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Brooke McKean, "Invisible Lives: Stories of Innovation and Transition in Mumbai," *intersections* 10, no. 2 (2009): 1-57.

ABSTRACT

This analysis studies relations between slum-dwellers and the state to understand the growth of slums during an era of economic success in Mumbai. I argue that a dialectical relationship between the state and slum-dwellers perpetuates frictions and allows the state to deny services to its most disenfranchised citizens. Negative perceptions construct slum-dwellers outside the social order as "liminal citizens." Yet, on the other hand, the government has very little power to subvert or influence slum-dwellers because it chooses to define them as non-citizens. As such, slum-dwellers have the power to manipulate and innovate completely outside the formal system, creating a "shadow hegemony."

http://depts.washington.edu/chid/intersections_Spring_2009/Brooke_McKean_Stories_of_Innovation_and_Transition_in_Mumbai.pdf

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Invisible Lives

Stories of Innovation and Transition in Mumbai

By Brooke McKean

University of Washington, Seattle

Someone has said that the urban poor are invisible people.
 ... You sell everything imaginable on our street corners – at a price the poor can afford.
 And yet we never see you.
 ... And that is why you are invisible – because WE DON'T WANT TO SEE YOU
 We don't want to see you because you challenge and disturb us.
 You make us feel uncomfortable.
 Because if you are treated as less than human, it is we who treat you thus.
 So your pain shows the rest of us our inhumanity.¹

Stephen Kim Soo Whan

According to the government of India, a slum is “a compact area of at least 300 population or about 60-70 households of poorly built congested tenements, in unhygienic environment usually with inadequate infrastructure and lacking in proper sanitary and drinking water facilities.” This describes how slums are perceived: dirty, unsanitary, cramped and overflowing. When slum-dwellers comprise 6.5 million people in a city of 12 million, as they do in Mumbai, this dirty and unsanitary space becomes a “nuisance to public health” and the security of the city.² Slum-dwellers are the “parasites” of Mumbai.

¹ Stephen Kim Soo Whan, “A Place to Live,” in *India's growing slums*, ed. Josh Desrochers, (Bangalore: Centre for Social Action, 2000), 13.

² The Government of India. “Slum Population: Census 2001.” (2001). <http://nuhru.in/files/Slums%20in%20India%20-%20An%20Overview.pdf?download>, (accessed April 1, 2007).

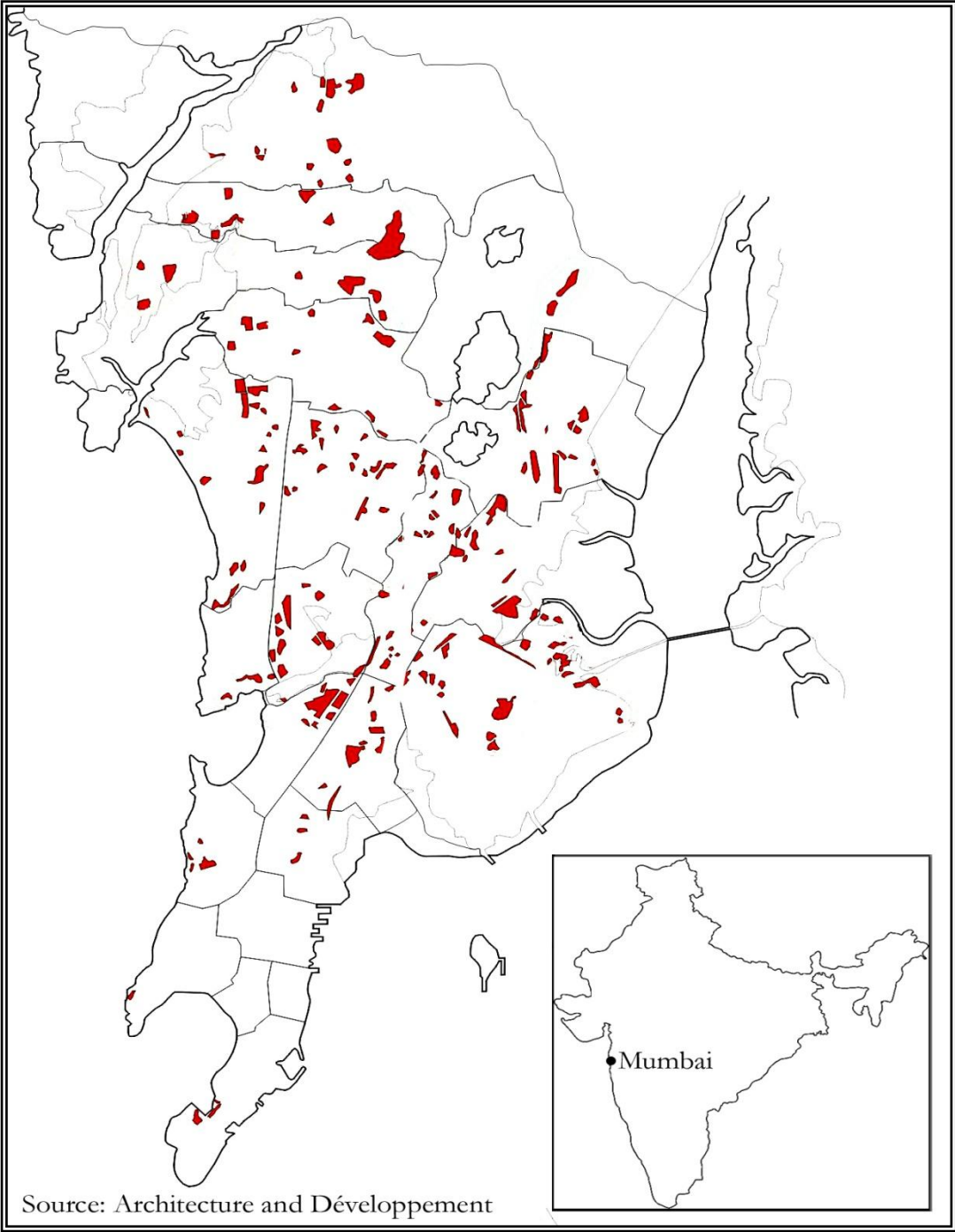


Figure 1. Map of Mumbai's Slums.

Mumbai is a city of contradictions. As the economic powerhouse of India, Mumbai has driven the country's growth since liberalization began in the early 1990s, yet it is home to the nation's largest slum population. High-rise buildings housing millionaires are situated next to sprawling slums. As the city's economy grows, so do its slums. Although simple economic theory posits that growth increases overall incomes, this is far from the case in Mumbai. The government denies slum-dwellers basic social services and slum development policies repeatedly fail. Why then, does the government deny these services to its most disenfranchised residents? Without these services, how do slum-dwellers survive outside the government's system?

I argue that a dialectical relationship between the state and slum-dwellers allows this contradictory system to persist. To define and understand this relationship, I utilize two concepts. First, I propose the government and the affluent elite construct slum-dwellers as "liminal citizens," or a transitional group. Second, I argue in reaction, slum-dwellers redefine their identities and incorporate strategies of survival, constructing a "shadow hegemony" that defies the state. Construction of this citizenship suggests one reason the government does not provide services in slums. Liminal citizenship is essentially non-citizenship. Slum-dwellers are believed to be dangerous criminals who steal land and precious resources within the city, yet their cheap labor sustains the economy. These and other negative perceptions, construct slum-dwellers outside the social order, placing them in an isolated liminal space. In section two, I address how the government and affluent construct this liminal citizenship, which influences the failed slum development policies. Yet, the lives of slum-dwellers are not hopeless or at the whims of the powerful; within slums, they have their own space to innovate.

The government has very little power to subvert or influence slum-dwellers because it chooses to define them as non-citizens and generally ignores their existence. As such, slum-dwellers have the power to manipulate and innovate completely outside the formal system, creating a "shadow hegemony." I define this shadow hegemony as a process of innovation – of reconfiguring their identity, maximizing their resources and designing strategies of survival – in which the cultural productions and informal economic systems designed by slum-dwellers dominate. Often unintentionally or indirectly, these acts defy the state's construction of the liminal citizenship. However, the shadow hegemony is not all-encompassing. Some state services cannot be reproduced by slum-dwellers, preventing them from fulfilling all of their needs. Slum-dwellers have varying degrees of success in this informal system, as religion, caste, ethnicity

and class differ dramatically in Mumbai slums.³ I analyze how different groups identify themselves to prevent from reifying and homogenizing this diverse population. In section three, I analyze how slum-dwellers create their identities and incorporate strategies of survival.

Looking specifically at these strategies also allows one to understand how the construction of this liminal citizenship is perpetuated. Slum-dwellers sometimes seize land, water and resources from the government because they are denied services. In doing so, they reinforce the government's negative perceptions of them, weakening their ability to receive services. This relationship generates a continuum of destruction and reconstruction, cultural production and counter-production, denial of resources and theft of resources. Thus, we find a dialectical relationship between the state and slum-dwellers in which these actions and reactions sustain each other.

Government, academic and public perceptions of slum-dwellers influence the way development policy is implemented. In the conclusion, I briefly address the potential for reframing liminal constructions based on work by local development organizations. I believe that if we look at the poor as innovative individuals, development is no longer a despairing venture. When we view the poor as marginalized, powerless and hopeless, it is hard to imagine effective policy. But, if we analyze the innovations and strategies of survival of the poor, we can see both how development can parallel their own ingenious systems and how to reframe perceptions of them.

This analysis attempts to describe relations between slum-dwellers and the state to understand the growth of slums during an era of economic success in Mumbai. Undoubtedly, this description cannot possibly consider the varied nature of development and the extent of social problems in Mumbai and elsewhere. However, I believe analyses of unequal social relations, processes of marginalization and the innovations by the poor are critical to understanding what development means and how it can be accomplished. My aim is to provide a new perspective on this discussion utilizing concepts of liminality and shadow hegemony.

³ Although this article does not delve into the Indian caste system or religious divisions, these prominent facets of Indian society require acknowledgement. Most slum-dwellers are from lower castes and Muslim, which is likely a contributing factor to their status. Although these divisions could be understood through a liminal framework, the background and scholarship needed to broach these topics is beyond the reach of this analysis.

I. Review of the Literature: Incorporating a Cultural Lens

Culture is part of the story – part of the formation of agency, of effective markets and institutions – but is often left out. . . . In this particular sense, culture is ignored at our peril, in terms of both development effectiveness and understanding.

Rao and Walton, *Culture and Public Action*

Scholarship on liminality, urban poverty, the informal sector and slum experiences provides a theoretical starting point that substantiates my analysis of Mumbai's social structure and the lives of slum-dwellers. Anthropological scholarship on liminality brings forth a theoretical basis for my argument, which is attuned to the slum-dweller context. Urban planning literature and critiques of government policies support my basic assumption that the government fails to provide services to slum-dwellers and explain the role of government perceptions in this failure. This literature also provides background for a new application of liminality. Informal sector scholarship explains the tendencies and importance of the economy in which slum-dwellers find employment and services outside the formal government structure. Ethnographic research and non-traditional literature, such as fictional novels and documentaries, provide a basis for discussing strategies of survival and illustrate the shadow hegemony of slum-dwellers. This literature also describes the strategies of survival that contribute to government perceptions, which sheds light on the dialectical relationship.

My aim is to integrate a cultural perspective with economic concepts to achieve a greater awareness of the exclusionary government system in Mumbai and slum-dwellers' experiences within this system. I employ an approach similar to Vijayendra Rao and Michael Walton. Their theories integrate traditional economic and anthropological theory to explain development policies. As Rao and Walton argue, "A culturally informed perspective is thus not so much a prescription as it is a lens – a way of seeing," which confronts "*why* economic and social factors interact with culture to unequally allocate access to a good life."⁴ Similarly, the concepts of liminal citizenship and shadow hegemony are my lenses for interpreting strategies of survival in the informal sector to understand the growth of slums in Mumbai.

⁴ Vijayendra Rao and Michael Walton, "Introduction", in *Culture and public action*, eds. Vijayendra Rao and Michael Walton (Stanford: Stanford University Press, 2004), 4, 9.

Liminality and Slums

The concept of liminality provides a unique understanding of the social order in Mumbai. I contend the government and affluent in Mumbai construct slum-dwellers as “liminal citizens.” Liminality is understood as a transitional state. In the case of slum-dwellers, this state lies between their former secure habitat (often in a rural village) and formal recognized homes in the city, placing them in unrecognized hutments in slums. Arjun Appadurai, who studied slum organizations to advocate grassroots development, has called these people “citizens without a city.”⁵ Throughout the past century, anthropologists have expanded the application of liminality to explain transitory states in diverse cultures and circumstances.

Arnold van Gennep was the first to conceptualize liminality in *Rites de Passage*. Van Gennep discusses “liminal personae,” or “threshold people,” who are individuals in transition between understood states.⁶ He describes a “state” as a fixed or stable condition that includes childhood, adulthood, motherhood and all of the pre-ordained categories of human progression.⁷ Utilizing this concept, Victor Turner analyzed the rituals and symbols of the Ndembu in Zambia.⁸ He expands on van Gennep’s definition of a state, arguing it can also designate “a stable or recurrent condition that is culturally recognized,” which includes titles such as legal status and profession.⁹ Turner also provides a more tangible definition of liminality, stating, “They [liminal beings] are at once no longer classified and not yet classified...[they] are at the very least ‘betwixt and between’ all the recognized fixed points in space-time of structural classification.”¹⁰ Both analyses primarily focus on societies in which the transition period eventually ends. This does not appear to be the case for slum-dwellers. Nevertheless, the characteristics attached to liminality can still be applied to slum life.

Specific characteristics are identifiable in all liminal beings, and each is remarkably relevant to the lives of slum-dwellers. Turner, van Gennep and Mary Douglass identify four characteristics of liminality: isolation, lack of rights, “invisibility” and “pollution.” Van Gennep explains how the concept of liminality

⁵ Arjun Appadurai, “The Capacity to Aspire: Culture and the Terms of Recognition,” in *Culture and public action*, eds. Vijayendra Rao and Michael Walton (Stanford: Stanford University Press, 2004) 72.

⁶ Arnold van Gennep, *Rites de passage* (London: Toutledge & Paul, 1909), 21.

⁷ *Ibid.*, 26.

⁸ Victor Turner, *The forest of symbols; Aspects of Ndembu ritual* (Ithaca: Cornell University Press, 1967).

⁹ *Ibid.*, 93.

¹⁰ *Ibid.*, 66-67.

is ideal for understanding conditions of the “isolated” individual, whose isolation is due directly to his or her transitional state.¹¹ Lacking a connection to any understood life or position prevents the transitional being from achieving social acceptance. Like all transitional beings, slum-dwellers are isolated by their governments and the upper classes of society, preventing them from accessing simple services. This isolation entails in itself a lack of rights, which I identify as a distinctive characteristic of liminal citizenship.

Indeed, Turner argues liminal beings lack all rights due to the structure of liminality: “they have not status, property, insignia, secular loathing, rank, kinship position, nothing to demarcate them structurally from their fellows. Their condition is indeed the very prototype of sacred poverty.”¹² This description is similar to the lives of slum-dwellers who lack rights to their homes, political recognition and services from their government. Like lack of rights, “invisibility” is identifiable in liminal beings.

Turner also posits that a liminal individual is ambiguous without the characteristics of previous or future states, and therefore “invisible,” which has two significant implications.¹³ First, negativity and negative symbols are attached to the liminal individual. This negativity is drawn from the location of liminal beings who “(1) fall into the interstices of social structure, (2) are on its margins, or (3) occupy its lowest rungs.”¹⁴ Slum-dwellers, often called “parasites” by the upper classes and the area’s media, are placed on the margins of Mumbai’s society, both in location and social structure.¹⁵ Second, invisibility confuses “all of the customary categories,” making the individual “polluting.”¹⁶ Douglas, who analyzes hygienic standards in religion to understand pollution and taboo, discusses how polluting individuals are seen as dangerous because they are considered at fault for their condition or actions.¹⁷ Her analysis of perceptions of “dirt” supports my examination of how the government and affluent construct slum-dwellers as liminal citizens in Mumbai, placing them outside the social order. I employ the term “contaminated” because polluting denotes a status that is imposed rather than experienced, and I focus on how slum-dwellers experience and innovate on their liminal status.

¹¹ Van Genneep, 26.

¹² Turner, 98.

¹³ *Ibid.*, 94-5

¹⁴ *Ibid.*, 125.

¹⁵ John Desrochers, “Introduction,” in *India’s growing slums*, ed. John Desrochers (Bangalore: Centre for Social Action, 2000), 15.

¹⁶ Turner, 97.

¹⁷ Mary Douglas, *Purity and danger: an analysis of the concepts of pollution and taboo* (London: Ark Paperbacks, 1966), 113.

These characteristics of liminality are strikingly applicable to Mumbai slum-dwellers, but the context in which slum-dwellers live requires a new application of the concept. Turner, van Gennep and Douglas analyzed temporal transitions between recognized societal categories in stable and predictable societies, which are significantly different from Mumbai's society. Slum-dwellers have not yet achieved formal citizenship and this transition is not likely any time in the near future. Therefore, my application of this concept necessitates a spatial rather than temporal analysis. However, recent anthropologists, realizing a greater possibility for the application of liminality, have begun studying societies in unique transitional states.

Liisa Malkki uses the concept of liminality to understand the national identity of Hutu refugees from Burundi, a society in transition without a pre-ordained final state.¹⁸ Like the Hutu refugees, whose migration placed them in a liminal state, slum-dwellers lack formal recognition in Mumbai. These cases are unique in that migration was not an expected transition, yet they are distinctly liminal. Malkki utilizes a spatial analysis of liminal identity, expanding upon the characteristics described by van Gennep, Turner and Douglas. She argues that refugees are "invisible" in "the domain of policy," which includes governments and humanitarian organizations.¹⁹ The refugees are also perceived as contaminated; they are an "abomination" and "a dangerous category because they blur national (read: natural) boundaries."²⁰ Like refugees, slum-dwellers are "invisible" in urban planning policies and perceived as dangerous criminals, which I argue, reflects their liminal status. She also criticizes discourse that identifies refugees as "the problem," when many other social factors have contributed to their condition.²¹ This "problem" rhetoric also characterizes prominent development discourse about slum-dwellers.

However, Malkki's analysis primarily focuses on the reconstruction of refugee Hutu identities, rather than their liminal state. In contrast, I argue that the government and affluent construct slum-dwellers as liminal citizens, which contributes to limited government services in slums despite phenomenal economic growth throughout India. To analyze the construction of the liminal citizen and slum-dwellers' reaction to this status, I incorporate literature from political science and urban planning, the informal sector and ethnographies.

¹⁸ Lisa H. Malkki, *Purity and exile: violence, memory, and national cosmology among Hutu refugees in Tanzania* (Chicago: The University of Chicago Press, 1995).

¹⁹ *Ibid.*, 6.

²⁰ *Ibid.*, 8.

²¹ *Ibid.*, 8.

Urban Planning: The Structure of Cities

Urban poverty has always been an element of cities; accounts of slum-like conditions date back to the first cities in China and Western Europe. Substantial literature within the disciplines of political science and urban studies provide valuable perspectives on the urban poor, government policy and the structure of urban societies. This literature contributes to my application of liminality because it describes how the state and affluent construct slum-dwellers as liminal citizens and explains the failure of development policies. State-society relations theory establishes the division between the government and slum-dwellers, supporting a spatial study of liminality. State theory contributes to an analysis of failed development policies and the uneven distribution of state resources. Utilizing urban planning literature, I attune the characteristics of liminality to Mumbai's urban setting, emphasizing how government actions (or lack thereof) contribute to the construction of the liminal citizen.

A spatial (rather than temporal) analysis of liminality necessitates a discussion of the respective spaces, rather than the periods of transition. The liminal citizen can be distinguished by the location of his or her home. I reframe traditional state-society relations theory to describe the primary spatial division between the government, which is largely influenced by the wealthy classes, and slum-dwellers in Mumbai. Joe Migdal, at the forefront of this form of analysis, states:

[State strength] has been accompanied by attacks on the identities and lives of the most vulnerable elements in society, minorities and the poor. The struggles for social control in the Third World ... have been over the control of these peoples. For vulnerable individuals, that struggle for control of their lives has frequently been little more than a conflict between the evils of exploitative local powers and the 'justice' of an aggrandizing state intent on transforming them.²²

Migdal describes a weak state vying for power against "strongmen" and other state agencies. The capacity of the state depends on the structure of society, he argues, and "strongmen," or individuals who hold substantial power in society, prevent the state from achieving social control.²³ These strongmen benefit from a weak state because they provide strategies of survival for the poor. The weak states Migdal analyzes are ineffective, sometimes destructive and streaked with

²² Joel Migdal, *Strong societies and weak states: state-society relations and state capabilities in the Third World* (Princeton: Princeton University Press, 1988), xx-xxi.

²³ Migdal, 28.

corruption. This description is similar to the structure of Mumbai's society; however, my analysis places emphasis on the slum-dwellers' personal strategies of survival rather than those provided by strongmen.

Based on the negative perception of slum-dwellers in Mumbai, I question the extent which the government, or any strongman, wants complete social control over slum-dwellers. Undoubtedly, powerful slumlords profit by selling land to slum-dwellers, but they do not vie for power against the government. Indeed, they are closely tied to developers and government officials through bribes. These relations often reinforce the precarious living circumstances of slum-dwellers, as homes are demolished as easily as they are secured. Thus, slum-dwellers are under constant threat from both the affluent elite and the government. In this case, the poor must design their own strategies of survival. While Migdal focuses on a society's power-wielding individuals, I am interested in how slum-dwellers survive within what I believe to be a liminal space. This change in focus (from strongmen providing strategies of survival to slum-dwellers creating their own strategies) allows for an understanding of the categorical order in Mumbai. Focusing on the strategies of survival designed exclusively by slum-dwellers also allows one to see a shadow hegemony that reconfigures the marginalization of their social space. Within this shifted context, the public officials and influential upper classes represent the state while slum-dwellers represent the society that I studied.

With the exception of the politicians themselves, few would deny the corruption and failure of the government of Mumbai to implement effective urban planning policies that support the poor. While state-society relations theory distinguishes the spatial divisions in Mumbai, state theory supports an analysis of the ineffectiveness of government policy and actions. Without deeply entering the realm of state theory, and with no intention of disregarding many critical theories in the field, I have utilized only one theory on the state to support my analysis. The "prosaic state" concept Joe Painter discusses, argues the state is "heterogeneous, constructed, porous, uneven, processual and relational."²⁴ Painter also purports that prosaic theory forces recognition of the gap between state claims and actions, as well as uneven distributions of resources. Recognizing these factors contributes to an analysis of failed slum development policies. P.K. Das, describing the housing policies in Mumbai, acknowledges this ultimate failure of the government: "While every policy is launched in the name of the poor, the attack against and the denial of the barest amenities to the

²⁴ Joe Painter, "Prosaic Geographies of Stateness," *Political Geography* 25, no. 7 (2006): 754.

poor sharpen and intensify with each announcement.”²⁵ While politicians regularly promote slum development, no plan has yet shown dramatic on-the-ground improvements.

Moreover, acknowledging the heterogeneous and interconnected nature of the state highlights the relationship between bureaucrats and the wealthy elite. R.N. Sharma and A. Narender, critiquing urban planning policies in the last decade, argue powerful interests often influence the state and encourage government inaction. They describe a “growing unholy alliance among bureaucrats, political leaders and [the] business class.”²⁶ As Migdal explains, politicians in India often sell their influence for fixed prices.²⁷ Therefore, the wealthy classes often re-interpret planning policies intended for the poor and, through bribes, utilize them to their own benefit.²⁸ The government’s tendency to favor the rich is illustrated in many of Mumbai’s slum upgradation policies.

Urban Planning and Liminality

Urban planning scholarship provides insightful critiques on government policy in Mumbai and parallels the characteristics of liminality. This literature contributes an awareness of Mumbai’s urban structure and the negative sentiments toward slum-dwellers, both critical for understanding the construction of the liminal citizen. Like the work of Rao and Walton et al., which employs a dialogue between cultural and economic theory, I integrate these generally political and economic analyses with the cultural concept of liminality to describe the construction of the liminal citizen.

Urban planning literature often reviews government policy and its implication. These writers characterize the state-society relationship in Mumbai as double-sided and “schizophrenic.”²⁹ For example, many slum-dwellers work for the upper classes, yet in public they are deplored for their unhygienic living conditions.³⁰ In addition, the state often ignores or even endorses informal economic activities at the same time it tries to stop them.³¹ This paradoxical

²⁵ P.K. Das, “Slums: The Continuing Struggle for Housing,” in *Bombay and Mumbai: the city in transition*, eds. Sujata Patel and Jim Masselos (Oxford: Oxford University Press, 2003), 225.

²⁶ R. N. Sharma and A. Narender, “Policies and Strategies for Slum Improvement and Renewal – The Bombay Experience,” in *Urban explosion of Mumbai: restructuring of growth*, ed. M. D. David (Mumbai: Himalaya Publishing House, 1996), 218.

²⁷ Migdal, 252.

²⁸ Sharma and Narender, 217.

²⁹ Robert Neuwirth, *Shadow cities: a billion squatters, a new urban world* (New York: Routledge, 2005), 271.

³⁰ *Ibid.*, 271.

³¹ Kalpana Sharma, *Rediscovering Dharavi: stories from Asia's largest slum* (India: Penguin Books, 2000), xix.

relationship displays how slum-dwellers can blend between outsiders and citizens in their liminal state, as Turner stated, “they are at once no longer classified and not yet classified.”³² This status is particularly convenient for the government because slum-dwellers’ labor supports economic growth, yet they are denied citizenship and social services. The characteristics of liminality – isolation, lack of rights, invisibility and contamination – are identifiable in urban planning literature.

The government and wealthy citizens of Mumbai isolate slum-dwellers, which elucidates their status as “others” or non-citizens. Urban planning literature describes this status and sheds light on their isolation. As Neuwirth, who traveled to slums worldwide to understand the lives of slum-dwellers, explains:

To call a neighborhood a slum immediately creates distance. A slum is the apotheosis of everything that people who do not live in a slum fear. To call a neighborhood a slum establishes a set of values – a morality that people outside the slum share – and implies that inside those areas, people don’t share the same principles. Slum says nothing while saying everything. It blurs all distinctions. It is a totalizing word.³³

The location of homes in Mumbai can be understood as a line of separation, separating the “true” citizens from the “others.” George Gmelch and Walter Zenner, responding to the perception that poverty is generational, emphasize how the poor are perceived as the “other: people who are socially different, *isolated* from normal citizens and threatening to society.”³⁴ These “others,” these liminal citizens, are not allowed complete entrance into society, van Gennepe’s metaphorical home.³⁵ Gita Dewan Verma, who critiques urban planning policies in India because they favor the wealthy, narrates a story like van Gennepe’s metaphor to depict the isolation of slum-dwellers in India.³⁶ She describes “others” who were not provided for by their family and “were left to fend for themselves in ways not envisaged in the Plan.”³⁷ These “others” were forced to accept, and even expect, their conditions and limited support from their ‘family.’³⁸ This isolation separates slum-dwellers from the “citizens” of

³² Turner, 66-67.

