analysis, of qualitative nature, aimed at several interviews, a current portrait of Portuguese women working within the realm of scientific research will be traced, in light of all the opportunities and constraints that might allow the exponential growth of women with scientific careers.

The application of quantitative studies will be of equal importance, given the inexistence of statistical data capable of detailing the family and professional context that surrounds the aforementioned Portuguese researchers. Thus, an online survey will be conducted, allowing the retrieval of significant data for the investigation at hand.

Finally, the methodology will also cover a thorough analysis of statistical reports, such as She Figures 2012 and The Global Gender Gap 2013, among other sources that provide pertinent data for the purposes of contextualization and comparison.

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* "All victories hide an abdication"

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