³³ Neuwirth, 16-17.

³⁴ George Gmelch and Walter Zenner, *Urban life: readings in the anthropology of the city* (Prospect Heights: Waveland Press, 2002), 280. Emphasis mine.

³⁵ Van Gennepe, 26.

³⁶ Gita Dewan Verma, *Slumming India: a chronicle of slums and their saviours* (New Delhi: Penguin Books, 2002), xv.

³⁷ *Ibid.*, xvi.

³⁸ *Ibid.*, xvi.

Mumbai, which may contribute to the lack of government services and formal titles in slums.

Lack of rights is especially applicable to slum-dwellers' experiences. Urban planning literature suggests that slum-dwellers' lack of rights discourages development. Sharma explains that because slums are located in some of the most uninhabitable locations, slums lack infrastructure necessary for the government to provide basic services, yet the government will not provide infrastructure because the slum-dwellers do not legally own the land.³⁹ Verma, expanding upon her story about slum life, explains, "Even as they continued to contribute to the household kitty, they lost their right to be settlers, and gained instead the dubious 'right' to remain unsettled with minimal services till they were resettled."⁴⁰ This "right to remain unsettled" can be seen as the right to nothing; it captures the slum-dwellers' liminal citizenship.

The "invisibility" of liminal beings originates from their marginal place in society, explains Turner. Urban planning theorists extensively discuss this marginal position in the case of slum-dwellers. The "default condition of civic invisibility which characterizes the urban poor," described by Appadurai, is evident in Mumbai's development plans.⁴¹ Slum-dwellers play almost no role in government development plans, which never consider their ability to improve their own lives.⁴² Mike Davis, who analyzes the "urbanization of poverty," argues that urban planning is an "instrument of the growing marginalization of the poor."⁴³ This marginalization is evidenced by slum-dwellers' limited political influence. Rajendra Vora and Suhas Palshikar, describing identities and marginalization in slums, argue that slum-dwellers "have no role in the substantive politics of the city."⁴⁴ In the margins of society, slum-dwellers exist only as votes in the eyes of most politicians as "nobody assigns [them] any further political role."⁴⁵ This invisibility allows for misconceptions of the urban poor who "contaminate" the city.

³⁹ Sharma, 8.

⁴⁰ Verma, xvi.

⁴¹ Appadurai, 78.

⁴² Gmelch and Zenner, 279.

⁴³ Davis, 69.

⁴⁴ Rajendra Vora and Suhas Palshikar, "Politics of Locality, Community, and Marginalization," in *Bombay and Mumbai: The city in transition*, eds. Sujata Patel and Jim Masselos (Oxford: Oxford University Press, 2003), 179.

⁴⁵ Ibid.

Negative perceptions of slum-dwellers are a recurring theme in urban planning literature that describes how slum-dwellers are perceived as “contaminated.” Parasites, eyesores, cancer in the community, encroachers and thieves are all terms commonly used for slum-dwellers.⁴⁶ Sharma and Narender explain these perceptions, “The ‘invasion of squatters’ in the cities is seen as an ‘assault’ on private property and the affluent live in a state of terror.”⁴⁷ This perception of contamination has several important consequences. Slum-dwellers are seen as dangerous criminals, and similar to the refugees studied by Malkki, they are “the problem.” Undoubtedly, many criminals live in the slums because they can avoid the government, but the majority of individuals living in slums have no other options. The actions and rhetoric of political parties, particularly Shiv Sena, emphasizes the negativity attached to slum-dwellers.

The rise of Shiv Sena, a Hindu nationalist party, parallels the growth in Mumbai’s population, particularly its slums. Although the party is not currently in power, its rhetoric and actions in slums are similar to the Congress Party. Thomas Blom Hansen studies Shiv Sena’s reign to understand identity and violence in Mumbai. He explains how Shiv Sena placed “the blame for all hardships . . . onto non-Maharashtrians.”⁴⁸ Although much of Shiv Sena’s rhetoric attracts poor Hindu young men into its ranks, slums were not better off when the party was in power. Hansen explains how the Sena ran “demolition drives against ‘unauthorized structures’ (not least in the Muslim parts of the city) or new slums.”⁴⁹ Justifying this act, former Shiv Sena politician, Madhukar Sirpotdar, stated:

All the slums should have been demolished and the entire slum population should have been asked to go. There is no place for them to stay here in the city. Unless the city implements this mercilessly this problem will never be gotten rid of. We don’t say don’t come to Mumbai. You are welcome here. But if you are going to construct free housing on land owned by the government, you are not welcome.⁵⁰

Similar negative perceptions and accounts in urban planning literature, government rhetoric and local newspapers provide critical data on how the

⁴⁶ John Desrochers, “Slum Profiles,” in *India’s growing slums*, ed. John Desrochers (Bangalore: Centre for Social Action, 2000).

⁴⁷ Sharma and Narender, 215.

⁴⁸ Thomas Blom Hansen, *Wages of violence: naming and identity in postcolonial Bombay* (Delhi: Permanent Black, 2001), 45.

⁴⁹ *Ibid.*, 205.

⁵⁰ Neuwirth, 131-2.

liminal citizenship is constructed and perpetuated. Employing Douglas' theories on pollution and taboo, I analyze these perceptions and social constructions to understand their potential impact on slum development in Mumbai. In the next section, I establish the literature on the informal sector that informs my understanding of slum-dwellers' strategies of survival.

Informal Sector Research

The role the informal sector plays in providing strategies of survival is critical to this analysis. Simply defined, the informal sector, also known as the hidden, shadow, unorganized, parallel and unrecognized economy, consists of all economic and social activities working externally of government frameworks and without legal recognition.⁵¹ Research on the informal sector has been primarily economic in nature, yet ethnographers have also broached this topic. I take an approach similar to ethnographies, utilizing slum-dweller stories to understand the informal sector's role in slum life. The informal sector is crucial to understanding how slum-dwellers innovate and create their shadow hegemony. By choosing to ignore and disregard slums, the government has no power to oversee slum-dwellers' activities. Indeed, slum-dwellers have the power to work outside the government through these informal mechanisms. I therefore believe the informal sector sheds light on the shadow hegemony of the poor because the informal world dominates in slums. Emphasizing the power of informality in slums, Sharma argues, "This is 'enterprise' personified, an island of free enterprise not assisted or restricted by the State, or any law. It brandishes in illegality."⁵² However, by "brandishing in illegality," the informal mechanisms are dialectically connected with negative perceptions of theft and criminal behavior, ultimately perpetuating liminal constructions, which are addressed in the following section.

Initial development research considered the informal sector a "traditional" or "marginal" economy, encompassing shoeshine boys and beggars.⁵³ Beginning in the 1970s, a new field of literature emerged that incorporated a broader understanding of the concept of an informal sector and its important role in providing employment to the poor. Ian Livingstone proposed one such theory,

⁵¹ Ivo Havinga and Viet Vu, "Informal Sector in the 1993 System of National Accounts," *United Nations Statistical Division*, (April 2005, 2), http://www.unescap.org/STAT/meet/sna-april2005/sna_informal_sector1.pdf (accessed January 4, 2006).

⁵² Sharma, 78.

⁵³ International Labor Office, *Employment, incomes and equity: a strategy for increasing productive employment in Kenya*, (Geneva: ILO, 1972).

arguing the informal sector absorbs the demand for formal employment.⁵⁴ This “sponge” theory is central to understanding how the informal sector generates survival strategies when the government does not. Although Livingstone’s theory focuses on employment, I expand his “sponge” theory to study how slum-dwellers fulfill their needs within the informal economy.

The informal sector is critical to life in Mumbai. As Suketu Mehta, who moved to Mumbai to understand the city of his childhood, explains, the informal sector “has a service for every human need.”⁵⁵ He states, “You have to break the law to survive. . . . The ‘parallel economy’ a traveling partner of the official economy, is always there, just turn your head a little to the left or right and you’ll see it. To survive in Bombay, you have to know its habits.”⁵⁶ Further emphasizing Mehta’s point, both Sharma and Neuwirth describe the extent of the informal sector in slums, where one can find factories, showrooms, businesses and workshops selling any imaginable good without formal services such as garbage pickup or sewers.⁵⁷ In the case of housing, Sharma explains, “The absence of any planning for housing for workers in industrialized areas inevitably results in informal housing settlements.”⁵⁸ The situation with water is similar. In the poorest slums, one water tap can serve several thousand people and only run a few hours per day, often in the early morning hours, forcing those who wake up too late to buy from informal sources.⁵⁹ However, although the informal sector supports slum-dwellers’ subsistence, it is not a secure economy and its beneficence varies between individuals. The characteristics of the informal sector elucidate both the necessity and challenges of informal life. The International Labour Office (ILO) identified the characteristics of the informal and formal sectors in this way:⁶⁰

⁵⁴ Ian Livingstone, “The ‘Sponge Effect’: Population, Employment, and Incomes in Kenya,” *The Challenge of employment and basic needs in Africa: essays in honour of Shyam B.L. Nigam, and to mark the tenth anniversary of JASPA* (Nairobi: Oxford University Press, 1986), 162-172.

⁵⁵ Suketu Mehta *Maximum city: Bombay lost and found* (New York: Alfred A. Knopf, 2004), 455.

⁵⁶ *Ibid.*, 177.

⁵⁷ Neuwirth, 123

⁵⁸ Sharma, 30.

⁵⁹ See Swaminathan, Mehta, Sharma, and Appadurai.

⁶⁰ International Labor Office.

Figure 2. Characteristics of Formal and Informal Sector Activities.

Characteristics of informal sector activities	Characteristics of formal sector activities
<ul style="list-style-type: none"> • ease of entry; • reliance on indigenous resources; • family ownership of enterprises; • small scale of operation; • skills acquired outside the formal school system; • labor-intensive and adapted technology; • unregulated and competitive markets. 	<ul style="list-style-type: none"> • difficult entry; • frequent reliance on overseas resources; • corporate ownership; • large scale of operation; • formally acquired skills, often expatriate; • capital-intensive and often imported technology; and • protected markets (through trade licenses).

Although these sectors are ultimately connected, delineating the two allows for an understanding of the division in Mumbai’s society. As Hansen describes, “On the other side is the informal world of the *zopadpattis* (slums) and chawls (working-class residences), where self-employment, marginalization, and exclusion are the fundamental social conditions.”⁶¹ The ease of entry, small-scale operations and labor-intensive production allows slum-dwellers to survive, although they are isolated, invisible and own next to nothing. An individual with minimal capital and few skills can access employment and purchase goods informally, allowing survival in a world in which access is restricted by the location of one’s home.

Although the informal sector provides a system for slum-dwellers to innovate and survive, it brings varied levels of success. Nor does informality guarantee safe, healthy or secure working conditions. Most informal companies function

⁶¹ Hansen, *Wages of violence*, 71.

similar to sweatshops, lacking health and labor standards.⁶² Individuals working in these “temporary, menial, physically dangerous and socially degrading forms of work,” are what Sandeep Pendse has labeled Mumbai’s “toilers.”⁶³ Although these economic and theoretical approaches describe the characteristics of informality, they do not depict day-to-day life in an informal world.

Informal Life

Utilizing ethnographies, literature and films, I depict the strategies of survival of slum-dwellers within the informal sector to understand how they innovate as liminal citizens. For example, the life of Subra, a street boy who lives in a train station in Mumbai, puts a face on the characteristics described by the ILO report and theory on liminality.⁶⁴ He explains, “It’s been very difficult for me. No food. I had to beg and steal.” He has swept trains and shined shoes to pay for his daily meals. “I sell water now. . . . Sometimes we wash them well, sometimes we don’t . . . and we sell them for five rupees a bottle [less than one cent].⁶⁵ I have to lift a lot of weight and my shoulder gets sore.” But Subra can only make enough money to survive each day. If he makes any more, it will be stolen from him in his sleep. But when he doesn’t sell things, “I feel like crying.” Subra’s story illustrates the difficulties the poorest individuals face while working informally, as well as the potential dangers of informal products. He works long hours to survive each day, yet he cannot save his money to invest in his future because he will be robbed. On the other hand, his explanation of selling dirty water bottles illustrates the hazards of informal purchases.

The government also makes Subra’s survival difficult. The police “used to beat us, snatch our money and ask us for bribes. We had to polish their shoes for free. If we didn’t, they’d throw us out of the station.” Because Subra is a squatter in the train station, the government does not provide him with the basic amenities that would allow him to attend school. Instead, he is threatened by the police. Wealthy people passing through the train station also call him *tapoori*, a degrading term for homeless boys. The treatment he endures from the police officers exemplifies how he is isolated and perceived as contaminating. Subra’s experience illustrates the difficulties the poorest individuals face in the informal

⁶² Sharma.

⁶³ Appadurai, 72.

⁶⁴ Alan Handel, *Tapoori* (New York: Filmmakers Library, 1998).

⁶⁵ Approximately 52 rupees to one dollar as of March 30, 2009. <http://www.commodityonline.com>, (accessed April 1, 2009).

market. However, the majority of slum-dwellers can find at least some success through manipulation of the informal system.

Slum-dweller stories also provide a unique understanding of housing issues in informal life. Living in a slum is essentially living informally because slum hutments are products of the informal market. The situation depicted in *I Love Behrampada*, a documentary film on a Mumbai slum, is ubiquitous of many slums throughout Mumbai.⁶⁶ The settlement started as four huts in a marshland, and in just a little more than 40 years, 50,000 people inhabited Behrampada. The slum-dwellers in this settlement made an uninhabitable piece of land into a community by gathering nearby sand and rocks and filling in the marsh. These slum-dwellers built their huts through hard labor, minimal capital and ingenuity, highlighting the ILO's characteristics of the informal sector. Even some hutments, beginning as pieces of wood and cardboard, slowly grew to pucca homes.

The condition of their initial settlement emphasizes how slum-dwellers are isolated, as they took root on leftover marshland. "We made this place what it is. There was nothing then, just water up to there [pointing at her waist] ... This road didn't exist, it was made by us," said an elderly woman who was one of the first to settle in the slum. The evolution of the slum community occurred notwithstanding their lack of rights, because their homes were built utilizing informal mechanisms. This story reveals the strategies of survival available in the informal sector, which slum-dwellers can exploit to improve their conditions when the government does not threaten their slums. These varied experiences of Subra and the slum-dwellers in Behrampada emphasize the value of stories because they provide more than a summary of economic principles.

Despite these improvements, there are limits to the shadow hegemony and the extent of the informal sector. Certain services, like water, health care and sanitation facilities cannot be provided sufficiently in the informal market. As such, these goods are often expensive and, at times, unsafe. Several studies have established that informal water sources can be anywhere from 20 to 40 times more expensive than municipal supply.⁶⁷ The unsanitary conditions of homes decreases overall productivity as slum-dwellers are often sick and high water prices prevent savings and investment, both of which make survival more difficult for the poorest slum-dwellers.

⁶⁶ Madushree Dutta, *I live in Behrampada* (Fremont, CA: India Relief and Education Fund, 1994).

⁶⁷ United Nations Human Settlements Programme, *Water and sanitation in the world's cities: local action for global goals* (London: Earthscan Publications Ltd, 2003), 19.

The informal sector is important to this analysis because its diverse and simple markets allow slum-dwellers to access strategies of survival. This sector is dominant because slum-dwellers can use it to work outside the government, even though individual gains vary. Economic theory provides this background, but the theory does not elucidate the daily experiences of informal life. These accounts are critical to understanding how slum-dwellers survive despite the construction of a liminal citizenship. Like the documentary films that describe Subra's life and Behrampada, I employ slum-dweller stories in ethnographies, film and novels.

Slum Life: Ethnographies and Novels

Accessing the three basic necessities of human survival – shelter, food and water – are daily challenges for many slum-dwellers. The section on urban planning established that the government does not provide services to slum-dwellers, and the section on the informal sector detailed the means by which slum-dwellers survive. This section focuses on how slum-dwellers experience their liminal citizenship and, briefly, the innovations that allow them to work around the formal system. I describe these innovations (how slum-dwellers reconfigure their identity and design strategies of survival) in detail in section three to portray the shadow hegemony in slums. In this process, they make the space in slums their own.

To see the “shadow hegemony” of slum-dwellers, one must look inside this liminal space to see how the poor react and innovate. Every day, slum-dwellers practice ingenuity. Subaltern theory provides such a perspective. Coined by Gramsci, subalterns proactively work to improve their lives, even against the state, within their capacity. Homi Bhabha defines subalterns as marginal, “denied and excluded,” they are the “minority groups whose presence was crucial to the self-definition of the majority group: subaltern social groups were also in a position to subvert the authority of those who had hegemonic power.”⁶⁸ Bayat Asef, discussing discourse on urban poverty, argues this perspective can allow one to determine the “silent, protracted but pervasive advancement of the ordinary people on the propertied and powerful in order to survive and improve their lives.”⁶⁹ Their actions may be “small-scale, local or even individualistic.”⁷⁰

⁶⁸ Homi Bhabha, “Unsatisfied: Notes on Vernacular Cosmopolitanism,” in *Text and nation: cross-disciplinary essays on cultural and national identities*, The Quiason lecture series, eds. Laura García-Moreno and Peter C. Pfeiffer (Columbia, SC: Camden House, 1996), 204.

⁶⁹ Bayat Asef, “From ‘Dangerous Classes’ to ‘Quiet Rebels:’ Politics of the Urban Subaltern in the Global South,” *International Sociology* 15, no. 3 (2000): 545.

⁷⁰ *Ibid.*, 549.

We can see this shadow hegemony in slum-dwellers innovations, when they reconfigure their cultural identities and design strategies of survival. However, these strategies often reinforce perceptions that support the construction of the liminal citizenship. Thus, the liminal citizenship and shadow hegemony are dialectically connected. To describe these innovations, I employ ethnographic research, novels and films: ethnographies provide factual data on survival strategies, while fiction and film flesh out an incomprehensible life.

Ethnographic scholarship by individuals who have interviewed Mumbai slum-dwellers deepens our understanding of the specific strategies the poor use to survive. Shashi Shekhar Jha, Sharma and Neuwirth are my three primary sources for detailing these strategies, while Vora and Palshikar, Hansen and Anand Patwardhan describe identity in slums. Jha interviewed slum-dwellers throughout the city to study the impact of government relocation schemes.⁷¹ Sharma's research focuses on slum-dwellers and their economy in Dharavi. Neuwirth lived in a Mumbai slum to understand slum-dweller strategies of survival. Vora and Palshikar discuss urban marginality and its impact on slum identity, while Hansen analyzes how the Shiv Sena provided an identity for slum-dwellers. Patwardhan's documentary, *Father, son and holy war*, analyzes masculine identity in India and its relationship to violence.⁷² To enhance this portrait, I also draw on novels because they describe an impenetrable reality in a relatable form.

Literature undoubtedly has different aims from social science, yet its distinct style can extend social analysis. Morroe Berger evaluates how social science and novels represent reality.⁷³ Berger contends that a novelist "selects and emphasizes to reveal a portrait of a special world that is self-contained while resembling the real world in varying degrees."⁷⁴ Although novelists often exclude or emphasize certain real world characteristics, the stories of slum-dwellers in the novels I utilize are extractions I compare to ethnographic accounts. This narrative form supports my thesis because it can provoke an understanding of an incomprehensible reality. As Berger explains, "The novel's virtue is rather that it makes broad conclusions clearer by presenting concrete detail and arousing sympathy for the characters. A novel's dramatic effect may

⁷¹ Shashi Shekhar Jha, *Structure of urban poverty: the case of Bombay slums* (Bombay : Popular Prakashan, 1986).

⁷² Anand Patwardhan, *Father, son and holy war* (New York, NY: First Run Icarus Films, 1994).

⁷³ Morroe Berger, *Real and Imagined Worlds: The novel and social science* (Cambridge, Mass.: Harvard University Press, 1977).

⁷⁴ *Ibid.*, 219

thus reinforce social truth.”⁷⁵ I employ these depictions to describe the liminal status of slum-dwellers, and therefore reinforce the “social truth” of slum life.

Realistic fiction can support an analysis of politics, history and society, as novels are a product of the author’s own culture and society. Describing the importance of Indian novels, M.L. Pandit states, “Literature is fundamentally an expression of life through the medium of language. It is the criticism of life. It reflects the social surroundings of the writer’s time. It is also the mirror of the society.”⁷⁶ Further, Terry Eagleton, arguing that politics have always been characteristic of literature, believes novels can describe “the way we organize our social life together, and the power-relations which this involves; [as]... the history of modern literary theory is part of the political and ideological history of our epoch.”⁷⁷ History can also be conceptualized in literary form, argues Eagleton, because literature “is less an object of intellectual enquiry in its own right than a particular perspective in which to view the history of our times.”⁷⁸ Emphasizing this point, Nila Shah purports that novelists depend on certain socio-political and historical settings to develop characters.⁷⁹

For example, Natalie Zemon Davis uses fiction narratives in 19th century French pardon tales to understand social constructions of the time.⁸⁰ She argues fiction can “present an account that seems to both writer and reader true, real, meaningful and/or explanatory.”⁸¹ These narratives, seemingly real, have extracted social constructions and conceptions even if their stories are not true.⁸² In the same manner as Davis, I utilize novels about slum life to achieve a greater understanding of how slum-dwellers experience liminal citizenship and exert shadow hegemony.

Three novels that have greatly assisted in my understanding of life in India are *A fine balance*, *Chinnamani’s world* and *The silver castle*. *A fine balance* by Rohinton Mistry details the life of two tailors who leave their homes after caste violence

⁷⁵ Ibid., 218.

⁷⁶ M. L. Pandit, “Fiction Across Worlds: Some Writers of Indian Origin in Canada,” in *The fiction of Rohinton Mistry: critical studies*, ed. Jaydipsinh Dodiya (New Delhi : Prestige Books, 1998), 11.

⁷⁷ Terry Eagleton, *Literary theory: An introduction* (Minneapolis: University of Minnesota Press, 1983), 194.

⁷⁸ Ibid., 195.

⁷⁹ Nila Shah, “Novel as History: A Study of *Such a Long Journey* and *A Fine Balance*,” in *The fiction of Rohinton Mistry: critical studies*, ed. Jaydipsinh Dodiya (New Delhi : Prestige Books, 1998).

⁸⁰ Natalie Zemon Davis, *Fiction in the archives: pardon tales and their tellers in sixteenth-century France*, The Harry Camp lectures at Stanford University (Stanford: Stanford University Press, 1987).

⁸¹ Ibid., 3.

⁸² Ibid., 4.

and arrive at “the city by the sea” where they live in a slum.⁸³ Mukunda Rao’s *Chinnamani’s world* tells the story, through the eyes of a young slum boy named Chinnamani, of slum-dwellers in Bangalore who organized a housing committee to gain formal titles.⁸⁴ *The silver castle*, written by Clive James, describes the life of a boy born on the pavements of Mumbai, how he entered the world of Bollywood, and his tumultuous fate.⁸⁵ Despite tendencies to dramatize the lives of slum-dwellers, the novels depict circumstances similar to ethnographies and allow the reader to relate to the characters.

My analysis was limited to novels written in English, probably excluding many powerful novels written in Marathi, Hindi and Urdu. However, I believe each novel provides a unique perspective on slum life in India. As an Indian expatriate living in Canada, Mistry provides a critical perspective of Indian society and the atrocities during the Emergency. Supporting Mistry’s work, Shah states, “The novel reflects a total view of socio-cultural implications of contemporary society.”⁸⁶ Rao, a professor of English in Bangalore, depicts a fictional story in his home city. James provides a Western perspective on poverty in Mumbai, as an Australian living in England. Every author sympathizes with the slum-dwellers and often negatively references the Indian government and its ineffective policies. Furthermore, all three novels end dramatically, highlighting the authors’ frustrations with the current social circumstances. This unfortunate end does not need to be the case for slum-dwellers in Mumbai whose fortunes are not sealed in a narrative. These apparent biases, however, do not prevent a detailed account of strategies of survival that parallel ethnographic research in each of the novels.

The fiction embodies the permanent state of impermanence that characterizes slum life. Any day the water tap could be turned off. Any day government officials could demolish homes and destroy the few possessions of slum-dwellers. In this ever-threatened status, slum-dwellers attempt to earn enough income to improve their homes or move from the slum. I employ slum stories in ethnographies and literature to understand how slum-dwellers interpret and experience each characteristic of liminality: the state of isolation, lack of rights, invisibility and perceptions of contamination.

⁸³ Rohinton Mistry, *A fine balance: a novel* (New York: Vintage International, 1995).

⁸⁴ Mukunda Rao, *Chinnamani's world* (New Delhi: Penguin Books., 2003).

⁸⁵ Clive James, *The silver castle: a novel* (London: J. Cape, 1996).

⁸⁶ Shah, 116.

Novels and ethnographies provide insight on how slum-dwellers perceive their isolation. For example, in *Chinnamani's world*, the young slum boy analyzes how his life is different from wealthier boys who look down on him. “The keri people were ‘poor.’ He had heard the word repeated like a refrain in a song, like a chant, a swear word, a curse, an excuse, as something that set them apart from others, *like an animal from human beings*.”⁸⁷ As Chinnamani began to understand his isolation, he became frustrated that he and his parents owned so little. Connected to this isolation is a lack of rights, preventing slum-dwellers from accessing formal goods and services.

Housing and water conditions accentuate the lack of rights of slum-dwellers. “The materialities of housing – its cost, its durability, its legality, and its design – lie at the very heart of slum life,” argues Appadurai.⁸⁸ Selvan, the head of the housing committee in *Chinnamani's world*, frustrated with threats of eviction, said, “Land, a piece of land, which you can call your own. A house that wouldn’t be blown away in a storm. A roof, a solid roof under which you can die in peace, in the presence of your dear ones. Tell me, what else can you desire for? Isn’t that our greatest desire, our lifelong dream?” Emphasizing the way fiction can reflect reality, a slum woman from Behrampada parallels Selvan’s statement after threats of eviction. After learning her home may be relocated, she asserts, “We’ve lived here so long, yet faced so many problems. ... When our homes grow old, they make us leave. Once we’re settled, they’ll push us out again. Will we never have a place that is home?” These sentiments reflect the challenge slum-dwellers face without formal titles, yet as the informal sector displays and I describe in section three, slum-dwellers work around the government to improve their homes.

Lacking clean water is also an insecurity requiring daily endeavors. Madhura Swaminathan, describing social conditions in Mumbai, found that one tap serves an average of 203 users, but in some cases, 8,600 people use one tap for their daily water supply.⁸⁹ The tailors in *A fine balance* also have trouble at the water tap. When the tailors first moved to their slum, a woman explained to them, “Remember, you have to fill up early. Wake up late, and you go thirsty. Like the sun and moon, water waits for no one.”⁹⁰ Managing inadequate homes and supplies of water is a challenge for the poorest slum-dwellers.

⁸⁷ Rao, 84. Emphasis mine

⁸⁸ Appadurai, 76.

⁸⁹ Swaminathan, 96.

⁹⁰ Mistry, 168.

Without right to a formal title, slum-dwellers are urban invisibles. Invisibility implies marginality, as if slums do not exist in the eyes of the government. Invisibility is also apparent in the novels and ethnographies. Appadurai describes how invisibility influences daily life:

Their inability to document their claims to housing may snowball into a general invisibility in urban life, making it impossible for them to claim any rights to such things as rationed foods, municipal health and education facilities, police protection, and voting rights. In a city where ration cards, electricity bills, and rent receipts guarantee other rights to the benefits of citizenship, the inability to secure claims to proper housing and other political handicaps reinforce one another.⁹¹

He highlights how invisibility prevents slum-dwellers from accessing basic services from the government. In a similar experience, the tailors in *A fine balance* visited a government office to receive a ration card and were told:

“A jhopadpatti [slum] is not an address. The law says ration cards can only be issued to people with real addresses.”

“Our house is real,” pleaded Ishvar. “You can come and see it.”

“My seeing it is irrelevant. The law is what matters. And in the eyes of the law, your jhopdi doesn’t count.”⁹²

Because their home is located in a slum, it is invisible to the government, preventing the tailors from receiving government support like “real” addresses. However, this invisibility does not extend to negative perceptions of the slums.

Perceptions of contamination are strikingly evident in ethnographies, film and novels. The scheme to relocate Behrampada, the slum that grew from marshland, provides an example of how slum-dwellers are perceived as contaminating and the consequence of these perceptions. As the wealthy would say to their children, “Don’t act too smart, Behrampada’s right there, they’ll cut you to bits.”⁹³ After the Bombay riots, the dominantly Muslim slum was considered dangerous to the surrounding apartment complexes and many citizen associations tried to force the slum-dwellers out. As one slum-dweller stated, “They act like this is a den for terrorists.” The wealthy felt insecure and believed that the slum-dwellers had unrightfully taken valuable land, even though the

⁹¹ Appadurai, 72.

⁹² Mistry, 177.

⁹³ Dutta, *I live in Behrampada*.

slum-dwellers worked years to make the land inhabitable. The belief that slum-dwellers are thieves is another common conception that exemplifies contamination. Chinnamani experienced this stereotype while at a theater with friends. The ticket seller shouted at them, “‘Aye, what are you doing here?’ He saw a potential thief in every slum boy. ... ‘Don’t stand there; go, go away from here, or I’ll call the police.’”⁹⁴ The conception that all slum-dwellers are thieves is not unfounded, as many slum-dwellers “steal” resources to survive.

Often, slum-dwellers steal the very resources they are denied, indirectly exerting their shadow hegemony. Mehta explains how the poor “have to steal the water they need, from pipelines passing their land on the way to customers whom the municipality deems legitimate users of water. Up to a third of the corporation’s water is stolen by the poor.”⁹⁵ In stealing water, slum-dwellers provide services themselves. Explaining how slum-dwellers challenge their liminal status through theft of land, Neuwirth states:

They are excluded, so they take ... But they are not seizing an abstract right, they are taking an actual place: a place to lay their heads. This act – to challenge society’s denial of a place by taking one of your own – is an assertion of being in a world that routinely denies people that dignity and the validity inherent in a home.⁹⁶

These strategies of survival that incorporate stealing land and water illustrate how perceptions of contamination can be confirmed, continuing the production of the liminal citizen. As such, there is a continuum in which denial of services leads to theft and then further denial. Beyond theft, slum-dwellers incorporate other strategies to reconfigure the liminal citizenship imposed upon them. They create counter-cultural productions and utilize the informal sector to find strategies of survival. Cultural productions include attachment to rural villages, community building and identification with religious and ethnic groups. In the informal sector, slum-dwellers create their own rules and mechanisms for improvement. “Without any laws to support them, they are making their improper, illegal communities grow and prosper,” posits Neuwirth.⁹⁷ In section three, I describe these innovations, including theft, informal tactics and cultural reproductions, in detail.

⁹⁴ Rao, 106.

⁹⁵ Mehta, 124

⁹⁶ Neuwirth, 311.

⁹⁷ *Ibid.*, 306.

Through an integration of anthropological, economic and political theory, I seek to understand why slum-dwellers do not receive basic government resources and how they survive. I suggest there is a dialectical relationship between the state and slum-dwellers that continues slum growth in Mumbai. To describe this relationship, I argue that the state constructs slum-dwellers as “liminal citizens” and slum-dwellers counter this by creating a “shadow hegemony.” Scholarship on liminality describes the characteristics of a liminal category. State-society relations and urban planning literature discuss the construction of liminality by the government and the failure of development policies. Informal sector scholarship provides economic theory and descriptions of informal life critical to understanding strategies of survival. Ethnographies and novels enhance this understanding of slum-dwellers’ stories, supporting an analysis of how slum-dwellers innovate within liminal constructions. In the following sections, I will expand this study, further examining the construction of the liminal citizenship and the innovative capacity of slum-dwellers. Next, I turn to these constructions, the relations between slum-dwellers, the affluent and the government, and the failure of development policies in Mumbai.

II. Constructing a Social Order: Perceptions of Contamination and Development Policy

In the rest of the Third World, the idea of an interventionist state strongly committed to social housing and job development seems either a hallucination or a bad joke, because governments long ago abdicated any serious effort to combat slums and redress urban marginality.

Mike Davis, *Planet of Slums*

I argue that the dialectical relationship between the state and slum-dwellers sustains slum growth during an era of economic success. To describe this relationship, I address the state’s construction of the liminal status and slum-dwellers’ reactions. This section focuses on how the state constructs slum-dwellers’ liminal citizenship and implements policies. In the first section, I analyze public perceptions of contamination, which contrast the importance slum-dwellers’ labor provides to Mumbai’s economic growth. The second section addresses the trends and failures associated with urban planning policies. I also analyze how public perceptions, lack of will and corruption may contribute to policy inadequacies.

Danger and Lawlessness: Perceptions of Contamination

Douglas' analysis of pollution and taboo provides a theoretical starting point for examining perceptions of contamination. Utilizing her theoretical principles, I evaluate rhetoric that depicts slum-dwellers as "dirt" and "disease," which, I argue, reflects their marginal position outside the social order. This status invokes additional negative perceptions from the state and affluent. Slum-dwellers' homes are perceived as crossing a physical social barrier that incites fear, along with perceptions of danger and lawlessness. Further, their liminal status persists because government authorities ignore them. As such, slum-dwellers become the "development problem" in Mumbai.

Dirt "is the by-product of a systematic ordering and classification of matter, in so far as ordering involves rejecting inappropriate elements," explains Douglas. An analysis of these rejected elements involves reflection on those who "confuse or contradict cherished classifications" in the realm of the "ambiguous and anomalous," or liminal.⁹⁸ Further, this ambiguous status, found in the study of "dirt," describes the construction of the social order.⁹⁹

Government officials and members of the wealthy classes commonly believe slum-dwellers are dirty, unsanitary and unhealthy "parasites," reflecting their liminal status and marginalization. Additionally, caste ideologies of pollution strengthen these classifications of slums because many lower caste Hindus are slum-dwellers. Highlighting the perception of "dirt," Shiv Sena leader, Bal Thackeray, promoted a massive removal of slums to resolve "the major problem of dirt."¹⁰⁰ Similarly, Chinnamani's teacher called him and other students "Dirty dogs' ... The bitter words had singed Chinnamani's heart." The media also uses dirt and disease metaphors to describe slums. A recent article in *DNA India* labels slums as a "cancer" and "burden" that are "choking the city ... spreading thick and fast across Maharashtra" after a recent report found six major cities held 50 percent of the country's slum population.¹⁰¹ This language homogenizes 6.5 million people into one category of "dirt," despite the diversity within slums, reflecting their status outside the understood social order.

⁹⁸ Douglas, 37.

⁹⁹ *Ibid.*, 3-6.

¹⁰⁰ Hansen, *Wages of violence*, 208.

¹⁰¹ Aditya Ghosh, "Slum cancer spreads to six more cities in Maharashtra," *DNA India*, February 27, 2006, <http://www.dnaindia.com/report.asp?NewsID=1015260> (accessed January 12, 2007).

Indeed, their homes are not accepted within the city. Crossing a barrier, Douglas explains, “is treated as a dangerous pollution. . . . The polluter becomes a doubly wicked object of reprobation, first because he crossed the line and second because he endangered others.”¹⁰² In this case, the line is the city limits, implying that slum-dwellers are “outsiders” who only belong to rural villages. Government authorities, including Prime Minister Manmohan Singh, tell slum-dwellers to “go back home” when their huts are demolished.¹⁰³ The slum-dwellers in *Chinnamani’s world* were told the same by a government official, “Why do you all come here and give us trouble? . . . In another week’s time you must all vacate the land and go back to your villages.”¹⁰⁴ However, for many slum-dwellers, there is no “home” other than the city. The second implication of crossing a social barrier, endangering others, produces a criminalized status.

Douglas argues that lawlessness and danger are symbolically relevant to a marginal and liminal condition.¹⁰⁵ Such perceptions are common in Mumbai, as many affluent individuals consider slum-dwellers to be dangerous criminals. Describing perceptions of criminality, Sharma argues that because slums are “illegally” acquired, the state and affluent assume slum-dwellers must also be involved in other illegal activities, “thus, they are rendered non-people, their only image is as breakers of the law.”¹⁰⁶ Preity Zinta, a popular Bollywood actress, exemplifies these sentiments. After the Mumbai bombings, she called for “drastic” measures to maintain security by checking migrants and slums. Zinta told a Mumbai newspaper, “We seriously need to think of the city’s security. Stop the unchecked influx of migrants in the city. Check the slums.”¹⁰⁷ She implies that Mumbai will not be safe while slum-dwellers live there. These perceptions of danger and lawlessness provoke action against slum-dwellers.

Many wealthy Mumbaiites fight legal battles against slum-dwellers through citizen associations. This terminology of “citizen” association dichotomizes the social order, implying slum-dwellers are not citizens. Navin Mithal, a wealthy flat-owner, worked with an association to remove a slum that blocked drainage from his building. He claimed to the police, “It is a fight between law-abiding

¹⁰² Douglas, 140.

¹⁰³ “Mumbai Inc to Lobby for Slum Demolition.” *Indo-Asian News Service*, February 17, 2005, <http://web.lexis-nexis.com> (accessed April 27, 2006).

¹⁰⁴ Rao, 218.

¹⁰⁵ Douglas, 98-100.

¹⁰⁶ Sharma, 128.

¹⁰⁷ “Mumbai Should not be an Easy Target: Preity,” *Indo-Asian News Service*, July 21, 2006, <http://web.lexis-nexis.com> (accessed January 7, 2007).

citizens and people who have taken the law into their hands.”¹⁰⁸ To Mithal, slum-dwellers are fighting the law by building homes without permits, inconveniencing the true citizens of Mumbai. Slum-dwellers’ challenges become twofold: first they have no opportunity to find secure housing and second the act of finding a home is perceived as challenging the law. A news article describing the incident called Mithal an “activist” and his work a “crusade.”¹⁰⁹ Mithal’s “crusade” displays how the state and wealthy elite identify slum-dwellers as lawless and therefore outside the social order.

Liminal categories can be condemned, accepted or ignored; however, “cultural categories are public matters. They cannot so easily be subject to revision,” explains Douglas.¹¹⁰ Yet, ignoring them only “affirms and strengthens the definitions to which they do not conform.”¹¹¹ This is precisely how politicians address slum-dwellers, adumbrating their liminal citizenship. Politicians view slum-dwellers as vote banks that can be intimidated or persuaded. This portrays a political process that retains only a democratic appearance.¹¹² Their circumstances are never actually accepted and their cultural categories never understood. “In this sense, slums as a locality only occupy the margins of city politics,” explain Vora and Palshikar.¹¹³ As such, politicians can gain votes without providing substantive improvements on the ground.¹¹⁴ These broad claims are illustrated in *Chinnamani’s World* when the slum committee visited a government official:

“Sir,” she said, “just last month the chief minister himself declared in the assembly that the government would build pucca houses for the slum dwellers.”

The Secretary scowled. “That’s a ten-year project to build Bangalore into a mega-city,” he said gruffly. And of course the government would be evolving a new scheme to tackle the problems of the slums, too. But it would take time.¹¹⁵

The same contradictory rhetoric is apparent throughout Mumbai’s electoral history.

¹⁰⁸ Nauzer Bharucha, “Activist Threatened for Opposing Illegal Slums,” *The Times of India*, July 6, 2002, <http://web.lexis-nexis.com> (accessed January 12, 2007).

¹⁰⁹ Ibid.

¹¹⁰ Douglas, 40.

¹¹¹ Ibid., 40.

¹¹² Vora and Palshikar.

¹¹³ Ibid., 179.

¹¹⁴ Das, 225.

¹¹⁵ Rao, 162.

Calls for slum development are followed by inaction and demolition drives, illustrating how political parties ignore slum-dwellers and therefore reinforce their liminal citizenship. The Congress Party generally disregarded slum growth throughout the city while in power, but promoted development during elections to ensure a strong voting base.¹¹⁶ Similarly, when Shiv Sena ran in 1995, the party claimed it would provide 400,000 homes for slum-dwellers, yet as I later show, the party's slum development plans failed miserably.¹¹⁷ Shiv Sena "seeks to ensure marginalization of the 'unwanted' sections of society," argue Vora and Palshikar.¹¹⁸ Thus, the Sena supports the construction of the social order by marginalizing and ignoring the "unwanted." During the 2004 elections, the Congress party promised it would extend the 1995 cut-off date for slum legalization to 2000. However, months after the elections, the party attributed its election claims to a "printer's devil."¹¹⁹ This statement allowed the government to bulldoze post-1995 slums during the 2004-2005 demolition drives.

These perceptions have important consequences Douglas does not discuss because she analyzes traditional societies in which the liminal phase has a distinct ending. Since slum-dwellers are seen as lawless and dangerous, development projects become slum eradication plans, rather than plans to support the city's poorest residents. Slum-dwellers have become the "development problem." An editorial piece by Vir Sanghvi, titled "Bring on the Bulldozers" illustrates this perspective:

My view has always been that if you allow slums to come up wherever there is vacant land - and this is exactly what happens in Bombay - then you can forget about ever improving the quality of life in our cities. There are laws against encroachment and they must be respected. The slum-dwellers should be offered alternative accommodation.¹²⁰

Re-iterating this sentiment, a representative from a homeowners association calling for the removal of Behrampada said, "It [the slum] should leave because... then progress can occur."¹²¹ However, this perception of progress without slums

¹¹⁶ Vora and Palshikar, 178.

¹¹⁷ Das.

¹¹⁸ Vora and Palshikar, 181.

¹¹⁹ "Promise to Protect Mumbai's Pre-2000 Slums Typo: Congress," *The Indian Express*, May 3, 2005, <http://web.lexis-nexis.com> (accessed January 7, 2007).

¹²⁰ Vir Sanghvi, "Bring on the Bulldozers," *The Hindustan Times*, February 4, 2006, http://www.hindustantimes.com/news/181_1617283,00300001.htm (accessed January 7, 2007).

¹²¹ Dutta, *I live in Behrampada*.

disregards the importance of slum-dwellers to the wealthy classes and Mumbai's economy.

Mumbai's Working Class

The majority of slum-dwellers fulfill crucial occupations and the needs of the rich, which supports the economy, yet they do not receive government services. Thus, they lack both formal citizenship and adequate income. Correa explains, "Rich and poor enjoy symbiotic relations. This is not always understood by the rich who often conveniently overlook the fact that they need the poor to run the city – not to mention their own households."¹²² Slum-dwellers are taxi drivers, maids, cooks, cleaners, police officers, rickshaw drivers, street hawkers, industrial workers, construction workers and much more. They essentially fill the working class jobs of the city, supporting economic growth, yet their wages cannot sustain formal housing.

"The state wants their labour, but it doesn't want to give them somewhere to live," claims A. D. Golandaz, member of Bombay's Committee for the Right to Housing.¹²³ Golandaz' sentiment highlights the precarious living circumstances of slum-dwellers despite the importance of their labor to the city's economy. Laxmi Chinnoo, who was interviewed by Neuwirth, lives under an overpass in Mumbai "in one of those metaphysical line in the dirt homes" and works for two wealthy families.¹²⁴ In sum, she is paid 800 rupees per month (\$20), which must sustain her and her daughters.¹²⁵ Laxmi's case is far worse than many slum-dwellers, who on average earn 100-250 rupees per day (\$2.50 to \$5.00).¹²⁶ Yet, this higher wage is still not adequate to pay for even the cheapest flat, which on average costs Rs 4,000 per month.¹²⁷ Thus, slums grow throughout Mumbai because they provide affordable housing. Rents are so high that a wide array of individuals with varying incomes live in slums.

Highlighting the contradictory relationship between slum-dwellers and the government, Allahjan, a slum-dweller whose home was demolished in 2005, said, "What can the rich people do about our fate? They give us jobs that feed us ... If there is anyone who can help, it's the government. It is throwing us

¹²² Sharma and Narender, 201.

¹²³ Peter Foster, "Slum Dwellers Crushed in the Rubble of a Brave, New Bombay," *The Daily Telegraph*, May 13, 2005, <http://web.lexis-nexis.com> (accessed January 7, 2007).

¹²⁴ Neuwirth, 129.

¹²⁵ *Ibid.*, 130.

¹²⁶ Foster, "Slum Dwellers Crushed in the Rubble".

¹²⁷ *Ibid.*

out.”¹²⁸ However, rather than helping, the government has a long history of inaction and violence against slum-dwellers.

Government Schizophrenia

This section addresses slum rehabilitation policies at the state and city level in Mumbai and potential explanations for policy failures. Urban planning schemes from 1970 to the present illustrate the government’s schizophrenic nature and lack of will. I suggest perceptions of contamination influence policy rhetoric and implementation. I also analyze the government’s bureaucracy and relationship with the wealthy classes. The policies analyzed in this section are primarily designed and implemented by the state of Maharashtra and the city’s municipal government, as these bodies play the largest governmental role in slum development and eviction in Mumbai.

Since independence, slum development plans have centered on two major debates. The predominant theory asks builders to fund and design housing projects. These policies call for the destruction of slums and the construction of new and usually large-scale housing. The second theory includes “self-help” programs and title gifting to slum-dwellers. This grassroots form of development is rarely implemented because the government is indifferent to providing slum-dwellers with titles and recognition.¹²⁹ Consequentially, policies have favored the first model, yet re-housing has been rare and inadequate.

In the 1970s, the state of Maharashtra passed several acts that have set the current trend in development policies. These laws highlight how perceptions of contamination influence the creation of policies based on “health” standards. The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act of 1971 designed plans for slum development and called for slum-dwellers to improve their residences under the guidance of the state. In cases where the slums were unfit for development, the state required buildings to be demolished because they were considered dangerous to public health. However, only 120 slums were improved. Jha argues, “The Act, not in words but in intent and action, has marked the hundreds of thousands of people living in appalling health and sanitary conditions as posing a threat to ‘the citizen,’” emphasizing that

¹²⁸ “Poor Struggle in Shadows of India’s Richest City,” *The Hindustan Times*, February 1, 2006 http://www.hindustantimes.com/news/181_1614022,000600010004.htm (accessed January 7, 2007).

¹²⁹ Sharma and Narender, 213.

perceptions of “dirt” influence policy.¹³⁰ Thus, “the citizen” benefits and slum-dwellers are evicted. In 1973, the Maharashtra Slum Improvement Act reinforced many negative aspects of the 1971 Act. It stated:

Existing slums are becoming a source of danger to health, safety and convenience of the slum dwellers and also to the surrounding areas and generally a source of nuisance to the public. . . . Moreover, the Board may use such force as may be reasonably necessary for the purpose of getting the premises vacated, if any occupier does not vacate the premises.¹³¹

The issue of health and “nuisance to the public” were reiterated, and the Act was strengthened by the use of force “as may be reasonably necessary.” This Act emphasizes how slums are “the problem,” justifying slum eviction. Furthermore, Jha found that none of the slums relocated after the Act were provided with basic amenities by the government, but thousands of slum-dwellers were evicted. He argues, “Providing basic amenities is indirectly recognizing ‘illegal’ slums.”¹³² Thus, perceptions of lawlessness and illegality, based on the status of slum-dwellers, reinforce the government’s disinclination to provide services.

Following these acts, thousands of slums were demolished under two critical laws, the Maharashtra Vacant Lands (prohibition of unauthorized structures and summary eviction) Act of 1975 and the Urban Land Ceiling (& Regulation) Act (ULCRA) of 1976. The former act supported the eviction of hundreds of thousands of slum-dwellers on the grounds of public health, again emphasizing perceptions of dirtiness that influence state policy.¹³³ The ULCRA was a source of controversy throughout Mumbai until it was revoked in 1999. The Act was designed to provide land to the poor at a reasonable price by allowing the government to acquire private land. However, due to influences from lobbyists representing builders, the Act was filled with vague exemption clauses that could prevent landowners from giving up their land.¹³⁴ With these exemption loopholes, corrupt officials manipulated the law to provide land to the wealthy, preventing the poor from gaining any benefit.¹³⁵ Municipal Commissioner of Bombay J.B. D’Souza claimed political ability falls short of promise because:

¹³⁰ Jha, 45.

¹³¹ Ibid.

¹³² Ibid., 51.

¹³³ Ibid., 65.

¹³⁴ Ibid., 185.

¹³⁵ Harini Narayan, “In Search of Shelter: The Politics of the Implementation of the Urban Land (Ceiling and Regulation) Act of 1976 in Greater Mumbai,” in *Bombay and Mumbai: the city in transition* (New York: Oxford University Press, 2003), 190.

Each fresh application of a law presents our rulers with new opportunities they seldom miss. For example, the ULCRA ... offered endless opportunities to the authorities to exploit the loopholes of the law. The loopholes in the law have been shamelessly exploited by the so-called authorities and their political masters.¹³⁶

After the Act, land and flat prices rose 300 percent, further preventing slum-dwellers from accessing formal land markets.¹³⁷ The thirty-year reign of the Act only resulted in construction of 4,500 flats, none of which had price controls that were needed to support the poor.¹³⁸ Authorities could have used the ULCRA to give slum-dwellers land, yet the deficiency of distribution highlights the government's lack of will.

In the 1980s, the World Bank and the government of Mumbai organized the Slum Upgradation Program (SUP). The SUP was one of the few programs designed to promote "self-help" and provide titles to slum-dwellers. Its main purpose was to improve slum areas through implementing small projects, maintaining amenities and involving slum-dwellers in their development.¹³⁹ However, this project had limited success due to inaction by government officials and ineffective monitoring, again emphasizing the government's lack of will.¹⁴⁰ Furthermore, the SUP did not apply to private lands, where 55 percent of slum-dwellers lived. The program was further hindered by the New D.C. Rules, which incorporated private builders to support the projects. As a result, land designated for slum development was sold to the wealthy, and slum-dwellers were relocated to other areas.¹⁴¹

Following India's liberalization in 1991, slum development schemes have increased the role of private developers and builders, which now construct 90 percent of homes.¹⁴² Housing policies now focus on privatization, and homes are "viewed merely in real-estate terms."¹⁴³ In 1991, the Congress Party government passed the Slum Redevelopment Scheme (SRD). The SRD focused primarily on large re-development plans in which developers would build flats for slum-dwellers and sell excess land to make profit. However, the scheme

¹³⁶ Sharma and Narender, 217-8.

¹³⁷ Jha, 40.

¹³⁸ Narayan, 187.

¹³⁹ Sharma and Narender, 203.

¹⁴⁰ *Ibid.*, 209.

¹⁴¹ *Ibid.*, 208.

¹⁴² Narayanan, 202.

¹⁴³ Das, 217.

lacked adequate incentives as the government only provided builders with Rs 20,000 per family and builders feared limited profit.¹⁴⁴ Nor did the slum-dwellers have any faith in the builders who had already evicted many slums without providing homes. Das argues this plan created “a devious network” between developers, landowners and financial institutions “in which the slum-dwellers find no place.”¹⁴⁵ Not only did this plan fail to create new homes, but also the government disregarded basic improvements in slums.¹⁴⁶

The Shiv Sena-BJP Government designed the Slum Rehabilitation Scheme (SRS) in 1995. The SRS was nearly identical to the SRD and included aspects of the 1971 Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act. However, the government did not provide any compensation to developers, who, like the SRD, were encouraged to build homes for the poor on slum land and sell the excess for profit. Following the SRS, violations of housing rights and human rights abuses increased. Slum-dwellers were also in a greater position of ambiguity under threats of displacement.¹⁴⁷ The Shiv Sena-BJP Government included a 1995 legalization date for slum-dwellers, which also proved ineffective. In many cases, pre-1995 slums have been demolished. Furthermore, slum-dwellers often had to bribe officials for identity cards. Following these acts, there has been little substantial change in development policy.

In 2004-2005, following Prime Minister Singh’s call to make Mumbai “the Shanghai of India,” the municipality of Mumbai, under the Congress Party, evicted thousands of slum-dwellers without proper rehabilitation.¹⁴⁸ Under the banner of “progress,” and with the support of the majority of builders, industrialists and wealthy classes, 90,000 homes were destroyed and 400,000 slum-dwellers were left homeless.¹⁴⁹ BJP chief Nitin Gadkar welcomed the move, commenting, “It is a question of the city’s survival.”¹⁵⁰ Opposing Gadkar and Mumbai officials, Shakil Ahmed, a member of the group called Fearless Movement, said, “This was a man-made tsunami... If this was a natural disaster the UN would be here setting up refugee camps.”¹⁵¹ The failure of the last thirty

¹⁴⁴ Ibid., 214

¹⁴⁵ Ibid., 217

¹⁴⁶ Ibid., 219.

¹⁴⁷ Das, 210.

¹⁴⁸ Foster, “Slum Dwellers Crushed in the Rubble”.

¹⁴⁹ Ibid.

¹⁵⁰ Parikshit Joshi and Sandeep Nnithan, “Slum Banged,” *India Today*, March 7, 2005, <http://web.lexis-nexis.com> (January 7, 2007).

¹⁵¹ Foster “Slum Dwellers Crushed in the Rubble”.

years of policy necessitates an analysis of the multifaceted state system within India.

Complex Networks: Bureaucracy, Corruption and Political Influence

The Indian government is known for its complicated bureaucratic nature, rampant corruption, and ties with the wealthy classes, which holds true in the areas of slum development and upgradation policies. Commenting on this corruption, Ishvar in *A fine balance* claims, “‘But before there can be homes or shops for people like us, politicians will have to become honest.’ He held up his index finger, crooked it, then extended it. ‘The bent stick may straighten, but not the government.’”¹⁵² This metaphor reflects the state’s inefficacy and disregard for its poorest citizens.

An intricate network of authorities, politicians, bureaucrats and lawmakers within the government of Mumbai influence policies. Fuller and Harriss argue that the Indian state is a decentralized system in which various organs work in competition with each other.¹⁵³ Describing this complicated structure, Painter states, “The act of passing legislation in the first place also depends on the ... small decisions of parliamentary drafters, elected politicians, civil servants and all those who influence them. ... Thus, the outcome of state actions is always uncertain and fallible.”¹⁵⁴ Indeed, the state, in all its forms, rarely has the will or ability to provide dramatic improvements in the lives of slum-dwellers. Due to this corruption and inefficacy, the majority of comprehensive development plans continue to remain where they began, on paper.¹⁵⁵ Oftentimes, within this decentralized system of laws, regulations and government bodies, policies have the opposite effect, benefiting the wealthy.

The majority of officials in Mumbai have a strong relationship with the wealthy classes, often through bribes. Nandini Gooptu argues, “The town planning schemes evolved as avenues to further the interests and aspirations of the propertied and the instrument of the growing marginalization of the poor.”¹⁵⁶ This “unholy alliance” or “nexus” has turned politicians into “brokers” for the

¹⁵² Mistry, 455.

¹⁵³ C. J. Fuller and J. C. Harriss, “Introduction: The Anthropology of the Modern Indian State,” in *The everyday state and society in modern India*, eds. C. J. Fuller and V. Bénéï (London: Social Science Press/Hurst & Co, 2001), 23.

¹⁵⁴ Painter, 761.

¹⁵⁵ Sharma and Narender, 202.

¹⁵⁶ Neuwirth, 69.

rich.¹⁵⁷ Policy after policy implemented under the banner of slum improvement benefits the wealthy classes. Unlike the wealthy, who can negotiate the terms of governance and manipulate policies to their own benefit, the stability of the poorest slum-dwellers' homes depends on powerful slumlords, developers and government officials.

Although slum-dwellers are detached from their government, wealthy slumlords broker slum land and sell plots through bribes to government officials. These slumlords do not provide stable strategies of survival to slum-dwellers or work in direct competition with the government. They actually have close relations with government officials and developers, argues Hansen, "Mumbai's official face and the life of its affluent elite are intimately interwoven with ... massive corruption, organized crime, and communal politics."¹⁵⁸ This situation is unstable and precarious, however, because slumlords negotiate demolition drives as easily as they reserve land for the poor. Slum-dwellers therefore only receive indirect recognition through these brokers, illustrating another way their liminal status is constructed. Slumlords also illustrate how higher income slum-dwellers can manipulate the informal market for their own benefit; as Hansen argues, they are "ubiquitous, informal, and impossible to fix within the boundaries of formal law."¹⁵⁹ However, this informal process of acquiring land is necessitated by failed development policies, which government officials repeatedly justify.

Development Delusions

The state of Mumbai often claims slum development is impossible. However, I believe the majority of these claims are unfounded and illustrate the unwillingness of the state and city governments to implement policies for their poorest citizens. Probably the most common justification for political failure is based on land being unavailable and unaffordable. Government officials also claim slum-dwellers prefer their conditions because they refuse to move into new homes.

As an island city, land is a scarce resource in Mumbai. Rents are inflated and much of the city is cramped. As a result, the government often claims that land is unavailable for slum-dwellers. However, a study by the People's Union for

¹⁵⁷ Sharma and Narender, 218.

¹⁵⁸ Thomas Blom Hansen, "Governance and State Mythologies in Mumbai," in *States of imagination: ethnographic explorations of the postcolonial state*, eds. Thomas Blom Hansen and Finn Stepputat (London: Duke University Press, 2001B), 221.

¹⁵⁹ Hansen, *Wages of violence*, 188.

Civil Liberties in 1985 found that there are 3,000 to 10,000 hectares of available land in the city, and slum-dwellers would only need 1,350 hectares, including open spaces and roads.¹⁶⁰ Although this report is outdated, using a projection of 6.5 million people, slum-dwellers would only need 3,500 hectares of land. Furthermore, the government has legal right to acquire land and provide slum-dwellers with homes under the Maharashtra Slum Areas (Improvement, Clearance, and Redevelopment) Act of 1977. Since the 1980s, the government has acquired 7,800 hectares within the city and 20,000 hectares in “Navi Mumbai,” (New Mumbai) yet only an insignificant percentage has benefited slum-dwellers.¹⁶¹ Although the land is available, the redistribution never occurs.

Justifying the lack of redistribution, the government argues it cannot afford to build homes and give away land to the poor. This claim contradicts the reality of infrastructure projects within the city. Money is always available to fund large investment projects in wealthy areas.¹⁶² Furthermore, slum development plans are often excessively expensive because they involve ambitious plans that displace the poor rather than support social infrastructure through grassroots methods.¹⁶³

The government also claims that slum-dwellers prefer to live in slums because they sometimes refuse to relocate. However, they often refuse to relocate for several legitimate reasons, reflecting the inadequacy of government programs and the need for slum-dwellers to participate in development policy. For example, both Neuwirth and Sharma found that slum-dwellers would sell their right to a flat to pay for their daughter’s wedding, their debt or a family member’s medical care. New locations for redevelopment are often far away from workplaces and lack adequate facilities compared to original residences. New housing plans also disregard the culture and community created in slums, which I discuss in the following section.

The construction of slum-dwellers’ liminal citizenship has far reaching consequences. Douglas’ analysis of pollution and “dirt” sheds light on how slum-dwellers are feared, criminalized and placed outside the social order. Thus, slum-dwellers have become the “development problem” in Mumbai, influencing how the wealthy and the government react to slums. Despite the importance of slum-dwellers’ labor to the success of Mumbai’s economy, the government does not provide services in slums. The state of Maharashtra and the municipality in

¹⁶⁰ Sharma and Narender, 214.

¹⁶¹ Narayan, 201; Sharma and Narender, 215.

¹⁶² Sharma, 11.

¹⁶³ Sharma and Narender, 219.

Mumbai fail to implement effective long-term slum upgradation policies. The failure of these policies illustrates that the state is bureaucratic, wealthy-biased and unwilling to implement sound development in slums. Further, the excuses for policy failure, such as inadequate land and cost, cannot be justified. Thus, slum-dwellers survive outside the state. As Davis states, “Often squatting becomes a prolonged test of will and endurance against the repressive apparatus of the state.”¹⁶⁴ The needs, identities, desires and strategies of survival of slum-dwellers are the subjects of the following section.

III. Innovating Space: Creating a Shadow Hegemony

They have found ways to get water, even if water is not supplied, to build houses even when there is not security of tenure and no financial help.

... It is the story of men and women who have survived despite our indifference, despite the hostility of the state, people who are also citizens of Mumbai.

Kalpana Sharma, *Rediscovering Dharavi*

Within the constructed liminal space in slums, slum-dwellers reconfigure their identities and incorporate strategies of survival. The government has little control over their lives within this space because it has defined them as non-citizens and plays no role in their daily lives. This freedom from government oversight allows slum-dwellers to work almost entirely outside the formal system. I argue that slum-dwellers have a shadow hegemony within this space, which allows them to innovate by reconfiguring their marginal environment. I find that the process of innovation is piecemeal, or “fractured,” meaning slum-dwellers cling to outside identities and maximize all possible resources. By acknowledging the fractured system, one can see how slum-dwellers innovate and manipulate within a social system that attempts to marginalize them and deny them even the right to a home. Their strategies, however, are not always adequate or without consequences, maintaining the dialectical relationship between the state and slum-dwellers.

¹⁶⁴ Davis, 38.

Cultural Productions: Slum-dwellers' Identities

Slum-dwellers construct their identities by creating new cultural productions within their shadow hegemony. They produce their identities with “fractured” dreams, hopes and a rural attachment within the urban environment. However, these identities vary dramatically, as slums comprise individuals from different religious, class, ethnic and caste backgrounds. Noting this diversity, Neuwirth states, “There are many different types of squatters, with different needs, different incomes, different aspirations, different social standings, different stories.”¹⁶⁵ The youth cling to Mumbai’s central popular culture symbol, Bollywood, to find their dreams. In revolt, young Hindu men participate in violent political parties that appeal to their desires to act against the state. However, these varied identities make a cohesive political identity within slums difficult. Within these reconfigurations, one sees the shadow hegemony in their ability to remake the system to continue their lives.

One major survival strategy and identity tactic of slum-dwellers is to see themselves in a transition to a better life. Thus, they reframe their non-citizen, liminal status as a transitional period. Mehta describes this transience, “The modern metropolis is a collection of transients, on their way from somewhere to somewhere else.”¹⁶⁶ The tailors in *A fine balance* also speak to this transient lifestyle:

“But we don’t want to stay too long.”

“Nobody does,” said Rajaram. “Who wants to live like this?” His hand moved in a tired semicircle, taking in the squalid hutments, the ragged field, the huge slum across the road wearing its malodorous crown of cooking smoke and industrial effluvium. “But sometimes people have no choice. Sometimes the city grabs you, sinks its claws into you, and refuses to let go.”¹⁶⁷

Ishvar and Om saw their hut as a temporary roof, not a home. Most slum-dwellers dream of a better life. For example, Sharma found slum-dwellers in Ambedkar Nagar slum believe the temporary inconvenience of living in a slum will pass, they hope, when they receive a photopass from a government official.¹⁶⁸ This desire highlights how slum-dwellers see themselves as transients; they see their status as a temporary shelter preceding success. As James notes, “People too poor to have lodgings in the slum... dream of getting into it the way

¹⁶⁵ Neuwirth, 14.

¹⁶⁶ Mehta, 510.

¹⁶⁷ Mistry, 172.

¹⁶⁸ Sharma, 23.

the people who live there dream of getting out.”¹⁶⁹ Although James portrays a dramatized perception of slum-dwellers’ dreams, as many have found identity in slum communities, the inhospitable conditions of the worst-off slums leave few content. Another tactic for reframing their status is forming communities within slums.

In many slums, one finds an adaptation to the cramped and inhospitable environment through cultural production. Slums often have tight-knit communities or they reproduce their rural villages, reconfiguring the liminal condition imposed upon them and exerting their shadow hegemony. Mehta interviewed a woman in Jogeshwari slum who refused to move into an apartment building, despite the inhospitable conditions in her slum. She claimed, “There’s too much aloneness. A person can die behind closed doors of a flat and no one will know. Here, she observed with satisfaction, ‘there are a lot of people.’”¹⁷⁰ Mehta, acknowledging this desire, argues, “The people have formed a community, and they are ... attached to its spatial geography, the social networks they have built for themselves, the village they have re-created in the midst of the city.”¹⁷¹ These villages in the “midst of the city,” are common throughout slums in Mumbai. Sharma observes that the Tamil section of Dharavi “is a skillful recreation of a village in Tamil Nadu.”¹⁷² In bringing their rural environment forward, some slum-dwellers reject the isolating urban environment and construct their shadow hegemony. Many of the youth in slums use a different tactic to compose their identity.

The love for Bollywood films, particularly among street and slum children, exemplifies how an identity can be created through dreams. By connecting with Bollywood, these children are, albeit unintentionally, creating cultural productions that reconfigure the liminal constructions imposed upon them. In this process, they create their shadow hegemony by bringing their dreams to the forefront. Mehta describes Bollywood films as “distilleries of pleasure,” where many youth dream of working. For example, one aspiring actor tells Mehta of Mithun Chakraborty, a star that slept on footpaths who “came up in life.”¹⁷³ Young men and boys identify with these films because the scenes of powerful, masculine men who always marry the beautiful women despite all odds appeals to their dreams for a better life. The street boys in the documentary *Tapoori* try

¹⁶⁹ James, 65.

¹⁷⁰ Mehta, 55.

¹⁷¹ Ibid., 55.

¹⁷² Sharma, xxvi.

¹⁷³ Mehta, 390.

to make enough money each day to watch Bollywood films in a dark, shabby room at Victoria train station. A pastor, describing their passion for Bollywood said, "They know all the songs and a lot of them dream about being someone. . . . These children have infinite dreams."¹⁷⁴ These dreams could be seen as a piecing together of a new, positive identity. Like the street boys in *Tapoori*, the boys in the novels are also attracted to Bollywood.

All of the novels I analyzed mention pleasure the younger generation draws from Bollywood films. Chinnamani would fall asleep most nights thinking of the brave princes and beautiful women he saw at weekly film showings, which always gave him hope when frustrated with slum life. As a small boy, Sanjay visited "The Silver Castle," a building where many Bollywood movies are filmed. This experience drove Sanjay to survive in destitute circumstances on the street in hopes of one day becoming a Bollywood actor. James states, "None of us . . . would ever get to where we are going unless a picture of it, however inaccurate, was already in our minds."¹⁷⁵ The attachment to Bollywood is not the films themselves, but the entrance into another world far greater than what these children have ever experienced. For those two to three hours, they not only escape, but also gather pieces of their identities and dreams, however inaccurate.

Young men also revolt against the state by participating in violent political parties such as the Shiv Sena. Hansen, who studied the sources of violence in Mumbai, argues that Shiv Sena is appealing to slum-dwellers because of the masculine and empowering rhetoric of its leader, Bal Thackeray. Thackeray appeals to their "need for a group identity amid turbulent city life."¹⁷⁶ Shiv Sena is organized through Dadaism, which "invokes images of a masculine, assertive, often violent local strongman, whose clout lies in self-made networks of loyalty rather than in institutionalized action and discourse."¹⁷⁷ For many young men from slums, who have faced persecution from the wealthy and the government their entire lives, the Sena provides masculine power through rejection of institutionalized organization, reflecting one way slum-dwellers exert power. Shiv Sena gives slum-dwellers an outlet with which they can compose their identities and strive for the power that has been taken from them in liminal citizenship.

¹⁷⁴ Handel, *Tapoori*.

¹⁷⁵ James, 27.

¹⁷⁶ Hansen, *Wages of violence*, 52.

¹⁷⁷ *Ibid.*, 72.

Shiv Sena played a substantial role in the Bombay riots, calling for Hindu men not to be “impotent” and fight for their manhood. The Mumbai riots can be seen as a violent reaction to the government’s marginalization and disregard of slums. Hansen argues that for slum-dwellers and other participants in the riots, rioting was “overruling and defying the state, of celebrating an ethnic majoritarian justice.”¹⁷⁸ This defiance and anger, he states, is due to the “social resentment and frustrated hopes for social mobility among still broader sections of Bombay’s poor and marginalized population.”¹⁷⁹ The need for a masculine identity among Hindu men during the national riots is a central theme in *Father, son and holy war*, a documentary on violence in India. Anand Patwardhan began his documentary searching for why violence was perpetuated throughout India and realized the answer lies in the construction of male identity.¹⁸⁰ Rustom Bharucha, in analysis of Patwardhan’s documentary, explains that *Father, son and holy war* touches on “hegemonic masculinity,” manifested in “consolidations of power that produce a construction of ‘what it means to be a man’ in very specific ways, which are then propagandized at mass levels through popular consent.”¹⁸¹ The “hegemonic masculinity” took hold for many slum-dwellers because it supported their construction of a shadow hegemony that revolted against the state.

However, this fight for manhood destroyed many lives, both Hindu and Muslim. Shiv Sena, although it appealed to young men in slums, is still a political party connected with the state system. Vora and Palshikar argue Shiv Sena’s promises of power and success became “instruments of extortion.”¹⁸² Most of the extreme destruction occurred in poorer neighborhoods where, in many cases, primarily Muslim slums were burned or ransacked as the police stood by. This violence encouraged counter-violence, until Bombay neared all-out war. Because these young Hindu and Muslim men clung to their religious identities and violence to counter the construction of their liminal citizenship, they hurt other slum-dwellers. With destroyed homes and livelihoods on both sides, the fragments of hope were shattered for many. The violence in slums during the riots illustrates how slum-dwellers connect to identities outside the slum that could have opposing reactions.

Thus, political identities are rarely constructed within slums. Vora and Palshikar found that Dharavi is a “political vacuum” where few slum-dwellers participate in

¹⁷⁸ Hansen, “Governance and State Mythologies in Mumbai”, 225.

¹⁷⁹ Hansen, *Wages of violence*, 72.

¹⁸⁰ Patwardhan, *Father, son and holy war*.

¹⁸¹ Rustom Barucha, *In the name of the secular: contemporary cultural activism in India* (Dehli: Oxford University Press, 1998), 143.

¹⁸² Vora and Palshikar, 108.

political activities or parties. Although many organizations are working within slums to support political movements, the diversity within slums makes a coherent movement difficult. However, a lack of a cohesive political identity is sometimes replaced by a communal identity, such as participation in groups like Shiv Sena. Despite these divisions, slum-dwellers also support each other across social barriers. In *Father, son and holy war*, a Muslim helped a Hindu family rebuild their home after it was burned during the riots. These contrary identities – clashing religious violence, a lack of political identity and communal support – highlight the varying ways slum-dwellers construct their identities in reaction to the state. A closer analysis of specific strategies of survival illustrates another way slum-dwellers construct their shadow hegemony.

IV. Informal Mechanisms: Strategies of Survival in Slums

Slum-dwellers incorporate their strategies of survival within an informal world. In doing so, they exert a shadow hegemony through informal institutions that counters the liminal citizenship imposed upon them. Acknowledging the extent of the informal market, Mehta states, “the underworld is the overworld; it is somehow suspended *above* this world and can come down and strike any time it chooses.”¹⁸³ Furthermore, the fractured system is especially apparent when observing slum-dwellers’ strategies of survival; they maximize everything to try to meet their needs. In this process, however, slum-dwellers often maintain perceptions of contamination. Finally, without access to certain government resources, such as water, toilets and education, slum-dwellers face challenges that cannot be compensated through the informal sector.

The conglomeration of goods bought and sold in the informal sector resembles a fractured system and illustrates how slum-dwellers work outside the state. James, describing the informal economy of Mumbai in *The silver castle*, believes that the city continues to function with a daily influx of migrants because nothing is wasted. He states, “Nothing imperishable escapes collection, right down to the scrap of polythene, the nail and the pin. There are shops that specialize in dead batteries. Every form of rag is collected, every form of paper.”¹⁸⁴ And in each step of collection and sale there is an exchange, so that anyone can find an income, even if it requires ragpicking (picking through and selling garbage). This description is nearly identical to Sharma’s accounts of Dharavi:

¹⁸³ Mehta, 134.

¹⁸⁴ James, 25.

The streets are lined with hawkers selling everything, from safety pins to fruits, and even suitcases. Behind them are a mad array of shops. Satkar jewelers, ration shop, Bhupendra Steel, Husain Hotel, Swastik Electric and Hardware, Shreenath Jewelers and Mumbai Polyclinic – that is a typical collection on 90 Feet Road.¹⁸⁵

The impeccable range of goods for sale, from steel to any imaginable service to bits of garbage, illustrates not only the ingenuity of Mumbai's poor in finding jobs and basic necessities, but also the fractured system in which everything available is maximized.

The efficiency and “rules” of the informal sector also demonstrate how slum-dwellers create their own mechanisms for survival. The street hawkers market is self-regulating and excruciatingly organized. Animal acts, shoe shiners, beggars, trinket sellers and water boys mark their territory and do not take kindly to competition in their respective neighborhoods. Harumar, a shoeshine boy in Mumbai, explains the rules. “We are about 25 shoeshine boys on the Veer Nariman Road and we keep good relations with each other. We are permanently placed here and allow no other ‘boot polishwala’ in this area, nor are we permitted anywhere else,” he said.¹⁸⁶ The informal system maintains itself and supports participants by designing and enforcing these “rules” outside the state. Although the economy provides income and jobs, the extent of individual success varies dramatically.

Workers in the informal economy can improve their lives or just barely survive. Many individuals with a little luck and an ability to manipulate the informal market can go literally from “rags to riches.” Sharma argues, “It is a story of ingenuity and enterprise... it is a story that illustrates how limited is the term ‘slum’ to describe a place that produces everything from suitcases to... gold jewelry.”¹⁸⁷ These individuals have utilized informal mechanisms, exerting the shadow hegemony, to improve their lives. However, there are others with far worse luck and circumstances for whom the informal market only provides survival. “It is usually the weakest and smallest shoulders that have to bear the heaviest burdens of informalization,” Davis notes.¹⁸⁸ For example, Anwar, a street boy and ragpicker in Mumbai, said, “Sometimes I feel it would be better to die than live this life... It’s the kind of life where the best you can hope for is just

¹⁸⁵ Sharma, 271.

¹⁸⁶ Jha, 133.

¹⁸⁷ Sharma, 78.

¹⁸⁸ Davis, 181.

to survive.” In a parallel statement, James notes after Sanjay’s tumultuous end, “They don’t starve any more, but they hardly live. Think of your own life minus all the things worth living for: wouldn’t that be a kind of death?”¹⁸⁹ Within this extensive, organized and sometimes difficult market system, slum-dwellers find the means to build their homes.

The “Invisible Housing Market”

Slum-dwellers’ homes symbolize their strength, determination and ingenuity, as well as their precarious situation. They build homes on leftover land, in cramped conditions, and literally piece by piece, which highlights the utilization of a fractured system. Neuwirth, emphasizing slum-dwellers’ assertion of a shadow hegemony, argues, “So they have seized land and built for themselves. With makeshift materials, they are building a future in a society that has always viewed them as people without a future. In this very concrete way, they are asserting their own being.”¹⁹⁰ However, they steal land to build their homes, reinforcing negative perceptions that construct liminal citizenship. As such, the dialectical relationship between slum-dwellers and the government continues.

Slum-dwellers build their homes on sporadic pieces of land including marshes, garbage dumps and areas near railway tracks, and build on both low and steep pieces of land.¹⁹¹ As James describes, “For a long stretch, on the left side of the road as you drive up, a low-level shanty town scaled down for crouching people is . . . a sort of ribbon development for the unfortunate. Nothing has been omitted from the picture of deprivation.”¹⁹² James’ description of slum settlements, although undoubtedly overly dramatic, is indicative of many of the worst-off slums. Like this slum next to the road in *The silver castle*, Gita Jiwa and Sureka Gundi built small tents on strips of land between roads and traffic triangles.¹⁹³ These arbitrary bits of land point to the piecemeal process of maximization that allows slum-dwellers to acquire land and build homes. Mistry, supporting their use of excess land, states, “Empty land sitting useless – if homeless people can live there, what’s wrong?”¹⁹⁴

Slum-dwellers compensate for limited land access by maximizing every inch within slums. Mahalingam, reporting for *Business Today*, describes Dharavi as a

¹⁸⁹ James, 25.

¹⁹⁰ Neuwirth, 21.

¹⁹¹ Swaminathan, 92.

¹⁹² *Ibid.*, 91.

¹⁹³ Neuwirth, 112

¹⁹⁴ Mistry, 163.

“black hole of a settlement” because “houses are so closely packed to each other that no man can stretch an arm and walk down a lane” and sunlight cannot hit the ground even at high noon.¹⁹⁵ In these cramped “beehives,” “Eight, nine, or ten people [live] in a small room. Sleeping one over the other on big shelves, from floor to ceiling, like third-class railway berths,” claims Mistry in *A fine balance*.¹⁹⁶ Despite the theatrical retelling of cramped life in slums, on average, 6 to 8 people live in a 10 square foot hut.¹⁹⁷ Within this cramped and piecemeal space, slum-dwellers construct their homes.

The way slum-dwellers maximize everything at their disposal to build pavement shanties and huts reflects their ability to work within the informal sector and exert their shadow hegemony. Initially, these homes are made of hazardous materials and barely protect inhabitants from outside conditions.¹⁹⁸ James describes, albeit dramatically, how pavement shanties begin:

Bombay pavement shanties join together in long lines because they are all made of the same scarce materials: rags, bags, the ever-precious kindling and the very occasional, jealously guarded piece of tin or sheet plastic. . . . They are composed of not much more than an old grain bag lined with random collection of rags and paper stuck on any old how, usually just by accumulated dirt.¹⁹⁹

In these tight conditions, people create small hutches to hold their possessions so that every item has a place, set above the dirty street.²⁰⁰ The tailors in *A fine balance* lived in a hut in a slum with a mud floor “partially covered with planks. . . . The walls were a patchwork, part plywood and part sheet metal. The roof was old corrugated iron, waterproofed in corroded areas with transparent plastic.”²⁰¹ When the monsoons hit, their home began to leak and they had to huddle in a dry corner at night.²⁰² However, notwithstanding their liminal citizenship, slum-dwellers manage to improve their homes.

Slum-dwellers improve their homes by purchasing bits of plastic, metal, bricks and wood in what Davis calls the “invisible housing market.”²⁰³ After saving up,

¹⁹⁵ T. V. Mahalingam, “Life in the Other India,” *Business Today*, January 14, 2007, <http://web.lexis-nexis.com> (accessed January 24, 2007).

¹⁹⁶ Mistry, 461.

¹⁹⁷ Mahalingam, “Life in the Other India”.

¹⁹⁸ Swaminathan, 92.

¹⁹⁹ James, 3.

²⁰⁰ Neuwirth, 111.

²⁰¹ Mistry, 161.

²⁰² Sharma, 182.

²⁰³ Davis, 40.

Ishvar and Om were able to purchase a tarp to stop leaks, a kerosene stove and small items to make their small hut more habitable. Sanjay, in *The Silver Castle*, would furnish his room in his “exiguous spare time. . . . He accumulated a pallet to lie on, a palliasse to cover it, a basin to wash in and some boxes for his belongings. He even found some broken bits of a mirror . . . to give him an image of himself: fractionated, but then so was he.”²⁰⁴ This broken mirror symbolizes the fractured system that slum-dwellers utilize to build their homes, maximizing everything.

Unlike the novels, where both the lives of the tailors and Sanjay ended adversely, slum-dwellers in Mumbai improve their homes over many years. Shaik Banu Bitton said, “Each time I had the money I did one thing and then another . . . I did each wall when I had enough money. One time brick, one time concrete, one time roof.”²⁰⁵ In Dharavi, David’s home was initially made of chatai, but “slowly we managed to improve it by putting half-brick walls and tin sheets.”²⁰⁶ Neuwirth contends that slum-dwellers, “by building their own homes, are creating their own world,” in which their shadow hegemony dominates.²⁰⁷ Their ability to build even two-story, cement homes illustrates how some slum-dwellers can survive and succeed exploiting the informal sector. However, these acts are not without consequences, as the land utilized to build their homes is not legally their own.

Although these improvements are impressive in daunting circumstances, no matter the condition of their homes, slum-dwellers are still threatened by displacement. In taking land, perceptions of illegality and “dirt” are reinforced. As addressed in the previous section, these perceptions encourage the perspective that slum-dwellers are the “development problem” and that destroying slums is the only way to achieve progress. However, slum-dwellers do not “go back home” like they are told when their homes are destroyed. Sometimes, within hours, they rebuild in the same location or on the street. This continuum of destruction and reconstruction illustrates the dialectical relationship between slum-dwellers and the government.

Mohammed Allahjan, one of the slum-dwellers who lost his home in the 2004-2005 demolition drive, moved to the pavements. Six weeks later, his daughter died of jaundice. Frustrated by the loss of his home and daughter, he said, “We

²⁰⁴ James, 82.

²⁰⁵ Neuwirth, 114-5.

²⁰⁶ Sharma, 29.

²⁰⁷ Neuwirth, 306.

lost our homes because the city is being spruced up. So, Mumbai will be for the rich only, is it?”²⁰⁸ Allahjan, although he was worse-off and angrier after the demolition, continued to work in the city. Neera Adarkar, an activist opposed to the drive, highlights this fact, “Because you don’t want the poor or the ugly, you can’t wish them away.”²⁰⁹ Rather, the space where slum-dwellers live is always reconfigured after destruction through rebuilding their homes and reconfiguring their identities.

The characters in the novels also experienced demolition schemes. Ishvar and Om’s hut was bulldozed. Their neighbor, angered by the demolition, shouted in despair, “Heartless animals! For the poor there is not justice, ever! We had next to nothing, now it’s less than nothing! What is our crime, where are we to go?”²¹⁰ In a nearly parallel statement, Mukadam, a slum-dweller interviewed by Jha, said, “Where do the poor get justice? (Only the one who has money is heard).”²¹¹ However, the state’s plan was unsuccessful because Rajaram continued to work in the city and Om and Ishvar continued to work as tailors. Nevertheless, building homes without a formal title is often much less difficult than recreating other government services.

Limits to Success: Water, Toilets and Education

Although I argue that slum-dwellers impose a shadow hegemony within slums, the poor cannot easily recreate certain services. The limits to the informal sector are apparent in three simple government services not provided to slum-dwellers: water, toilets and education. Their isolation from these resources supports the construction of the liminal citizenship and illustrates the dialectical relationship between the state and slum-dwellers.

Water, a culturally important symbol in Indian society, is one of the greatest challenges for slum-dwellers. David Mosse discusses the power of water in rural India and the way it shapes identity. He argues that flows of water distribution “are a part of the construction of social identities and political domains.”²¹² He calls urban slum-dwellers “ecological refuges” forced to emigrate because they lack resources to work in the hinterland, which in turn continues their struggle

²⁰⁸ *The Hindustan Times*, “Poor Struggle in Shadows of India’s Richest City”.

²⁰⁹ *Ibid.*

²¹⁰ Rao, 20.

²¹¹ Jha, 130.

²¹² David Mosse, *The rule of water: statecraft, ecology and collective action in south India*, Oxford India paperbacks (Oxford: Oxford University Press, 2003), 4.

for basic resources.²¹³ Emphasizing the symbolism of water in shaping identity and transience, Mosse states, “Give due importance to water in the making of social and political life; to its part in shaping social memory, identity, and politics of the present or promises of the future. Water produces both the transience of the moment, and the enduring connections of landscape and history.”²¹⁴ For slum-dwellers, inadequate distributions of water are an inherent aspect of their constructed liminal citizenship. Within this political and cultural context, slum-dwellers must access water to survive.

Government water provisions are completely lacking. Mehta explains that only 70 percent of water demands are fulfilled in Mumbai, and the excess demand is primarily in slums. However, the government of Mumbai claims that 99 percent of citizens receive adequate water, indicating the assumption by municipal authorities that slum-dwellers do not have a right to water.²¹⁵ Furthermore, water is distributed based on location and size of a building, meaning a wealthy two-person family receives more municipal water than a 10-member family in a slum.²¹⁶

Indeed, water taps are rarely sufficient; they often have low water pressure and sometimes run dry in the summer.²¹⁷ In one section of Dharavi, water connections were provided 25 years ago, yet the population in the settlement increases daily.²¹⁸ Mosse argues this unequal distribution system perpetuates the uncertainty of water, thus limiting slum-dwellers’ ability to create an adequate informal distribution system.²¹⁹ If there is water, it is not necessarily safe or clean. One study found that 14 percent of the water in Santosh Nagar slum, considered “well-provided for,” had contaminated water.²²⁰ Jha interviewed slum-dwellers who the government had relocated. He asked Ahmed Kassim Mukadam, “Is the water supplied clean and considerably germ free?” Mukadam replied, “You can see the worms with the naked eye. We have to strain the water through a cloth before using it.”²²¹ This insufficiency forces many to find alternate sources of water.

²¹³ Ibid., 9.

²¹⁴ Ibid., 298.

²¹⁵ Amitabh Kundu and Muchkund Dubey, *India, social development report* (New Delhi: Oxford University Press, 2006), 59.

²¹⁶ M.K. Gokhale, “Bombay’s Water Supply System – Future Challenges,” in *Urban explosion of Mumbai: restructuring of growth*, ed. M. D. David (Mumbai: Himalaya Publishing House, 1996), 69.

²¹⁷ Jha, 130.

²¹⁸ Neuwirth, 122

²¹⁹ Mosse, 7.

²²⁰ Swaminathan, 96.

²²¹ Jha, 130.

Without water access, slum-dwellers have two options: steal it or buy it informally. In many cases, slum-dwellers steal water from large water pipelines running through the city. Theft is a tactic through which slum-dwellers assert their rights to basic services. Discussing why slum-dwellers steal, Swamy, a development worker in *Chinnamani's world*, said, "Greed, the slum dwellers were not above greed, he said. And why should they be? 'Why should we expect them to be simple, unselfish and honest?' he had asked. 'Why not first demand it of the wealthy people? *Why should you expect a beggar not to steal?* After all it is to oppress the poor people, isn't it? [*sic*]"²²² When given very little to sustain one's life, theft is a real and sometimes necessary option. However, stealing water further supports perceptions of contamination.

Individuals without opportunities to steal water, particularly those living on the pavements, must buy their water from informal sources. The informal water market is not as reliable or safe as the housing market. James describes the difficulty of finding water in *The silver castle*, "The water wouldn't have been sufficient even if it had been clean, which it never was, just as it was never cool. On the Bombay pavement, clean, cool water takes time and effort to come by."²²³ James also describes a bottled water market that parallels the bottles of water sold by the young boys in *Tapoori*. Using an old bottle-capping machine, bottled water was filled with ordinary tap water and sold by Sanjay and other boys to tourists. Similarly, the boys in *Tapoori* did not always clean their water bottles sufficiently before selling them to people passing through the train station.²²⁴ Not only is the water dirty and unsanitary, it is also excruciatingly expensive. Slum-dwellers pay more for water than the upper classes. Thus, informal water markets cannot compensate slum-dwellers' isolation from government services.

In an urban environment, access to toilets is similar to the social power of water discussed by Mosse. Slum-dwellers are defined by their lack of access to sanitary facilities, which is an embarrassing challenge that emphasizes the limit of their shadow hegemony. Without access to toilets, slum-dwellers must defecate in public places, which reinforce their unclean environments and perceptions as "dirt." Appadurai titled this challenge "the politics of shit."²²⁵ Davis highlights the division between the rich and poor, "Constant intimacy with other people's waste, moreover, is one of the most profound of social divides. Like the

²²² Rao, 249. Emphasis mine.

²²³ James, 2.

²²⁴ Handel, *Tapoori*.

²²⁵ Appadurai, 78.

universal prevalence of parasites in the bodies of the poor, living in shit ... truly demarcates two existential humanities.”²²⁶ In this case, the “dirt” in slums is directly due to their inability to access government resources. Emphasizing how slum-dwellers are isolated by their lack of toilets, Appadurai argues, the “distance from your own shit is the virtual marker of class distinction.”²²⁷ In the same way flows of water construct identities and politics, lack of access to toilets separates slum-dwellers from the social order. Although many slums have built effective toilet systems, services are still lacking for the majority. The limit of their shadow hegemony is also apparent in access to education.

Education provides a means to improve one’s conditions, yet slum-dwellers often face restricted access. Without formal education, slum-dwellers continue to find only informal jobs. The slum-dwellers from Behrampada experienced this due to the location of their homes, “Prison and haven are now one. ... Schools refuse admission to our children because they’re from Behrampada.”²²⁸ The young children in Behrampada who could not attend public schools, unlike their neighbors in high-rise apartments, begin life without an education that could enable them to leave the slums. Chinnamani, who had the highest grades in his class and wanted to use his education to find a good job and buy a home for his family, was unable to attend school at the slum where he was relocated. Facing the same situation as Chinnamani, Bhaskar, a boy interviewed by Jha, “has now to give up the New Activity School because there is no way he can bus it from the god-forsaken area in Malad, where they have been dumped.”²²⁹ Sanjay became aware of his limited education during parties held by the upper classes. Although Sanjay had attended these parties, he could not comprehend the conversations, which were often in English. “He had learned that there were limits to what you could learn by yourself. There were too many words that could not be found in the dictionary. They were the common property of those who had grown up with them, and if you had grown up alone, too bad.”²³⁰ Without education, slum children often do not have an opportunity to leave their slums or dramatically change their circumstances. Although there are some opportunities for education within slums, these schools cannot support all of the children who wish to receive an education.

²²⁶ Davis, 138.

²²⁷ Appadurai, 80.

²²⁸ Dutta, *I Live in Behrampada*.

²²⁹ Jha, 131.

²³⁰ James, 223.

Slum-dwellers' inability to compensate for these services through the informal market illustrates how their liminal citizenship prevents them from accessing resources that could improve their circumstances. Despite these limits, however, their ingenuity within slums should be recognized. They construct a shadow hegemony utilizing a fractured system in which they cling to outside identities and maximize every possible resource. They recreate their liminal space by reconfiguring new identities through attachment to the rural village, dreams and participation in violent political parties. They utilize informal mechanisms to find survival strategies, allowing them to work and build their homes. Yet, in this process, they often steal land and resources that reinforce the construction of the liminal citizen. Thus, we find a dialectical relationship between the state and slum-dwellers. The limits to their informal mechanisms and ability to create new opportunities oblige a new perspective of slum life. The potential for reframing their liminal citizenship and the lessons from the shadow hegemony are addressed in the final section.

V. Conclusion: Reframing Liminal Construction—Work by the Alliance

In reframing an understanding of slum life, I argue there is a dialectical relationship between the government of Mumbai and the city's slum-dwellers. The government and affluent elite construct slum-dwellers as liminal citizens and slum-dwellers react to this status by creating a shadow hegemony. A continuum is created in which negative perceptions are reinforced through slum-dwellers' strategies of survival. If slum-dwellers are perceived as contaminating and ignored by their government, how could their status be reframed? Moreover, how do their strategies of survival shed light on possible directions for development?

Douglas argues that, if looking at liminal beings positively, we can “try to create a new pattern of reality in which it [ambiguity] has a place.”²³¹ So, how can we create this “new pattern of reality”? A complete answer to this question is neither realistic nor possible here. However, certain steps toward reframing the status of slum-dwellers should be addressed, and in doing so, I hope to shed light on how slum-dwellers can find a place in the social order. In changing the liminal status of slum-dwellers, it may be possible to generate policies that parallel and support their shadow hegemony.

²³¹ Douglas, 39.

This article has attempted to delineate several characteristics of slum-dwellers' lives and to reveal and analyze the underlying implications of their status. Eschewing a purely economic understanding of the poor, I sought a culturally oriented framework for understanding in an effort to stimulate new concepts that could be applied to alter their circumstances. In the first section of my analysis, I describe the implications of the divide between the wealthy and poor in Mumbai. If the concept of the liminal citizen were acknowledged, strategies could potentially be developed to change these perceptions. The perception of contamination could be reframed to recognize the importance of slum-dwellers to Mumbai's economy and the households of the wealthy.

In the second half of my analysis, I describe the shadow hegemony of slum-dwellers by detailing how they configure their identities and design strategies of survival. These ingenious strategies prove that the poor have the knowledge and skills necessary to develop themselves. Sharma, acknowledging their skills, argues they "certainly know what they want. They have survived without any assistance from the state. Some of them have devised solutions to their problems that are realistic and workable." The government could encourage further growth within the city by acknowledging and paralleling these tactics in development policy. Based on the complex scenario I have described, such a simple description does not do justice to the challenges facing non-governmental organizations (NGOs) and slum-dwellers' associations. However, some organizations within the city are slowly working toward new terms of recognition by acknowledging the need to rethink slum life and bring forth slum-dwellers' ingenuity.

An analysis by Appadurai sheds light on how we can begin to reframe the status of the poor. Appadurai argues the key to "changing the terms of recognition" is through strengthening the "voice" of the poor to "debate, contest, and oppose vital directions for collective social life as they wish."²³² He defines this as a "capacity to aspire," in which the poor have the capacity to navigate their own future and lives. He argues that the Alliance, a group of three community organizations in Mumbai, have made steps in this direction. The Alliance is composed of SPARC, an NGO formed by professionals concerned with the urban poor; the National Slum Dweller's Foundation, a community based organization from Mumbai; and Mahila Milan, a community organization run by poor women. All three organizations work toward improving conditions within slums through "self-help" projects, which parallel their shadow hegemony.

²³² Appadurai, 66.

As an individual who hopes to one day participate in changing the terms by which the poor are recognized, I believe a cultural understanding of economic conditions may be an ideal starting point. In discussing the relationship between slum-dwellers and the state as dialectically connected, I have tried to offer one reason why slums continue to grow during an era of economic success. I hope to stimulate new methods for cultural understanding, eschewing portrayal of the poor as criminals and thieves. Organizations such as the Alliance work to bridge the gap between the urban poor and their government. Through such small acts of empowerment and negotiation, long-term acknowledgement, and perhaps development, may be possible.

I believe one of the greatest challenges for human society today is to ensure that economic policy does not dehumanize the poor, and in this respect I have tried to offer a perspective that may suggest ways to redress inequity in Mumbai. India's economic success has not brought prosperity to its poorest urban citizens, and until the current cultural and political structures change, there is little chance for equal growth. However, recognizing and understanding how the government and wealthy create the liminal citizenship could be a first step to attempting to rethink empowerment and create policy in a way that parallels slum-dwellers' shadow hegemony. Further work in this direction may alter the conditions of the most disenfranchised. My goal in this analysis is to contribute to a greater understanding of slum life. This invisible life needs to be understood if prosperity is to reach those who need it the most.

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ABSTRACT

As modernity and traditionalism collide in contemporary Iran, an underground music scene is emerging in Iran's urban centers. Rap, rock, alternative and fusion musical styles are developing a position in Iranian musical culture. They have provided a means for many musicians to articulate a modern cultural identity that is rooted at home yet simultaneously in dialogue with a global community. Because of the Iranian government's religious scrutiny and state implemented censorship, many of these musicians are prohibited from producing albums or holding concerts. However, they continue to engage in their art and find creative ways around these restrictions through such means as distributing their music and videos over the Internet and playing secret concerts. Underground musicians are challenging the dominant discourse on questions of national identity and the meaning of being Iranian. While authorities continue with attempts to maintain an isolationist stance in regards to its national identity, the regime is facing an extremely young, educated nation, one with approximately seventy percent of its population under the age of thirty. An emerging youth culture is developing in Iran which identifies itself as cosmopolitan and internationalist, who are seeking to be a part of a global culture, or to become 'global' and whose voices of dissent are becoming increasingly more difficult to silence.

http://depts.washington.edu/chid/intersections_Spring_2009/Heather_Rastovac_The_Underground_Music_Scene_in_Urban_Iran.pdf

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Contending with Censorship

The Underground Music Scene in Urban Iran

By Heather Rastovac

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Introduction¹

As modernity and traditionalism collide in contemporary Iran, an underground music scene (*mūsīqī-i zīr-i zamīn*) is emerging in Iran's urban centers. Rap, rock, alternative and fusion musical styles are developing a position in Iranian musical culture. They have provided a means for many musicians to articulate a modern cultural identity that is rooted at home yet simultaneously in dialogue with a global community. One music video from Iran displays a young man with a shaved head and goatee singing lyrics of the fourteenth century Persian poet Hāfiz, accompanied by the sound of an electric guitar. Another video shows a Rap musician dressed in baggy pants and an oversized T-shirt reciting spoken word poetry and quoting the Qurān as he poetically critiques the Iranian government. These artists' music reflects their deep respect for Iran's cultural heritage and rich poetic traditions. At the same time, these musicians are often banned from distributing their music and music videos in their home country. Because of the Iranian government's religious scrutiny and state implemented censorship, many of these musicians are prohibited from producing albums or holding concerts. However, they continue to engage in their art and find creative ways around these restrictions through such means as distributing their music and videos over the Internet and playing secret concerts. Underground musicians are challenging the dominant discourse on questions of national identity and the meaning of being Iranian. The self-image that is reflected in their work is projected through sensibilities that can be

¹ For this paper I use the International Journal of Middle Eastern Studies (IJMES) system of transliteration for Persian.

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identified as secular and cosmopolitan and promotes democratic pluralism and youth consciousness.

Music in Iran Before the Islamic Revolution

Iran's strategic geographic position and the later discovery of oil has made the region an area of interest for Western countries specifically since the beginning of the 20th century. Throughout the nineteenth century, Britain and Russia fought over control of Iranian territories. Foreign involvement continued well into the twentieth century and began to affect the political and economic arenas. It was at this time of the early twentieth century, and against this backdrop, that Rizā Shāh Pahlavī (1925-41), and later his son Muhammad Rizā Pahlavī (1941-79), engaged in intense efforts to modernize and Westernize the nation². These efforts were supported by Western nations, which considered Iran a valuable resource in oil, as well as a potential policeman of the region. Particularly during the 1960s and 1970s, the push toward Westernization, industrialization, and the formation of an urban, secular state intensified, and issues of authentic development were suppressed in favor of a superficial imitation of the west.

The Pahlavī dynasty had little concern for how these modernization efforts were received and interpreted by the public. In fact, many government policies promoted the idea that these values were a detriment to Iran's development. These policies applied to both the politico-economic sphere, as well as the cultural domain. Broadcast media such as radio and television became powerful tools in the modernization project and beginning in the late 1950's, Muhammad Rizā Pahlavī initiated an expansion of broadcasting. Television particularly played a strong role, and imported television programs (many of which were American sitcoms and soap operas) were highly broadcast. The conception promoted by the Pahlavī dynasty that modernity and tradition were completely incompatible disregarded a fundamental issue in regards to Iran's future: "how to modernize and develop without losing important aspects of national and cultural identity."³ Ayatullāh Khumeinī⁴ had criticized these Westernization efforts even

² Rizā Shāh Pahlavī was an army general who led a coup d'état in 1921, became Prime Minister of Iran in 1923, and later became the Shāh of Iran in 1925, replacing the last of the Qādjār monarchs. In 1941, the Allied Forces forced him to step down in favor of his son, Muhammad Rizā Pahlavī, who reigned until the Islamic Revolution in 1979.

³ Laudan Nooshin, "Subversion and Countersubversion: Power, Control, and Meaning in the New Iranian Pop Music," in *Music, power, and politics*, ed. Annie J. Randall (New York, London: Routledge Press, 2005), 233.

before his exile from Iran in 1964 as he denounced the radio and television broadcasts for producing a “colonized youth.”⁵ Nooshin refers to the 1970’s as an era of crisis in Iranian identity and many authors have written about the “intoxication” with the west that characterized the decade. This term is widely adopted after the famous essay *Gharbzādigī* (westoxification) written by Jalāl Al-i Ahmad⁶ during the early 1950’s. It should be noted, however, that the concept of *gharbzādigī* originated even before Al-i Ahmad’s essay when relations with the west drew closer during the Qājār dynasty, which ruled Iran from 1794 to 1925.

In addition to the political and economic sphere, the “intoxication” with the west also affected all areas of musical culture in Iran. Following the Second World War, Western popular (pop) music arrived in Iran and became intricately linked to the Pahlavī monarchy’s efforts to Westernize the nation. As part of the Pahlavī dynasty’s modernization efforts, a wide range of popular Western music became available in Iran from the early 1960’s. Around the same time, Iranian pop music with singers promoted by the government-controlled broadcasting organization emerged.⁷ The most well known singers of this Western-influenced pop music were Gūgūsh, Dariūsh and Ebī.⁸ The Iranian popular music of this time came to signify the face of modern Iran in the 1960’s and 70’s. Due to its associations with Westernization and modernity, this pop music “came to occupy the fraught intersections between local and global, between quasi-colonial dependence and independence, between tradition and modernity, and between religious and secular.”⁹ Furthermore, this music became part of polarized discourses that characterized the end of the Pahlavī monarchy and reflected anxieties about the loss of national identity (*bīthuwīyyatī*) and self-determination in the face of Western economic and cultural power. Mainly due to this complex

⁴ Ayatullāh Rūhollāh Musawī Khumeinī was the political leader of the 1979 Islamic Revolution in Iran, which was instrumental in the overthrow of Muhammad Rizā Pahlavī, the Shāh of Iran. Following the 1979 Revolution, Khumeinī became the country’s Supreme Leader until his death.

⁵ Ameneh Youssefzadeh, “The Situation of Music in Iran since the Revolution: The Role of Official Organizations,” *British Journal of Ethnomusicology* 9, no. 2 (2000): 37.

⁶ Jalāl Al-i Ahmad was a prominent Iranian writer, thinker, and social/political critic. Al-i Ahmad is perhaps the most famous for coining the term *Gharbzādigī* (translated into English as “westernstruck” or “westoxification”) His book *Gharbzādigī: maqalah*, was clandestinely published in 1952 and criticized western imperialism. Al-i Ahmad’s message later became part of the ideology of the 1979 Islamic Cultural Revolution.

⁷ Ameneh Youssefzadeh, “Singing in a Theocracy: Female Musicians in Iran,” in *Shoot the singer!: music censorship today*, ed. Marie Korpe (London: Zed Books, 2004).

⁸ All three of these singers were unable to continue their careers in Iran after the Revolution and ultimately left Iran to pursue their careers in the West.

⁹ Laudan Nooshin, “The Language of Rock: Iranian Youth, Popular Music, and National Identity,” in *Media, culture and society in Iran: living with globalization and the Islamic state*, ed. Mehdi Semanti (New York: Routledge, 2008), 69-70.

position, as well as its religiously contested status, pop music was officially banned following the 1979 Islamic Revolution and the establishment of the Islamic Republic form of government in Iran.

Music in Iran After the Islamic Revolution

The early 1970s in Iran marked an increasing resentment against decades of external political interference, lack of political freedoms, and the economic inequalities that contributed to the increasing gap between a new elite (consisting of those who benefited from oil wealth and who often adopted Western lifestyles) and the majority of Iran's population whose basic social needs remained unmet. This resentment combined with underlying social tensions and unrest eventually led to the overthrow of the Shāh in February 1979. This Islamic cultural revolution was anti-monarchical and through a complex course of events, it transformed Iran from a constitutional monarchy to a theocratic republic based on *Shar'īā* law.¹⁰ The head of this state was the religious leader Ayatullāh Rūhullāh Khumeinī. The Revolution sought to cleanse the country of Western ideologies such as secularism and individualism in order to replace them with more traditional, Islamic values and to reassert a national identity after the perceived loss of identity under the rule of the Pahlavī monarchy.¹¹ With the involvement of a broad range of political and religious organizations, "the Revolution might be regarded as one of the earliest expressions of local resistance against the increasingly global nature of Western cultural, political, and economic hegemony."¹²

The post-Revolution government developed policies that placed various cultural activities within an Islamic framework. Ayatullāh Khumeinī proclaimed, "the road to reform in a country goes through its culture, so one has to start with cultural reform."¹³ Looking to assert control though endorsing Islamic values, the theocracy began to pass legislations that confined or eliminated a wide range of cultural activities, with music being one of the most significant. The arts in general "were forced into an ideological straightjacket, codified by the Islamic

¹⁰ *Shar'īā* (which translates as "way") is the body of Islamic religious law and the legal framework within which the public and private aspects of life are regulated for those living in a legal system based on Islamic principles of jurisprudence.

¹¹ *Article 19*, "Unveiled: Art and Censorship in Iran," September 2006, 6. <http://www.article19.org/pdfs/publications/iran-art-censorship.pdf> (accessed January 14, 2008).

¹² Nooshin, "Subversion and Countersubversion", 235.

¹³ Youssefzadeh, "The Situation of Music in Iran since the Revolution", 37.

principles of *halāl* (allowed in Islam) and *harām* (forbidden in Islam).¹⁴ Since the beginning of the Islamic Revolution, music in particular has been problematic for the Islamic regime and has continued to be the subject of intense political and religious debate. Music's legal and social status continuously changes and is affected by the power play between various religious and political authorities, as is all aspects of life in Iran.

The Qurān does not explicitly condemn music. Yet, in Islamic ideology, music remains “the object of various restrictions and threats because of its alleged powers of seduction and corruption.”¹⁵ Although all Muslim countries contain musical traditions, music's status within Islam has been highly ambiguous and Islamic theology approaches music with a certain amount of mistrust, suspecting it of containing powers liable to drive individuals to immoral acts.¹⁶ According to a *hadīth* (tradition of the Prophet Muhammad) concerning Imām Sādiq (the sixth Imām of the Shī'ites), “Listening to music leads to discord (*nifāq*), just as water leads to the growth of vegetation.”¹⁷

Formulating cultural reform policies based within an Islamic framework has proved difficult for the post-revolutionary government because many Iranians contend with a religious identity, on the one hand, and a national identity, on the other. Though Iran has been a Muslim country since the seventh century C.E., with Islam playing a very important role in Iranian culture and society, many Iranians identify with a much older national identity that existed at least a thousand years before Islam. Nooshin suggests, “The profound contradictions in cultural policy during the 1980s were partly the result of a government trying to impose a hegemonic Islamic identity on a people intensely aware of, and unwilling to forfeit, their pre-Islamic heritage.” In this discussion, music and poetry hold a central position. They are often credited with maintaining this national identity throughout centuries of numerous invasions.¹⁸

Despite the fact that music has long played a central role in Iranian national identity, music's status in contemporary Iran has remained contentious. Ayatullāh Khumeinī announced:

¹⁴ Article 19, 6.

¹⁵ Youssefzadeh, “The Situation of Music in Iran since the Revolution”, 35.

¹⁶ See Youssefzadeh, “Singing in a Theocracy”; Article 19.

¹⁷ Youssefzadeh, “The Situation of Music in Iran since the Revolution”, 40. Youssefzadeh cites Ayatullāh Muravvījī, *Mūsīqī wa ghanā dar aineh-yi fiqh: Lectures on Shī'a Jurisprudence by Ayatullāh Muravvījī* (Tehran: Pāzhūhishgāh-i farhang wa hunar-i eslāmī, 1999).

¹⁸ Nooshin, “Subversion and Countersubversion”, 236.

... music is like a drug, whoever acquires the habit can no longer devote himself to important activities. It changes people to the point of yielding people to vice or to preoccupations pertaining to the world of music alone. We must eliminate music because it means betraying our country and our youth. We must completely eliminate it.¹⁹

Directly after the Revolution, many types of musical activities were banned, such as public concerts, music classes, solo female singing, and particularly radio and television broadcasts of Western and Iranian classical and pop music. Indeed the targeting of pop music had much to do with its associations with the Pahlavī dynasty's modernizing efforts. However, it was also due to its associations with dance movements and improper song lyrics, both of which the government considered incompatible with Islamic values and consisting of the potential to corrupt the nation's young people. Pop music was thus considered *mūsīqī-i mubtazal* ("cheap" or "decadent" music).²⁰ Ayatullāh Azarī Qumī articulates this sentiment, "Dance music is illicit; music accompanying vulgar (*mubtazal*) and useless (*bātil*) poems is illicit..."²¹ Even the non-Iranian musicians of the Persian classical genre express views rooted in ideologies privileging 'high art' music over 'low art' music in Iran. French musician Jean During, referring to Persian classical music, argues, "Even the revolution and Islamization, in the end, worked out to the clear advantage of the great music,²² if only by eliminating certain rival forms like *mutribī*, the traditional entertainment genre deemed vulgar."²³ Pop music was association with the pre-Revolution era, deemed un-Islamic and Western. It was ultimately banned after 1979.

The ban on pop music consequently imbued this musical genre with an immense subversive power, and for young people in Iran listening to pop music became a form of resistance against the Islamic regime. Throughout the 1980s, audiocassettes of pop music mainly produced by Iranian musicians and singers living in exile, particularly "Tehrangeles,"²⁴ (which is called *lusangilisi*) and other genres of Western music circulated the black market in Iran. Getting caught with these cassette tapes could cost individuals considerable fines and put them at risk of being jailed. Revolutionary guards (*pāsdārān*) frequently stopped cars in traffic searching for pop music cassettes and regularly raided homes if they

¹⁹ Youssefzadeh, "The Situation of Music in Iran since the Revolution", 38.

²⁰ Nooshin, "Subversion and Countersubversion", 238.

²¹ Youssefzadeh, "The Situation of Music in Iran since the Revolution", 41. Youssefzadeh cites "Bahsī fiqhī pīramūn-i mūsīqī," *Daily Risalat*, May 1991.

²² Referring to Persian classical music.

²³ Jean During, "Third Millenium Tehran: Music!" *Iranian Studies* 38, no. 3 (2005): 376.

²⁴ "Tehrangeles" derives from the combination of "Tehran" and "Los Angeles" and refers to the Iranian diaspora community that resides in Los Angeles.

suspected a party was being held. Despite the extreme measures designed to eradicate music, the government was not successful in eliminating it from Iranian society completely, particularly since there is quite frequently a discrepancy between what laws are enforced in Iran and what people actually do in private.²⁵ Even if young people agreed with the meanings authorities assigned to pop music (for example, as a symbol of Western decadence, etc), “such meanings were simply unable to compete with the quite different meanings many young people in particular assigned to this music: pop as a symbol of social freedoms, of defiance, of youth, and of the outside world.”²⁶ Furthermore, “the very intention of abolishing music in public life unexpectedly led to increasing practices of music... by the younger generation of all social classes.”²⁷ Considered another form of resistance and way of maintaining identity at this time, unprecedented numbers of people began learning traditional Iranian music, which experienced a sort of a revival after the Revolution, and concerts and private lessons in homes became common.²⁸

The late 1980s and the 1990s showed subtle changes in the cultural domain for the first time since the Revolution, albeit limited ones. After the end of the Iran-Iraq war (1988) and the death of Ayatullāh Khumeinī (1989), institutions, especially those dealing with culture, began to exhibit signs of relaxation on restrictions. Shortly before his death, Ayatullāh Khumeinī issued a *fatwa*²⁹ authorizing the sale and purchase of musical instruments, as long as these instruments served a licit purpose.³⁰ Certain concerts were gradually granted authorization, though many restrictions still applied, such as the prohibition of dance rhythms and women’s solo voices.³¹ The relaxation of policies regarding the cultural sphere following the end of the war has led some scholars to believe that “the repression of music in the Islamic Republic appears to have been more of a period of austerity consequential to the revolution and to the war than an implementation of religious law.”³²

²⁵ See Nooshin, “Subversion and Countersubversion”, and Youssefzadeh, “Singing in a Theocracy”.

²⁶ Nooshin, “Subversion and Countersubversion”, 243.

²⁷ Youssefzadeh, “The Situation of Music in Iran since the Revolution”, 38.

²⁸ Nooshin, “Subversion and Countersubversion”, 241.

²⁹ A *fatwa* is a religious decree determining the licit or non-licit character of an act.

³⁰ Youssefzadeh “The Situation of Music in Iran since the Revolution”, 39. Youssefzadeh draws from a quote of Khumeinī from an interview he did in the daily newspaper *Keyhān Journal* in 1989.

³¹ Female voices were permitted only as part of a choir. See Wendy S. DeBano, “Enveloping Music in Gender, Nation, and Islam: Women’s Music Festivals in Post-revolutionary Iran,” *Iranian Studies*, no. 38 (2005): 441 – 462; During, “Third Millennium Tehran: Music!”; Nooshin, “Subversion and Countersubversion”; and Youssefzadeh, “Singing in a Theocracy”.

³² During, 376.

Realizing the extent to which the nation was weary of this austerity, newly elected President Hāshimī Rafsanjānī³³ worked toward social reform and promoted a more open political, social and cultural atmosphere. However, religious authorities' rhetoric against Western cultural imperialism (*tahājum-i farhangī*) continued to flourish as it had since the beginning of the Revolution. In light of this ideology, traditional Iranian music gradually gained a certain amount of legitimacy, and production and distribution of this musical genre was permitted. Traditional forms of Iranian music alone, however, still could not meet the demands of many of Iran's young people.

The Cultural Thaw and the Legalization of Pop Music

Pop music remained banned until Iran's period of cultural thaw following the 1997 election of reformist President Muhammad Khātāmī. Khātāmī initiated a number of reforms in which the most significant had been in the cultural domain³⁴. Ayatullāh Muhājirānī, the head of the Ministry of Culture and Islamic Guidance, also played an important role in the new atmosphere of openness that characterized this time. Books, newspapers, and journal publications expressing a variety of views flourished. Music also benefited from the lifting of many official restrictions, and there was an increase in public concerts, music education³⁵ and music publications³⁶, as well as an emerging market for cassettes and CDs.³⁷ Radio and television stations began to broadcast more styles of music than the war hymns and religious music that had dominated the airwaves since 1979.

One particular musical genre that emerged on the airwaves of *Sidā wa Sīmā*³⁸ shortly after the election of Khātāmī was a new style of Iranian pop referred to as *pop-i jadīd* ("new pop"). This music shared many stylistic and formulaic traits with the Iranian pop still officially illegal, such as sentimental love poetry, the focus on a solo singer, and instrumentation that included mainly Western instruments.

³³ Rafsanjānī served as president after Khomeinī's death in 1989 until the election of Muhammad Khātāmī in 1997.

³⁴ Before his presidency, Khātāmī also served as the head of the Ministry of Culture and Islamic Guidance, one of the main governmental bodies dealing with music in Iran.

³⁵ The municipal authority of Tehran established eight cultural centers (*farhangsara*) that promoted concerts and music lessons. The Music Department at the University of Tehran also reopened.

³⁶ Some examples are *Hunar-i Mūsīqī* ("The Art of Music"), *Falsnāmih-yi Mūsīqī -i Mahūr* ("Mahūr Musical Quarterly"), and *Falsnāmih-yi Mūsīqī -i Maqām*.

³⁷ Nooshin, "Subversion and Countersubversion".

³⁸ The government controlled national radio and television organization, which is placed under the direct aegis of the Guide (*rahbar*) of the Islamic Revolution, Ayatullāh Khāmene'i.

Some main differences, however, were the lyrics (which were replaced with more ‘decent’ lyrics), the absence of female vocalists, and a more moderate, less suggestive tempo. During calls this new Iranian pop, “officially baptized music for the young,”³⁹ as it is apparent authorities were attempting to attract the younger generations to this new, authorized music and, according to Basminjī, away from “dangerous political ideas”.⁴⁰ Though there wasn’t a complete decline in the popularity of *lusangilesī* pop, *pop-i jadīd* gained significant popularity among young people in the beginning, particular since the music’s lyrics proved more relevant to lived experiences in Iran in comparison to imported pop from Tehrangeles.⁴¹ According to Basminjī, “this trend was so successful that video and audiocassettes imported from LA experienced a 30 percent drop in sales and over 55 percent of people turned to domestically produced pop music.”⁴²

Though the sanctioning of the new pop music is considered an attempt at liberalization, the government had also very strategically decreased the subversive power of imported pop. Perhaps the Iranian government realized that cultural imperialism was becoming more and more difficult to combat, particularly with the increase in global communications such as the Internet. Not being able to prevent young people from listening to imported pop, the government made efforts of bringing it under their own control by “creating a local alternative,” in order to “attract audiences away from other kinds of pop music and thereby reestablish control over areas that it had relinquished in 1980s and early 1990s: pop music as entertainment, as commodity, and as social behavior.”⁴³ Pop music’s meaning thus changed from one of resistance to a musical genre rendered domestic and safe.

Official Organizations Governing Music in Iran

Despite the increasing openness in the political and cultural spheres in Iran over the past decade, the conservative clerical lobby continues to challenge many of these changes. Music, particularly many styles of popular music, remains problematic for the government. Music is often caught within the power play between conservatives and reformists, both of whom are often deeply divided on the issue. Furthermore, three of the main governmental

³⁹ During, 382.

⁴⁰ Kaveh Basmenji, *Tehran Blues: how Iranian youth rebelled against Iran's founding fathers*, Youth culture in Iran (London: Saqi Books, 2005), 57.

⁴¹ Nooshin, “Subversion and Countersubversion”.

⁴² Basmenji, 57.

⁴³ Nooshin, “Subversion and Countersubversion”, 250-51.

branches responsible for music in Iran – the Ministry of Culture and Islamic Guidance (*Vizārat-i Farhang wa Irshād-i Islāmī*, or most often referred to as *Irshād*), *Sidā wa Sīmā*, and Arts Foundation (*Huwzih-yi Hunarī*) – are partly in competition with each other and often use music to serve particular political agendas.⁴⁴ Many of the restrictions established in the 1980s remain intact today: women are still restricted from performing as soloists, dancing or suggestive movement remains strictly forbidden in public, concerts or in music videos, musical instruments are not shown on television, and only religious music is allowed in public places on religious holidays.

Of the organizations dealing with culture in Iran, the Ministry of Culture and Islamic Guidance (*Irshād*) plays the most significant role in implementing policies regarding music. *Irshād* consists of an “elaborate system of councils that regulate and monitor every sphere of artistic expression.”⁴⁵ Based upon Youssefzadeh’s extensive study of official organizations governing music in Iran, the Ministry’s functions in regards to music and musicians are: protection and support (*himāyat*), guidance and orientation (*hidāyat*), and supervision and control (*nizārat*).

Protection and support (himāyat). This function is meant to provide musicians with official affiliation in the form of a card. According to Youssefzadeh, this affiliation has only provided an official recognition of musicians and has done little to provide musicians with salaries and benefits, with the exception of a few old masters of music in various regions of Iran.⁴⁶

Guidance and orientation (hidāyat). This function of *Irshād* claims to guide musicians in preserving the authenticity (*isālat*) of Iranian cultural music.

Supervision and control (nizārat). Controlling all marketed sound productions is one of the major responsibilities of this organization. According to Youssefzadeh’s interview with Morādkhānī, a former minister of culture, this function aims to preserve the authentic (*asīl*) and traditional (*qadīmī*) culture of Iran.⁴⁷ This is done through such measures as issuing permits (*mujāwwiz*) for the distribution of recorded music, as well as issuing the permits needed for teaching

⁴⁴ Lauden Nooshin, “Underground, Overground: Rock Music and Youth Discourses in Iran,” *Iranian Studies* 38, no. 3 (2005): 462–94.

⁴⁵ *Article* 19, 7.

⁴⁶ Youssefzadeh, “The Situation of Music in Iran since the Revolution”, 43.

⁴⁷ Ameneh Youssefzadeh, “Iran’s regional musical traditions in the twentieth century: A historical overview,” *Iranian Studies* 38, no. 3 (2005): 435.

music. All concerts must be granted authorization as well, unless the purpose of the concert is that of research (*pāzhūhishī*) or scholarship (*‘ilmi*).

The system for the control of sound recordings is complex, often ambiguous, and consists of a classification system that codes each recording with a letter and a number. The purpose of this classification system is that *Irshād* wants to ensure buyers are aware of the genre and quality of the music they are purchasing. The letter classifies the genre of the music:

S	<i>sunnatī</i> (traditional)
N	<i>nawāhī</i> (regional)
A	<i>āmūzishī</i> (educational)
T	<i>taghyīr kardi</i> (modified)
J	<i>jadīd</i> (new)
M	<i>millal</i> (nations); various Muslim world music
K	<i>kilāsīk-i gharb</i> (classical Western music)
P	<i>pop</i>

Each recording is assigned a number from 1–4 (1 being the highest) in order to rank the quality (*keyfīyyat*) of the product’s recording, presentation, etc. The responsibility of this classification is that of the Council of Evaluation of Music (*Shurā-yi karshināsī-i mūsīqī*) which consists of five elected professional musicians, who have historically tended to be musicians of the Persian classical music genre, naturally leading toward a bias of this genre.

In Iran, there is also a Council for the authorization of poems (*shurā-yi mujāvviz-i she’r*). The poems that musicians intend to use on recordings or in concerts must be submitted to the Council, where the words are subjected to strict scrutiny. The majority of musicians of all genres seeking to gain authorization will choose poems consisting of religious or mystical character (*‘irfānī*), since many love songs and “poems of despair (*nāumīd kunandi*)” are deemed unacceptable.⁴⁸ (Youssefzadeh, 2000, 47)

New and more liberal policies were initiated under the direction of Ayatullāh Muhājirānī during Khātāmī’s presidency, which reflected the leaders’ preoccupations with handling a nation with such a young majority. In Youssefzadeh’s interview with Muhājirānī in February 2000, he expresses his views on pop music:

⁴⁸ Youssefzadeh, “The Situation of Music in Iran since the Revolution”, 47.

This kind of music nowadays exists in Iran. It caters to the needs of the young people, but does not require our financial or economic aid (*himāyat*). We have to let it exist, while at the same time preventing it from becoming too repetitive. Some people indeed believe that the repetition of tunes is liable to discourage the young and plunge them into a melancholy mood. That is why we have to watch this production. As for what people do in private, we are not responsible for it; it's for them to decide what they want to hear.⁴⁹

Despite these more liberal policies and perspectives, a keen awareness of music's power has remained, and authorities have not ceased exerting strict control over this domain. This is demonstrated through the Ministry's complicated process required in order for musicians to secure *mujāwwiz* to produce, perform or teach music. According to Khushrū, the former Assistant Director of Arts at the *Irshād*:

Music exercises an undeniable influence on people. It can provide the deepest emotions and, as a result, strengthen each person's moral beliefs. But by its very power, it can also become dangerous and exercise an evil influence by changing its original nature. So among all forms, music is the one to which most attention must be paid and which has to be most closely watched and controlled.⁵⁰

Since the 2005 election of Mahmūd Ahmadīnjād the issue of music has grown contentious once again. Ahmadīnjād has purged the government ministries of reform-minded officials, replacing them with former military commanders and religious hardliners.⁵¹ The Supreme Cultural Revolutionary Council announced a ban on Western music in December 2005, stating, "Blocking indecent and Western music from the Islamic Republic of Iran is required."⁵² The newest Minister of Culture, Muhammad Hussein Saffār Harandī, a former deputy commander of the Islamic Revolutionary Guard Corps, has reportedly negative views on music and plans to "combat music that is against the values of the Republic of Iran."⁵³ As the ban on music in the 1980s has shown, however, the control exercised by state organizations cannot stop the existence of a very active

⁴⁹ Ibid., 40.

⁵⁰ Ibid., 41.

⁵¹ Alī Akbar Dareinī, "Can't Stop the Music, Say Young Iranians After the Ban," *The Washington Post*, December 26, 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/25/AR2005122500690.html> (accessed April 29, 2008).

⁵² *BBC News*, "Iran President Bans Western Music," http://news.bbc.co.uk/2/hi/middle_east/4543720.stm (accessed January 15, 2008). See also *Article 19*. This ban also prohibits *mūsīqī-i assīl* from being broadcast on national radio as well.

⁵³ *Freemuse; Freedom of Musical Expression*, "Gradual Changes Through Modern Technology," <http://freemuse.org/sw20741.asp> (accessed April 25, 2008).

and organized black market in which people have access to banned items. As one young Iranian articulates, “Mr. Ahmadīnjād maybe doesn't know his society well enough... especially among the youth... we can still get the music we would like to listen from somewhere else. We can get it from the Internet, we can get it on Tehran's big black market, anywhere.”⁵⁴

The Emergence of the Underground Music Scene: Rock, Rap, and Alternative Music Styles

The genres of music in Iran that for the last decade continue to be most targeted by authorities are those that comprise Iran's underground music (*mūsīqī-i zīr-i zamīn*) scene – rock, rap, and alternative music (*mūsīqī-i alternative*) styles. This music scene emerged in Iran's urban centers shortly after the sanctioning of pop music during the cultural thaw of the late 1990s. Nooshin believes that the legalization of domesticated pop music was consequently one inadvertent catalyst for the development of this unregulated, grass roots underground music scene as the new subversive musical genre. As pop resigned its peripheral position as the primary ‘other’ in Iranian music, musical genres in the underground scene stepped up to take its place in order to express an alternative musical space and identity. This new popular music has emerged in a nation where, “popular music has, with few exceptions, tended to come from the “center” (of power) or from outside the country.”⁵⁵

Genres of rock, rap, and alternative music are relegated to “underground” status since few musicians who perform these genres of music in Iran have managed to gain authorization (*mujāwwiz*) from the Ministry of Culture and Islamic Guidance in order to produce albums or perform concerts in the public domain.⁵⁶ Despite President Ahmadīnjād's recent ban prohibiting Western music from being broadcast on state-controlled radio and television stations, there is not a specific law against rock or rap music particularly. However, the challenges of obtaining *mujāwwiz* have kept underground musicians struggling to establish themselves in the public sphere.

To clarify terminology: Since the arrival of all genres of Western and Westernized music in Iran, Iranians have utilized the term “pop” in order to describe all Western genres of music. Since the post-1997 legalization,

⁵⁴ Dareini, “Can't Stop the Music”.

⁵⁵ Nooshin, “The Language of Rock”, 70.

⁵⁶ Nooshin suggests that the connotation of the term “underground” also partly stems from the fact that these bands, out of necessity, have literally had to rehearse in the privacy of basements (*zīr-i zamīn*).

however, the meanings of certain terminology have shifted slightly and people now tend to refer to “pop” when speaking of legal, largely mainstream music, and refer to “rock” when speaking of music which is generally unauthorized and outside of the mainstream. The term “rock” is a term often used as an umbrella term, both generically as a synonym for “underground” or “alternative” music, as well as for specifically referring to the particular musical genre. Nooshin also contends that underground musicians consciously choose “rock” to describe the underground scene because of and identification with rock music’s anti-establishment ethos, making the usage of the term both convenient and symbolic. When this music movement was just beginning to emerge, many of the musicians utilized and identified with the term “underground music.” For bands seeking to a gain authorization to produce albums or play concerts from *Irshād*, however, this term became problematic since it “suggested an up-front oppositional stance rarely found in this music, which tends instead to follow the centuries-old Iranian tradition in which social commentary is subtly veiled.”⁵⁷ Thus, many musicians have begun to adopt the more neutral terms “alternative” and/or “rock” to describe the scene. Nooshin explains, however, “Now, as the movement has expanded and matured, individual styles (such as metal, hip-hop, and so on) are gaining enough of a separate identity not to need the overarching labels which in the early days helped the fledgling movement develop a coherent identity.”⁵⁸

With so few local role models until recently, many Iranian rock and rap musicians have tended to look outside of Iran and draw on predominately Western musical models. Many musicians experiment with a variety of musical styles such as blues, jazz, flamenco, among many other Western styles, as well as localized sounds – predominantly Persian lyrics, vocal styles, modal and rhythmic structures, traditional instruments, and even the poetry of medieval Persian mystic poets like Rūmī and Hāfiz. Despite drawing from Western music models, much of the music being made by underground musicians goes beyond mere imitation. Nooshin contends that, “While the West still holds a powerful fascination for many people, what is interesting is the way in which bands are transcending what might be regarded as the “aping of one’s former colonial masters” and developing a new sound”.⁵⁹

As the underground music scene is predominantly an urban, cosmopolitan, middle class phenomenon, many of the underground musicians are highly articulate university students or university graduates (though seldom music

⁵⁷ Nooshin, “Underground, Overground”, 476.

⁵⁸ Nooshin, “The Language of Rock”, 71.

⁵⁹ Nooshin, “Subversion and Countersubversion”, 261-62.

graduates). Because of the lack of live performance contexts, it is difficult to determine who are the audiences of underground music. Yet based upon online websites and blogs about the scene, as well as evidence presented by Nooshin, it appears that underground music in Iran appeals to the peers of the musicians themselves: young, urban, educated, relatively affluent, cosmopolitan, “as well as modernist, internationalist, and secular in outlook, lifestyle, and aspiration.”⁶⁰

The emergence of the underground music scene marks the first time that Iranian youth are actively creating grassroots music in which they are finding and expressing in their own voices in addressing social issues in an indirect statement of resistance. The illegally imported pop music of the 1980s was a symbol of resistance, but it was resistance by consumption rather than through creation, since “all of the pop music available either dated from before 1979 or was created outside of Iran in very different social and cultural contexts.”⁶¹ The contemporary underground music scene, on the other hand, consists of young people actively engaged in a musical movement that, for its participants, represents youth, freedom of expression, and being anti-establishment. Unlike *mūsīqī-e assīl*, which is associated more with older generations, underground musical genres provide an opportunity for young people to feel a sense of ownership, that it belongs specifically to them and reflects their experience. Furthermore, much of the underground music scene is challenging some of the long accepted norms of Iranian popular music in general through emphasizing a “strong collaborative ethos, stylistic eclecticism, meaningful lyrics, and an increasing role for women musicians.”⁶²

In regards to the lyrics utilized by underground musicians, there are some distinctions between the expression of Iranian rock musicians and Iranian rap artists. While both genres articulate commentary on a range of social and personal issues, Iranian rock music lyrics tend to be less candid than rap lyrics. Rock lyrics can be considered “rebellious rather than directly political,” offering an often “intensely personal alternative to the clichéd nostalgia of mainstream pop, simultaneously invoking an alternative space of youth experience and an

⁶⁰ Nooshin, “The Language of Rock”, 74.

⁶¹ Nooshin, “Subversion and Countersubversion”, 244. The only active creation of music that symbolized resistance against the restrictions imposed onto music at this time was via *mūsīqī-e assīl*.

⁶² Nooshin, “Underground, Overground”, 467. While this paper does not focus on gender, it is important to note that the inclusion of women in the underground music scene portrays its progressive and anti-establishment ethos. According to DeBano, “For many Iranian women, the pursuit of a career in music can be a risky endeavor due to gender norms, the stigma attached to professional musicians, concern about extra-musical associations (like dancing, drinking, and the like), and finally, fear of music’s power to elicit carnal responses.” (457)

oblique challenge to the status quo.”⁶³ Rap music, on the other hand, is considered more progressive in terms of expression. Speaking about rap artists in Iran Nassir Mashkouri, the editor of *Zīrzamīn*, an online underground music magazine,⁶⁴ claims, “The words that they speak are very radical. They speak of taboos such as sex and drugs ... they are much more rebellious than those involved in rock music.”⁶⁵ One song by the female rap artist *Persian Princess* shows evidence of this outspokenness, which was written about the eighteen year-old girl Nāzanīn, who was sentenced to death in January 2006 for murdering one of three men who attempted to rape her and her sixteen year-old cousin. Addressing taboo topics such as these are considered extremely radical, particularly if they are critical of the state. However, Nooshin argues that song lyrics of underground musicians need not be overtly radical in order for these musicians’ work to be contentious. Because “official discourses problematized Western-style popular music and branded it as a symbol of Western decadence, ... the musical language of rock continues to embody an oppositional quality precisely because of where official discourses have placed it, even when song lyrics are apparently innocuous.”⁶⁶

Choosing to use lyrics that would be considered overtly radical in the context of Iran, however, essentially means making a conscious decision to remain an underground musician; lyrics are one of the first things *Irshād* scrutinizes when distributing *mujāwwiz*. Staying “underground” versus attempting to come “overground” (*rū-yi zamīn*) is ultimately a complicated, paradoxical position that these musicians face. To a certain degree, underground musicians benefit from their underground status since their marginalization imbues them with similar power that illegally imported pop had in the 1980s. While being granted full legalization in the same way that pop had would bring certain advantages to musicians in the underground scene, it could potentially result in a loss of the subversive power gained by their peripheral status. Furthermore, remaining “underground” affords these musicians with a certain amount of control over their music, granting them the ability to express perhaps taboo views and providing them with a certain amount of artistic satisfaction. One Iranian rap artist by the name of AZ exclaims, “Maybe it’s good that the best music is all underground. It keeps us on the edge. It keeps us fresh.”⁶⁷

On the other hand, many musicians express concern over a range of issues both

⁶³ Nooshin, “Underground, Overground”, 488.

⁶⁴ See *Zirzamin; Iranian Alternative Music Magazine*, <http://www.zirzamin.se/>.

⁶⁵ *Article 19*, 43-44.

⁶⁶ Nooshin, “Underground, Overground”, 488.

⁶⁷ *Article 19*, 44.

practical and financial. They face problems in obtaining rehearsal spaces and affordable instruments, gaining access to recording equipment or studios, and then, of course, with acquiring the *mujāwwiz* necessary to reach audiences and secure a place in the public domain. As AZ articulates, “You can’t make a career at music in Iran unless you are willing to compromise.”⁶⁸ Ultimately coming overground would be a trade-off: giving up control over one’s music versus the advantages gained through official and social acceptance.

Contending with Censorship in Iran

Censorship has been implemented in Iran over the past century in order to legitimize governing authorities and their attempts to modify the cultural, social, and economic environments of the nation. During the Pahlavī monarchy (particularly during Muhammad Rizā Shāh’s reign), censorship worked to delegitimize all things considered a threat to security, law and order, and the idea of the monarchy. Since the 1979 Revolution, the Islamic Republic has utilized censorship practices in attempts of ‘cleansing’ the nation of Western cultural onslaught with the intention of creating an ideal Islamic society.⁶⁹

Censorship in Iran is officially implemented through state organizations and institutions that enforce laws, regulations, and guidelines that restrict many forms of expression. There is often little certainty as to the governing norms since laws are enforced selectively and inconsistently. There are a variety of ways that censorship is implemented in Iran. They vary from official banning to imprisonment, yet most efforts at control are more subtle and indirect. Governmental organizations “unofficially” provide “suggestions,” “advice,” and/or “guidance,” and create complicated processes for obtaining authorization (*mujāwwiz*), as is the case with the Ministry of Culture and Islamic Guidance. Authorization can take weeks, months, years, or be denied altogether. The Ministry employs strict scrutiny when examining applications for *mujāwwiz*, and artists are informed of any amendments needed to deem the work acceptable for approval (in line with the tenets of Islam).⁷⁰ The process every artist must go through in order to gain official permission to produce art naturally results in a degree of self-censorship, a power not to be underestimated. Furthermore, the

⁶⁸ Ibid.

⁶⁹ See Abel Kerevel, *Censorship and legitimacy in Iran: modernity, governance, and the public sphere*, Thesis, M.A. (Seattle, WA: University of Washington, 2007).

⁷⁰ See Human Rights Watch, *Guardians of thought: limits on freedom of expression in Iran*, Middle East Watch report (New York: Middle East Watch, 1993).

continuous flux in Iran's political climate and the often-ambiguous guidelines for obtaining *mujāwwiz* creates an environment of anxiety and uncertainty for artists. Therefore, "in more ways than one, censorship in Iran is the extension of physical power into the realm of the mind and the spirit."⁷¹

The government claims to curtail certain forms of expression only if they are considered incompatible with Islamic principles, which are of the highest value in Iran. Article 4 of Iran's Constitution states:

All civil, penal, financial, economic, administrative, cultural, military, political and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as other laws and regulation, and the wise persons of the Guardian Council are judges in this matter.⁷²

This is not to say that freedom of expression is incompatible with Islam, but 'Islamic criteria' are certainly open to a variety of interpretations.⁷³

Other articles in Iran's constitution also work to legitimize official censorship practices. For instance, Article 9 states:

In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.⁷⁴

Article 24 states:

⁷¹ Article 19, 4-5.

⁷² "Iran – Constitution," http://www.servat.unibe.ch/icl/ir00000_.html (accessed December 10, 2008). The Guardian Council is an exceptionally powerful body that rests alongside the Supreme Leader and above the President. They are responsible for overseeing the activities of parliament and determining which candidates are qualified to run both for president and parliamentary elections.

⁷³ Article 19, 10.

⁷⁴ "Iran – Constitution".

Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law.⁷⁵

Non-governmental actors also play a role in the mechanisms of state control over freedom of expression in Iran. The Constitution puts radio and television under the direct supervision of the religious leader and the three branches of government. State controlled media is known for playing a role in the dissemination of propaganda and often “besmirch journalists, intellectuals and artists that the state wishes to discredit, by labeling them as servants of imperialism, communists and agents of SAVAK (the secret police during the Shāh’s reign).”⁷⁶ Quasi-official vigilante groups, such as *Basīj*, also intervene when state-implemented censorship fails to exert control. Self-mandated to protect society from “damaging influences” they often use of force, threats and intimidation to ensure the public is upholding Islamic values.⁷⁷

As already mentioned, the most significant challenge for musicians in the underground music scene is obtaining *mujāwwiz* in order to produce albums and play concerts, a process that often lacks clear criteria for acceptance. To date, few rock bands, rap artists, and fusion musicians have been successful in gaining this official permission. They have been denied for such reasons as having “inappropriate lyrics, especially those that declare love for anyone but Allah, grammatical errors, solo female singers, shaved heads, improper sense of style, too many rifts on electrical guitars and excessive stage movements.”⁷⁸

Nooshin explains, “Musicians are therefore caught in a vicious circle: on the one hand, they can’t access audiences before securing *mujāwwiz*; on the other, bands tend to delay applying for *mujāwwiz* until they have material of sufficient quality to present to the ministry, ...[and] without a permit, bands are obliged to operate in an audience-free vacuum with no opportunity to legally present their work, even in informal settings.”⁷⁹ Therefore, in the face of official restrictions, musicians are forced to look for alternative means to play and distribute their music in order to gain audiences.

⁷⁵ Ibid.

⁷⁶ Article 19, 8.

⁷⁷ See Article 19; Human Rights Watch, *Guardians of thought: limits on freedom of expression in Iran*.

⁷⁸ Article 19, 45.

⁷⁹ Nooshin, “Underground, Overground”, 468.

Musicians have indeed become skillful in finding creative ways to continue engaging in their art and work around official restrictions. They rehearse in private, record their music with home recording equipment (which is often very low quality) or in private recording studios, circulate their music through informal networks and “under the counter” sales at music shops, and play secret concerts. There are some university venues that do not require gaining authorization from the *Irshād*, such as Milād Hall at the University of Tehran, Farabī Hall in Tehran’s Art University (*Dānishgāh-i Hunar*) and at the Tehran Conservatory (*Hunaristān-i Millī*) and many bands in the underground scene have performed at these venues. These venues are insufficient, however. Even for bands who have managed to gain authorization to perform, concerts are often canceled last minute for no apparent reason, or are disrupted or physically broken up by members of the voluntary religious militia, *Basāj*.⁸⁰ Therefore, with so few physical spaces to play music and distribute music, musicians in the underground scene have turned to the Internet and have created a virtual music community.

The Role of the Internet

With the increased access to the Internet in Iran beginning in the late 1990s, particularly among the middle classes, underground musicians have utilized the advancement of this technology in order to access audiences in and out of Iran (both Iranians in the diaspora as well as non-Iranians). Nooshin argues that, “the new grass-roots music was only able to establish itself and expand because of the possibilities offered through the Internet.”⁸¹ On many levels, the Internet has offered Iranians a space to engage in a variety of forms of expression and its usage has completely skyrocketed. According to a Human Rights Watch Report in 2005, the number of Internet users in Iran has increased at an average annual rate of more than 600 percent since 2001, a figure unparalleled in the Middle East, only surpassed by Israel. As of 2006, Persian was the fourth most frequent used language for keeping weblogs and there was an estimated 75,000 blogs written in Persian.⁸² Despite recent measures taken by the government in order to regulate Internet use, the rapid development of the Internet has provided Iranians with an alternative public discourse to the

⁸⁰ See Nooshin, “Underground, Overground”, and “The Language of Rock”.

⁸¹ Nooshin, “The Language of Rock”, 73.

⁸² Babak Rahimi, “The Politics of the Internet in Iran,” in *Media, culture and society in Iran: living with globalization and the Islamic state*, ed. Mehdi Semanti (New York: Routledge, 2008), 37-55.

state-controlled media and “poses one of the most important threats against authoritarian hegemony in Iran.”⁸³

Indeed the Internet has also provided the underground music scene in Iran the same alternative space to defy restrictions imposed onto them. In comparison with other means of defying these restrictions – circulating their music in the black market or playing secret concerts – the Internet is a “relatively cheap, risk-free, and infinitely more flexible medium to access audiences both inside and outside Iran.”⁸⁴ Many bands have their own websites where they offer free music downloads, many have their music available for listening on You Tube and for purchase on I Tunes, and many have accounts on social network websites such as My Space and Facebook. The friend network websites are particularly helpful for the musicians to receive the type of audience feedback that they are otherwise deprived of.

A website that was instrumental in establishing and promoting the underground music scene, particularly during the movement’s early years, and still continues to support this scene today is tehranavenue.com. In 2002, tehranavenue.com held the first “Underground Music Festival” (UMC), an online festival in which musicians were invited to submit music for listeners to listen and vote upon. UMC was unparalleled in bringing attention to the plethora of bands operating underground and in giving the emerging movement an identity. There have been two other online music festivals since UMC – “Tehran Avenue Music Open” (TAMO) in 2004 and “Tehran Avenue Music Festival” (TAMF) in 2005. All three tehranavenue festivals included participants and voters from within and outside of Iran. These festivals have clearly demonstrated “the opportunities that global technologies offer musicians to circumvent government censorship and control.”⁸⁵

Challenging Dominant Discourses on National Identity: Why Underground Music is Contentious and Subject to Censorship

Since the 1979 Revolution, cultural policies of the Islamic Republic of Iran have been established in order to preserve a sense of national identity reinforced with a moral character steeped in Islamic values. A significant component of these efforts have been to purify the nation of foreign elements, particularly Western elements. In the cultural sphere, this has been

⁸³ Ibid., 37.

⁸⁴ Nooshin, “Underground, Overground”, 472.

⁸⁵ Nooshin, “Subversion and Countersubversion”, 260.

demonstrated through the banning of Western music in the 1980s, as well as the most recent ban on Western music in late 2005. While authorities continue with attempts to maintain an isolationist stance in regards to its national identity, the regime is facing an extremely young, educated nation, one with approximately seventy percent of its population under the age of thirty. An emerging youth culture is developing in Iran which identifies itself as cosmopolitan and internationalist, who are seeking to be a part of a global culture, or to become 'global' (*jahānī shudan*), and whose voices of dissent are becoming increasingly more difficult to silence.

A significant part of this emerging youth culture in Iran is the underground music scene. The musicians and audiences who participate in this scene clearly view it as a space for youth expression and empowerment, yet “critics dismiss this music as yet another manifestation of *Gharbzādigī* . . . and attempt to exclude it from the central space of cultural discourse.”⁸⁶ Much of this criticism stems from the fact that much of the music does not have a sound considered obviously “Iranian” in its aesthetics. This perspective perpetuates a deep-seated norm that inserts notions of national identity inside the debates of Iranian musical aesthetics. Yet, like much of Iran’s youth culture in general, most musicians in the underground music scene are not looking to be bound to a nationalist identity, musically or personally. In fact, “many rock musicians are deliberately forefronting stylistic diversity in order to transcend national boundaries, to engage in cultural dialogue and to force a debate about Iran’s relationship with the outside world, particularly the west, and her future in an increasingly global environment.”⁸⁷

This does not mean that national identity is unimportant to musicians in the underground scene. In fact, many musicians and bands produce music that articulates a pride in Iranian cultural heritage, whether it is articulated through the lyrics (i.e. utilizing the poetry of medieval mystical Persian poets or through defending the image of Iran to the outside world)⁸⁸, or through incorporating traditional instruments and melodies in their music. Instead of a self-conscious imitation of the west, like many artists had done in Iran in the 1970s, many Iranian underground musicians are assimilating and authenticating styles in a way that ceases to make this music “external” in the same way that Iran’s youth culture is looking to transcend the isolationist brand of nationalism. Instead,

⁸⁶ Nooshin, “The Language of Rock”, 76.

⁸⁷ *Ibid.*, 77.

⁸⁸ The rock band O-Hum uses the poetry of the mystical poets Rūmī and Hāfiz. In his song “*Huwwāt-i Man*” (“My Identity”), the rapper YAS defends his identity as Iranian in protest against the film “300,” a film that many individuals believe misrepresents Persians as savages.

they are seeking to forge themselves in a transnational community, to develop a new identity simultaneously rooted at home yet outward looking, and to engage in new discourses about what it means to be Iranian in the twenty-first century. Iranian authorities are well aware of that cultural change is often initiated through two things – the power of young people and the power of art. Considering that the underground music scene in Iran consists of both of these two powerful elements, the government will undoubtedly continue attempting to exert its control over this youth/music movement by exerting insidious forms of censorship. While underground musicians are forced to contend with this censorship, the Republic, too, will certainly continue to contend with the sheer numbers of erudite, dissatisfied youth who have clearly been determined to find creative ways to evade the censors and connect with the global youth culture.

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ABSTRACT

In the wake of World War II, Joseph Stalin began a period of increased political and cultural repression in the Soviet Union, and as a result, an unprecedented number of musical compositions were banned because they did not comply with the Soviet vision for music. The censorship affected many, including Dmitri Shostakovich, arguably the most famous Soviet composer. While he was never a blatant dissident, Shostakovich was able to create a reflective, enduring history of both his own artistic difficulties and a moral commentary on the broader oppression of Stalin's rule. He accomplished this by reusing musical themes from his banned works and by embracing Jewish folk themes. Through self-quotation, Shostakovich created a lasting history of his work that defied the censor's pen and affirmed the lasting power of artistic expression. Shostakovich also responded to the authoritarian cultural program by incorporating Jewish idioms into several new works, including his song cycle, *From Jewish Folk Poetry*. Since Jews experienced intense official pressure throughout the Soviet era, his sympathy for their culture was courageous and exceptional.

http://depts.washington.edu/chid/intersections_Spring_2009/Sarah_Cunningham_Remembering_Laughter_and_Tears_in_a_Drawer.pdf

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Remembering Laughter and Tears in a Drawer Music as a Response to Soviet Repression

By Sarah Cunningham
University of Washington, Seattle

*Music*¹

It shines with a miraculous light
Revealing to the eye the cutting of facets.
It alone speaks to me
When others are too scared to come near
When the last friend has turned his back
It was with me in my grave
As if a thunderstorm sang
Or all the flowers spoke.²

Anna Akhmatova, dedicated to Dmitri Dmitriyevich Shostakovich

In 1936, Joseph Stalin and Andrei Zhdanov³ attended a performance of *The Lady Macbeth of Mtsensk*, the most recent opera by Dmitrii Dmitriyevich Shostakovich. The opera marked the high point of Shostakovich's rise to fame as the Soviet Union's most talented young composer. Despite public enthusiasm for the opera, and over 200 wildly successful performances, Stalin and Zhdanov left the performance early. Two days later, an article appeared in *Pravda* entitled "Muddle Instead of Music." This article was a brutal denunciation and condemned the composer as "formalist," "leftist," and virtually anti-Soviet.⁴ Although Andrei Zhdanov played only a minor role in this 1936 denunciation, a decade later, in 1946, he was appointed as the new monitor of culture for the Soviet Union by Joseph Stalin and assumed an influential role in guiding Soviet

¹ I would like to thank, for their the invaluable assistance, Tuna Kuyucu, graduate student of Sociology, University of Washington; Michael Biggins Head of the Slavic and East European Section and Coordinator of the International Studies Sections at the University of Washington Libraries; and Barbara Henry, Assistant Professor in the Department of Slavic Languages and Literatures at the University of Washington.

² Elizabeth Wilson, 1994. *Shostakovich: a life remembered* (London: Faber and Faber, 1994), 319.

³ In 1936, Zhdanov was the leader of the All-Union Communist Party in Leningrad.

⁴ See "Shostakovich and the Lady Macbeth of Mtsensk Debacle," in Piero Weiss, *Opera: a history in documents* (New York: Oxford University Press, 2002), 302-03.

culture. World War II had ended, and Stalin was determined to reassert state control over culture. Thus began *zhdanovshchina*,⁵ an era of unprecedented artistic repression in the Soviet Union. Confronted with a sharp increase in censorship and public ridicule, most composers desperately attempted to satisfy the state's demand for "socialist realism" and to obliterate their "formalist" tendencies even though no one understood exactly what was implied by the two terms.⁶

Shostakovich, the most beloved and well-known composer of the Soviet era, publicly apologized for his formalism and promised to reform his music according to party demands. His work, however, continued to defy government policies and constituted a less submissive, more politically incorrect response. Shostakovich not only quoted many of his officially banned works in new compositions but also increasingly incorporated Jewish folk idioms⁷ even though Jews, along with composers, were suffering from increased scrutiny. Shostakovich created a reflective, outspoken musical history that was a critique of government-imposed restrictions on his own life and in the lives of others.

The Zhdanov Decree, issued on February 10, 1948 following the First All-Union Congress of Soviet Music, brought two years of growing political tension to a boiling point. It condemned "formalism" and demanding "realism", and it left few Soviet composers untouched.⁸ Many of their works were stricken from the

⁵ Zhdanovism. The period of denunciations and strict control over Soviet culture that was led by Andrei Zhdanov and lasted from the late 1940s until Stalin's death in 1953.

⁶ Barbara Makanowitzky, "Music to Serve the State," *Russian Review* 24, no. 3 (1965): 269. Makanowitzky, commenting on what at the time (1965) was still the official Soviet aesthetic, stated that:

The Soviets show no more doubt of the eventual triumph of socialist realism as the universal form of art than of the eventual triumph of communism as the universal form of government. However, there is much less certainty about what socialist realism is. The Soviets themselves have been unable to arrive at a precise concept, and the official pronouncements of Soviet authorities on what is and is not desirable on the part of an artist demonstrate how much easier it is to state a theory than to apply it, particularly to something so abstract as music (269).

⁷ For clarity, I borrow Braun's definition of "idiom" as, "... any kind of national subject, idea, historical reference and musical intonation. Musical intonations will be defined to mean any melodic, rhythmic or harmonic nucleus which projects a certain ethno-social characteristic sound or image". Joachim Braun, *Jews in Soviet music* (Jerusalem: Hebrew University of Jerusalem, Soviet and East European Research Centre, 1977), 1.

⁸ See Alexander Werth, *Musical uproar in Moscow* (London: Turnstile Press, 1949), 48. Zhdanov specifically criticized Shostakovich for his "crude" naturalism, and his displacement of "clear" melodic structure with chaotic vulgarity. Unlike the work of Tchaikovsky and Rimskij-Korsakov, Zhdanov considered Shostakovich's appeal limited to "esthetes and formalists who have lost all healthy tastes" (49).



Dmitrii Dmitrievich Shostakovich

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official repertoire, leaving only a token few to be played by performers too terrified to associate themselves with the disgraced, formalist composers. Soviet music was expected to be for “the people” with blatantly popular and socialist themes. Furthermore, composers were required to present optimism about the

future of socialism, not reminders of suffering or grief.⁹ All compositions that did not live up to these demands were to be blotted out from Soviet memory. It was in defiance of this extreme censorship and in an effort to preserve his own history that Shostakovich began quoting his banned compositions.

Shostakovich had already composed controversial work when Zhdanov issued his decree. His monumental opera, *The Lady Macbeth of Mtsensk*, was in official disgrace, in part, because it dared to portray adultery, rape, and murder—topics that were not supposed to exist or even be discussed in Soviet society. It was barred from Soviet stages until 1961, but even then, it was only allowed to be performed after significant re-working. Shostakovich's *Eighth Symphony* “fail[ed] to be a grandiose hymn extolling Soviet victory over the Germans” and was promptly withdrawn.¹⁰ The authorities made it clear that Soviet art should inspire confidence and optimism in the masses about the future of socialism, not elicit reflection on social problems or injustice.¹¹ Shostakovich withdrew the symphony “voluntarily” upon suggestion. Throughout his life, Shostakovich suffered repeated censure for failing to incorporate the aims of socialist realism into his music. Thus, the Soviet authorities forced many of Shostakovich's works into “nonexistence” simply because they did not fit the official vision for music. Under such repressive conditions, a person's most precious possession is memory. It was in the spirit of creating a musical autobiography that Shostakovich composed his *Eighth Quartet* in July 1960. The question then becomes: what could have motivated Shostakovich to revisit many of his older, banned works so long after zhdanovshchina?

The catalyst for this quartet was not only the memory of suffering under Stalin but also ongoing political conditions. In June 1960, after decades of heel-dragging, Shostakovich had finally become a member of the Communist Party. Friends and family recall Shostakovich crying bitterly over his new membership, even contemplating suicide.¹² The event was personally devastating and hardly voluntary. There are many theories as to why he finally broke down and joined; the most likely explanation is that he was coerced into membership after Khrushchev appointed him President of the Soviet Composers' Union. Even

⁹ See Wilson, *Shostakovich: a life remembered*, 222; See also Makanowitzky, “Music to Serve the State,” 275; See also Laurel E. Fay, *Shostakovich: a life* (New York: Oxford University Press, 2000), 160-65.

¹⁰ Wilson, 175.

¹¹ Makanowitzky, 267, 274.

¹² See Michael Ardov, Rosanna Kelly, and Michael Meylac, 2004. *Memories of Shostakovich: interviews with the composer's children* (London: Short, 2004), 159-60; See also Dmitry Shostakovich and Isaak Glickman, *Story of a Friendship: The Letters of Dmitry Shostakovich to Isaak Glickman 1941–1975, With a Commentary by Isaak Glikman* (Ithaca: Cornell Univ. Press, 2001), 91-92.

though Stalin was long dead, the oppressive political climate of the Soviet Union was still intact and still a threatening presence in individual lives.

A month after joining the Communist Party, Shostakovich completed the *Eighth Quartet*. Lev Lebedinsky, a close friend, recalls that “[Shostakovich] dedicated the Quartet to the victims of fascism to disguise his intentions. . . . In fact he intended it as a summation of everything he had written before. It was his farewell to life. He associated joining the Party with a moral, as well as physical death.”¹³ Scattered throughout the *Eighth Quartet*, there are quotations from many of Shostakovich’s previous works, including the disgraced *The Lady Macbeth of Mtsensk* and *Eighth Symphony*. Ironically, Shostakovich also included excerpts from “Tormented by Grievous Bondage,” a popular song from the 1918 Revolution. In a letter to his friend Isaac Glickman, Shostakovich jokingly described the new quartet as “quite a nice little hodge-podge.”¹⁴

What could have motivated Shostakovich to revisit so many of his older, banned works even as the Soviet government continued to exert its power so forcefully? While Lebedinsky sees the *Eighth Quartet* simply as an autobiographical response to party membership, Shostakovich’s daughter, Galina, explains that the dedication “to the victims of fascism” was not the original inscription.

[Father announced,] ‘I’ve just finished writing a composition which I’ve dedicated to my own memory.’ [...] That was the day he completed the famous Eighth Quartet. . . . Immediately pressure was put on the composer to change the dedication. Father was obliged to concede and the work was dedicated to the victims of fascism.¹⁵

At that time, ‘fascism’ still conjured up poignant memories of the Nazi invasion of Russia during World War II. That dedication alone would have made the work an instant success, but the *Eighth Quartet* became a timeless masterpiece because it addressed more than one destructive regime. The composer’s son, Maxim Shostakovich, suggests that the word ‘fascism’ should be understood as the ‘totalitarianism’ of the Soviet era, especially under Stalin’s rule.¹⁶ From that perspective, Shostakovich could include himself as a victim of fascism in a vague and officially acceptable dedication. Despite the changes in wording, the music itself conveys Shostakovich’s original self-dedication in ways that a title page

¹³ Wilson, 340.

¹⁴ Shostakovich and Glickman, 91.

¹⁵ Ardov, Kelly and Meylac, 158.

¹⁶ Ibid., 158-60.

could never convey. The evocation of Shostakovich's compositional history and the repetition of four notes — D, S, C, and H (Shostakovich's monogram in German note names) — maintain the self-eulogy of an autobiographical composition.

Why did Shostakovich have such an urgent desire to create a record of his life and music? The reason extends well beyond forced party membership. Maxim Shostakovich reminisces, "From the beginning of the 1930s and up to Stalin's death, Shostakovich himself lived under constant threat of arrest and execution."¹⁷ The threat wasn't just confined to Shostakovich; it was firmly entrenched in Soviet society. The composer had witnessed countless, unexplained "disappearances" of fellow citizens who had supposedly committed crimes against the state. Friends and family might privately remember the victims of Stalin's purges, but officially, the dead had never existed. Just as musical works were banned from Soviet repertoire, human lives were swiftly removed from public memory. In a letter to Isaak Glickman, Shostakovich explained, "I started thinking that if some day I die, nobody is likely to write a work in memory of me, so I had better write one myself. The title page could carry the dedication: 'To the memory of the composer of this quartet'."¹⁸ Through the quotation of his banned compositions, Shostakovich was able to create a permanent memorial to vanished art and souls.

After 1946, Shostakovich would further incorporate Jewish folk themes, a development that was in response to the post-war political context. After World War II, the crushing censorship of *zhdanovshchina* coincided with a violent effort to eliminate foreign influences from Soviet society. One of the groups that the state found most threatening was the "cosmopolitans"—an abstract, manufactured label for Jews. In January 1948, Solomon Mikhoels (a cornerstone of Yiddish theater and close friend of Shostakovich) died mysteriously. Most authorities agree that he was murdered upon Stalin's orders.¹⁹ Furthermore, the Jewish Anti-Fascist Committee, a World War II era institution, was disbanded that year. Following a series of violent interrogations and secret trials, thirteen of its former members were executed in 1952. Meanwhile, the Soviet press began a lengthy and passionate campaign against the threat of "cosmopolitanism".²⁰

¹⁷ Ibid., 66.

¹⁸ Shostakovich and Glickman, 90-91.

¹⁹ Wilson, 227.

²⁰ A.N. Iakovlev, Anthony Austin, and Paul Hollander, *A century of violence in Soviet Russia* (New Haven, CT: Yale University Press, 2002), 200-210.

Finally, Israel became a state, and the mass emigration that followed caused Stalin no end of angst as people rushed to flee the Soviet Union.²¹

While Zhdanov repressed Soviet composers, Jews were figuratively and literally under fire — depicted in popular propaganda as a threat to Soviet society. Braun writes that “Jewish culture, including musical culture, existed and exists on the borderline of the permitted, and the undesirable even ‘anti-Soviet.’ This paradox of the permitted but undesired, and the forbidden but not unlawful, has created a highly ambiguous situation in Soviet culture regarding the employment of Jewish themes and motifs in art.”²² Despite the official Soviet stance toward Jews and Shostakovich’s own precarious situation, he often incorporated Jewish history, poetry, music, or some combination of the three into his music, especially during the last years of Stalin’s rule. Between Zhdanov’s appointment in 1946 and Stalin’s death in 1953, he composed *From Jewish Folk Poetry*, a violin concerto, a quartet, *24 Preludes and Fugues*, and *Four Monologues*, all of which feature some measure of “Jewishness.”

Shostakovich referenced Jewish idiom in two ways. First he borrowed musical idioms from Klezmer, a hybrid of liturgical and secular folk music created by Ashkenazic Jews in Eastern Europe. The introspection and exuberance of Klezmer music appealed to Shostakovich as a medium for expressing a broad range of emotions, especially “laughter through tears”, a long-standing facet of Jewish and Russian culture.²³ Shostakovich also employed non-musical references to Jewish life, particularly in his *Thirteenth Symphony*. The composition contains no traces of folk music, but instead, was inspired by Yevgenii Yevtushenko’s poem “Babi Yar” which memorialized the Nazi massacre of Jews in Kiev during World War II.

Perhaps Shostakovich’s most overt and comprehensive reference to Jewish culture was made in his song cycle, *From Jewish Folk Poetry*, a work which encompasses a broad spectrum of Jewish culture, both musically and non-musically. The work was composed “for the drawer” in 1948 and was not given a public performance until 1955 once Stalin was safely in the ground. Soon after World War II, a book of Jewish song lyrics was published; Shostakovich chose

²¹ Wilson, 226-27.

²² Joachim Braun, “The Double Meaning of Jewish Elements in Dimitri Shostakovich’s Music,” *The Musical Quarterly* 71, no. 1 (1985): 69.

²³ Reference to a quote in Dmitrii Dmitrievich Shostakovich and Solomon Volkov, *Testimony: the memoirs of Dmitri Shostakovich* (New York: Harper & Row, 1979): “I never tire of delighting in [Jewish folk music], it’s multifaceted, it can appear to be happy while it is tragic. It’s almost always laughter through tears” (156).

eleven of the poems and wrote new music for them, some of which is based on the traditional Klezmer style.²⁴ Vocal music was a great favorite of the Soviet state “because the proper ideological content [could] be put into the words of the chorus more surely and more concretely than into the sounds of orchestral instruments.”²⁵ It is, therefore, highly ironic that Shostakovich used the state-preferred form of music to offer one of his most overt critiques of Soviet policy.

His choice of poems was quite revealing (and timely) as they repeatedly mention imprisonment, the grief of assimilation, poverty, hunger, death, etc. Again, such problems were not acknowledged in Soviet society and certainly had no place in art intended to inspire and encourage the masses. Defying the official agenda, Shostakovich created a record of, and commentary on, government abuses by incorporating Jewish themes into his own music. In a detailed examination of Shostakovich’s work, Joachim Braun explains:

The use of Jewish elements in Shostakovich’s music reaches far beyond their specific and “colorful” Jewishness. [...] It is in fact a hidden language of resistance communicated to the aware listener of [sic] its subtle meaning. Dissidence and opposition are here represented by the Jewish element which, because of its special place in Soviet culture, served as a perfect vehicle.²⁶

Shostakovich’s use of musical idioms alone was a tremendous expression of solidarity with Soviet Jews, but his strategic changes to the texts of the original Yiddish poems added another level of irony and criticism to the song cycle. Such alteration was in sharp contrast to his usual practice. While many composers adapt texts with great abandon, Shostakovich avoided making changes except when absolutely necessary or when an alteration was essential to the message of the entire work.

From Jewish Folk Poetry can be divided into two sections. The first eight songs of the cycle are uniformly mournful, while the last three seem to express contentment and joy. Despite the “obvious” meanings of these songs, most, if not all of them, can be read on many levels. In “Happiness”, the last song of the cycle, a blessed mother repeatedly proclaims, “And what I want to tell the whole land, about the joy and the light which are now my lot! Doctors, doctors are what our sons have become!” However, the original Yiddish song said nothing about

²⁴ Wilson, 234-35.

²⁵ Mekanowitzky, 274.

²⁶ Braun, “The Double Meaning”, 80.

doctors. “And all should know about my happiness, which Soviet power has given to me. All my sons are engineers! The sun alone shines so bright on us.”²⁷ It is important to note the absence of “Soviet power” in Shostakovich’s version and the change from “engineers” to “doctors.” Why is this second change important? While the exact date of the text alteration is unknown, Sheinberg believes that “[‘Engineers’] was replaced by ‘doctors’, hinting perhaps at the Doctors’ Plot of 1952, when more than four hundred Jewish intellectuals — doctors, artists and scholars—were arrested and executed on Stalin’s orders.”²⁸ As was often the case in the Soviet Union, success inevitably brought scrutiny, suspicion, and jealousy; of all people, Shostakovich was able to understand this. Speaking of the Doctors’ Plot, Abraam Gozenpud, a famous writer and musicologist, remembers a popular “reaction from many well-known and famous persons demanding punishment of ‘the murderers in white coats’ (who were mostly Jews). Therefore, premiering *From Jewish Folk Poetry* at that time was an act of civic moral courage, and Shostakovich had to overcome much official resistance in order to receive permission for a public performance.”²⁹

Shostakovich’s text changes extended beyond the blatantly “happy” movements though. The third song of the song cycle, “Lullaby”, which is based on a Yiddish poem by Sholom Aleichem, also underwent alterations. In the original collection of poems, it read:

Sleep, my child, my beautiful...
Your father is in Siberia in chains,
Sleep, hushabye...³⁰

In Shostakovich’s lyrics though, the text directly implicates *a tsar’s role* in this imprisonment:

Your father’s held in chains in Siberia,
Kept in prison by the Tsar.
Sleep, hushabye...³¹

²⁷ Joachim Braun, *Shostakovich's Jewish songs: from Jewish folk poetry, op. 79 : Introductory essay with original Yiddish text underlay* (Tel-Aviv: World Council for Yiddish and Jewish Culture, 1989), 87.

²⁸ Esti Sheinberg, *Irony, satire, parody, and the grotesque in the music of Shostakovich: a theory of musical incongruities* (Aldershot, England: Ashgate, 2000), 239.

²⁹ Wilson, 238.

³⁰ Braun, “The Double Meaning”, 72-73.

Shostakovich's revision of Aleichem's lyrics can hardly be considered an inadvertent choice, particularly in light of the ever-present, ubiquitous threat of imprisonment and execution during Stalin's rule. Shostakovich's "Lullaby" automatically evoked memories of that time in Soviet audiences. Solomon Mikhoels' daughter, Natalya, remembers the premier of *From Jewish Folk Poetry* in 1953, shortly after Stalin's death:

In those years, a presenter always came out to announce the works...He declared that 'Lullaby', where the song contains [references to imprisonment in Siberia], 'it all took place in Tsarist Russia.' With that he left the stage. [...] people barely restrained themselves from laughing. For a long time after that Dmitri Dmitriyevich loved to repeat, 'It all took place in Tsarist Russia, it all took place in Tsarist Russia'.³²

Shostakovich repeated that line with the pervasive irony he was so well known for. To Shostakovich and everyone else in the hall, it was transparently obvious that the mournful lullaby was implicating a more recent, brutal tsar: Stalin.

Braun argues that there is a direct correlation between the intensity of Jewish idioms in Shostakovich's music and the depth of political meaning.³³ The references to Jewish culture went well beyond a mere expression of support for Soviet Jews though. Instead, Shostakovich presented their sufferings as a means of addressing political and social restraint throughout the Soviet Union. He made a deliberate decision to criticize the government-imposed repression which had played such a dominant role in his own life and in the lives of his fellow citizens.

While Soviet political leadership insisted that music should glorify the achievements of socialism and provide inspiration for the future, it also silenced political, ethnic, and artistic expression. Instead of unquestioningly attempting to satisfy the state's abstract demands for socialist realism, Shostakovich reshaped his methods of composition to create a musical history and criticism of Soviet policies and actions. Composed in the wake of a devastating political and personal crisis, Shostakovich's autobiographical *Eighth Quartet* became a memorial to his own life through the quotation of his banned works. In the midst of Stalin's final purges, Shostakovich turned to Jewish culture to condemn cultural totalitarianism and to express support for the oppressed in

³¹ See program notes, written by Timothy Day and Andrew Huth in Dmitrii Dmitriyevich Shostakovich, Elisabeth Söderström [soprano], Ortrun Wenkel [contralto], Ryszard Karczykowski [tenor], Bernard Haitink [conductor]; *Symphony no. 15; From Jewish folk poetry* (London: Decca, 1993) 20.

³² Wilson 230.

³³ Braun, "The Double Meaning", 76.

Soviet society. Because of his uncompromising response, Shostakovich's work continues to serve as an insightful reflection on the past and as a relevant commentary on current artistic, ethnic, and political injustice.

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intersections

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Eugene Edgar, Anthony Kelley and Ed Taylor, "Student Outcomes from a Study Abroad Program: The Impact of Having a Diverse Group of Students," *intersections* 10, no. 2 (2009): 95-118.

ABSTRACT

This case study positions one study abroad program's goals within the larger U.S. debate as to the purpose of study-abroad programs (the neo-liberal-free market vision as opposed to the notion of global citizen). In this study, 19 racially and gender diverse students completed a ten-week study abroad program in Port Elizabeth, South Africa. Using a pre-post questionnaire and excerpts from student papers, a range of outcomes were documented. Student changes were noted in global mindedness, beliefs, and under-standing of South Africa culture. The group diversity, setting, service learning activities, and structured reflection sessions played a critical role in achieving these outcomes.

http://depts.washington.edu/chid/intersections_Spring_2009/Eugene_Edgar_Anthony_Kelley_Ed_Taylor_Student_Outcomes_from_Study_Abroad_Program.pdf

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Student Outcomes from a Study Abroad Program The Impact of Having a Diverse Group of Students

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Study abroad programs are embedded within the larger movement of international or global education that is experiencing a renewal in practices and public interest. As noted by Yang this renewal is contested, primarily between agents supporting the ideals of the neoliberal movement of developing a global free market and proponents of global citizenship as defined by the Oxfam understanding of everyone's responsibility to everyone else and the Earth as well.¹ Within the United States, this increased interest is a continuation of a conversation surrounding international education that has ebbed and flowed over the years. Merckx contends that "the term 'international education' has very different meanings to the various communities in higher education", including study abroad programs, high enrollments of international students, technical assistance programs in foreign countries, and programs in international studies and foreign language studies.²

Parker proposes an insightful classification of the current wave of interest in international programs in the U.S. K-12 system that, we believe, has a direct relationship to higher education.³ Parker contends that there are multiple and divergent reasons for the most recent activity in international education and that some of these proposals are better positioned politically to accomplish their goals. For example, he believes nationalism dominates this current wave of activity as evidenced by the strong support of the United States government for being competitive in the global economy, advancing the "American Ideal," and developing national defense.⁴ The less privileged proposals (Parker labels these

¹ A. A. Yang, "Preface: Education without border," in *Education across borders: philosophy, policy, pedagogy, new paradigms and challenges*, eds. Malcom H. Field and James Fegan (Tokyo: Waseda University Media-Mix, 2005). See also Oxfam, "What is Global Citizenship?" http://www.oxfam.org.uk/education/gc/what_and_why/what/ (accessed September 15, 2008).

² G Merckx, "The two waves of internationalization in U. S. higher education," *International Educator* 12 no. 1 (2003): 8.

³ Walter C. Parker, "International Education — What's in a Name?" *Phi Delta Kappan* 90, no. 3 (2008): 196-202.

⁴ *Ibid.*, 197.

marginal voices) include the extension of multicultural education and *cosmopolitanism* (world citizenship).⁵

The official stance of the United States government is found in the Lincoln Report entitled *Global competence and national needs*, a study commissioned by the 108th Congress.⁶ The Lincoln Report posits three major reasons why United States universities and colleges should promote study abroad programs: economic competitiveness, national security, and world leadership. According to the Report, increased skills and knowledge of global business learned through study abroad programs will assist the U.S. in maintaining its competitive edge in the global economy. Additionally, national security, especially after 9/11, is greatly dependent on having sufficient numbers of American citizens who are fluent in the languages of friends and enemies. Further, U.S. security depends on Americans who are well skilled in the cultural traditions of others so that they may better understand these cultures and thus defend themselves against outside threats to national values and culture:

We no longer have the option of getting along without the expertise that we need to understand and conduct our relationship with the world. We do not have the option of not knowing our enemies – or not understanding the world where terrorism originates and speaking its languages. We do not have the option of not knowing our friends – or not understanding how to forge and sustain international relationships that will enhance U. S. leadership and help our values prevail.⁷

Finally, according to the Lincoln Report, the United States needs American citizens who can become more effective leaders in the world's community. Study abroad programs can provide leaders who are well versed in international customs, economies, and languages and, as such, play a leading global role in advancing American ideals to other parts of the world and assuring the continuation of the American culture. This position is backed by the federal government and has resulted in large funded programs, such as the National Security Language Act of 2003 which funds \$114 million targeted toward the teaching of languages for national defense and the Lincoln Fellowships, which provide \$100 million in funds for study abroad programs related to national security and economic endeavors.

⁵ Ibid., 199-200.

⁶ Commission on the Abraham Lincoln Study Abroad Fellowship Program, *Global competence & national needs: one million Americans studying abroad* (Washington, DC: Commission on the Abraham Lincoln Study Abroad Fellowship Program, 2005).

⁷ Ibid., 6.

In contrast, the American Council on Education advocates for the global citizenship model based on the multicultural education model of Banks and Banks.⁸ Olsen, Evans and Shoenberg state that:

Many 21st century problems no longer know national boundaries, if, indeed, they ever did. To address these problems, students will require knowledge, skills, and attitudes that transcend conventional intellectual paradigms that accentuate one lens (e.g. nation-state or ethnic identity) over another.⁹

While this view was marginal in Parker's study, it holds sway with many practitioners. Additionally, it advocates understanding, acknowledging, and celebrating diversity through mutual understanding and the belief in multiple worldviews. It also emphasizes the social justice issues (such as race, class, and gender) that are embedded within this position.

As Merckx has noted, study abroad programs are not the only form of international programs found in universities.¹⁰ Other forms of global education include technical assistance in other countries (e.g. global health programs, agriculture assistance, law school programs, and climate change programs), exchange of scientists across universities from various countries, and international students enrolled in U. S. universities.¹¹ However, study abroad programs are the most publicly visible global education programs associated with universities.

This brief review of the literature concerning the purposes of global education programs in colleges and universities clearly indicates multiple and often contradictory purposes. As study abroad programs are proposed, described, and evaluated, we believe it is imperative that the program goals be clearly articulated and embedded in the current national and international debate as to the purposes of global studies. The outcomes of these programs can be used to inform and enliven the debate concerning the purpose of global education programs.

⁸ James A. Banks and Cherry A. McGee Banks, *Handbook of research on multicultural education* (New York: Macmillan Pub., 1995).

⁹ Christa Lee Olsen, Rhodri Evans, and Robert E. Shoenberg, *At home in the world: bridging the gap between internationalization and multicultural education* (Washington, DC: American Council on Education, 2007), 1.

¹⁰ Merckx, 9.

¹¹ *Ibid.*, 8.

Outcome Measures for Study Abroad Programs

Measuring the outcomes of study abroad programs has received considerable attention in a wide range of programs, including teacher education, language learning, leadership, engineering, service learning, and attitudes towards others.¹² In general, there have been two major types of measures used: quantitative scales that provide some form of score and qualitative measures that use open-ended questionnaires, interviews, focus groups, or analyses of student writing from journals, papers, or field notes.¹³ In some studies, qualitative data have been used to add content detail to the formal quantitative scales and to provide triangulation.¹⁴ A sophisticated portfolio system for measuring qualitative data with third person evaluation using rubrics was implemented by an engineering program.¹⁵

¹² See H.M. Pence and I. K. Macgillivray, "The impact of an international field experience on preservice teachers," *Teaching and Teacher Education* 24, no. 1 (2008):14-25;

W. P. Rivers, "Is Being There Enough? The Effects of Homestay Placements on Language Gain During Study Abroad," *Foreign Language Annals* 31, no. 4 (1998): 492-500;

N. Segalowitz, B. Freed, J. Collentine, B. Lafford, N. Lazar, and M. Diaz-Campos, "A comparison of Spanish second language acquisition in two different learning contexts: Study abroad and the domestic classroom." *Frontiers: The Interdisciplinary Journal of Study Abroad* 10, no. 4 (2004): 21-38;

J.M. Robertson and C. F. Webber, "Cross-cultural leadership development," *International Journal of Leadership in Education* 3, part 4 (2000): 315-330;

D. DiBiasio and N.A. Mello, "Multi-level assessment of program outcomes: Assessing a nontraditional study abroad program in the engineering disciplines," *Frontiers: The Interdisciplinary Journal of Study Abroad* 10 (2004): 237-252;

T.L. Lewis and R. A. Niesenbaum, "Extending the Stay: Using Community-Based Research and Service Learning to Enhance Short-Term Study Abroad," *Journal of Studies in International Education* 9, part 3 (2005): 251-264;

J. S. Carlson and K. F. Widaman, "The effects of study abroad during college on attitudes toward other cultures," *International Journal of Intercultural Relations* 12, no. 1 (1988): 1-18;

D. R. Drew, L. L. Meyer and P. N. Peregrine, "Effects of study abroad on conceptualization of national groups," *College Student Journal* 30, no. 4 (1996) 452-462.

¹³ See L. Chieffo and L. Griffiths, "Large-scale assessment of student attitudes after a short-term study abroad programs," *Frontiers: The Interdisciplinary Journal of Study Abroad* 10 (2004):165-177;

L. Engle and J. Engle, "Assessing language acquisition and intercultural sensitivity development in relation to study abroad program design," *Frontiers: The Interdisciplinary Journal of Study Abroad* 10 (2004): 219-236;

A. Kitsantas, "Studying Abroad: The Role of College Students' Goals on the Development of Cross-Cultural Skills and Global Understanding," *College Student Journal* 38, no. 3 (2004): 441-452;

L. L. Rea, "Response and outcomes to international curricula offered off and on campus: Two case studies at Hiram College," *International Education* 2 (2003):40-62;

H. Tonkin and D. Quiroga, "A qualitative approach to the assessment of international service-learning," *Frontiers: The Interdisciplinary Journal of Study Abroad* 10 (2004): 131-149;

C. Willard-Holt, "The impact of a short-term international experience for preservice teachers," *Teaching and Teacher Education* 17, no. 4 (2001): 505-517.

¹⁴ A. Medina-Lopez-Portillo, "Intercultural learning assessment: The link between program duration and the development of intercultural sensitivity," *Frontiers: The Interdisciplinary Journal of Study Abroad* 10 (2004): 179-199.

¹⁵ DiBiasio and Mello, op. cit.

Implementing standard qualitative methods, a growing number of qualitative studies have used student-generated writing to identify common themes representing student outcomes.¹⁶ Increased global mindedness (themes related to international awareness, world-mindedness, awareness of world issues, and global citizenship) has been noted by Cushner and Mahon, Jackson, Medina-Lopez-Portillo, Rea, Robertson and Webber, and Willard-Holt.¹⁷ Changes in belief about self (themes related to reduced ethnocentrism, increased tolerance of others, and more cultural awareness of self) have been found by Cushner and Mahon, Dantas, Mahon and Cushner, Medina-Lopez-Portillo, Pence and Macgillivray, and Willard-Holt.¹⁸ Self-efficacy and personal agency (the psychological idea that one believes they have the ability to accomplish their goals, and the philosophical idea of capacity to act in the world) has been noted by Cushner and Mahon, Dantas, Jackson, Robertson and Webber, and Willard-Holt.¹⁹ Clearly, how the outcomes of study abroad programs are measured will, to a large extent, depend on the stated purposes of the program. However, there are a range of viable options that researchers can use to measure the outcomes of study-abroad programs as indicated by the above brief review of outcome studies.

Thus, the goal of this paper is to extend past research on the purpose of study abroad programs by examining the outcomes of racially and gender diverse students who participated in one study abroad program. In particular, the

¹⁶ Anselm L. Strauss and Juliet M. Corbin, *Basics of qualitative research: grounded theory procedures and techniques* (Newbury Park, Calif: Sage Publications, 1990).

¹⁷ See Kenneth Cushner and Jennifer Mahon, "Overseas student teaching: affecting personal, professional, and global competencies in an age of globalization," *Educational Administration Abstracts*. 37, no. 4 (2002): 415-568;

J. Jackson, "Assessing intercultural learning through introspective accounts," *The Interdisciplinary Journal of Study Abroad* 11 (2005): 165-186;

Medina-Lopez-Portillo, op. cit.;

Rea, op. cit.;

J. M. Robertson and C. F. Webber. 2000. "Cross-cultural leadership development". , *International Journal of Leadership in Education* 3, part 4 (2000): 315-330;

Willard-Holt, op cit.

¹⁸ See Cushner and Mahon, op. cit.;

M. L. Dantas, "Building Teacher Competency To Work with Diverse Learners in the Context of International Education," *Teacher Education Quarterly* 34, no. 1 (2007): 75-94;

J. Mahon and K. Cushner, "The impact of overseas student teaching on personal and professional development," *Intercultural student teaching: A bridge to global competence*, eds. K. Cushner and Se. Brennan (Lanham, MD: Rowan & Littlefield Education, 2007), 57-87;

Medina-Lopez-Portillo, op. cit.;

Pence and Macgillivray, op. cit.;

Willard-Holt, op. cit.

¹⁹ See Cushner and Mahon, op. cit.;

Dantas, op. cit.;

Jackson, op. cit.;

Roberston and Webber, op. cit.;

Willard-Holt, op. cit.

authors were interested in exploring how the students made sense of their experience in South Africa as related to their perceptions of global citizenship and their general belief systems. Investigating these questions, the authors use both quantitative and qualitative results to contribute to the literature about study abroad outcomes and to broaden the debate about whether the purpose of study abroad programs is to extend the neo-liberal-free market vision or the notion of the global citizen.

Methods

Program Description. The Comparative History of Ideas (CHID) study-abroad program at the University of Washington aims for students to examine their sense of self (their understanding of who they are and who they want to become) in order to become effective leaders in making the world a better place.²⁰ Through a collaboration among CHID, the College of Education (COE), Undergraduate Academic Affairs, and the Athletic Department at the University of Washington, the Port Elizabeth Project was born. The specific project objectives were: 1) to come to better know yourself, 2) to increase your knowledge of South Africa, 3) to explore the notions of justice that include reconciliation and forgiveness, and 4) to develop a sense of agency as a U. S. and global citizen.

The CHID philosophy developed over time as John Toews, Director of CHID, and the late Jim Clowes, former Associate Director of CHID, expanded their notions of identity and conflict. They suggested that American students and travelers often relate to the rest of the world in a manner that uncritically assumes that their own values and beliefs are universal and, thus, remain blind to the specific historical and cultural factors that have shaped their perspective. Additionally, they observed that American students and travelers seldom take the time to deeply understand “the other” and instead make assumptions about the the beliefs and values of “the other”. These assumptions then drive the interactions between American students or travelers and “the other.”

One way for students to address these issues is by spending time in another country and engaging in meaningful work within different cultural communities. This dislocates time and space, by radically altering the a student’s typical flow of activities and by interrogating a student’s conceptual mapping of another culture and its history. This dislocation of time and space places students in disequilibrium about their own identities and the identities of others. By working toward a “shared accomplishment” and a common goal with their new

²⁰ See “Statement of Principles,” <http://depts.washington.edu/chid/description.php> (accessed May 22, 2009).

community of colleagues (and indeed with their own group members), students may become more open to reconsidering their values and beliefs and more curious about the stories and identities of others. Students may listen to new stories with an openness and humility that may not occur when they are in a known and comfortable space and when time flows in habitual ways. The CHID philosophy concerning study abroad programs clearly falls within the global citizenship camp.

In collaboration with the previously mentioned departments, the authors developed the Port Elizabeth Program curriculum using narratives to better understand self with a focus on the African Narrative of South Africa. The curriculum consisted of three components: a pre-departure seminar during the Fall Quarter 2007, an in-country experience during the Winter Quarter 2008, and a post-experience reflective seminar during the Spring Quarter 2008.

The pre-departure seminar provided an introduction to South Africa's history and current political situation with a focus on Steve Biko's text *I Write What I Like*.²¹ The seminar also began the community building process with a focus on developing the dialogical skills of deep listening to the other and open sharing of personal beliefs.²² These dialogical skills include being genuinely curious about the other, seeking to understand rather than persuade, developing humility, and being open to new ideas. The writing assignments for the students focused on individual personal narratives (who are you?, what do you believe?, how did you get to be that way?, and how do you want to be in the future?), a brief essay on the history and current situation in South Africa, and a brief essay on the history and current situation in the United States. The seminar also included preparation for traveling and living in South Africa, basic language instruction in Xhosa, and short presentations from students who had completed a study abroad program in South Africa and from two South African graduate students.

During the in-country experience, local South Africans presented 20 lectures on African culture, history, and current political conditions. The students engaged in service learning projects in selected community placements in local townships and worked at these placements two to three hours a day for four days a week. These projects included after-school athletic groups, a girls group at a township high school, an after school exercise program for teachers at a township school, a library organization project coupled with individual reading groups for students, a drama class, a hip-hop dance class, and more. Field trips to rural townships, museums, and game parks were also part of the program. The students lived

²¹ Steve Biko and Aelred Stubbs, *I write what I like: a selection of his writings* (Johannesburg: Picador Africa, 2004).

²² David Bohm and Lee Nichol, *On dialogue* (London: Routledge, 1996).

together in adjoining flats that allowed for intensive ongoing interaction throughout the Winter Quarter. The instructors held two to three reflection sessions per week to debrief the lectures, community service experiences, and group dynamics. During these sessions the students shared their experiences, debated contradictions in their understanding of these experiences, and addressed group dynamics. The instructors used these sessions to further teach the dialogical skills introduced during the fall quarter. The writing assignments for this phase of the program were: an updated personal narrative, an essay on current issues in the United States (that they could share with South Africans), an essay on current issues in South Africa (that they could share with friends in the United States), a reflection on their effectiveness as group members, and a summary of the four to five “big ideas” they learned on the trip. During the final week of the program, the students read selections from these papers to the entire group.

The post-experience seminar consisted of reflective sessions to support the students in making sense of their experiences and formalizing their ideas for future community work, employment, and study options. Ten of the 19 study abroad students participated in this seminar. Written assignments included a reflection on re-entry and the organization of photographs and other artifacts into formal presentations. Most of the group sessions were spent making sense of the events that occurred in South Africa and both telling and reflecting on re-entry stories.

Setting

Port Elizabeth, South Africa was selected as a site for this program due to the ongoing work of two of the authors with several school districts in Port Elizabeth and the surrounding area as well as a working relationship with Nelson Mandela Metropolitan University. Port Elizabeth is located in the Eastern Cape province of South Africa and has a racially mixed population (87% African [predominately Xhosa], 7% Coloured, 5% White [Afrikaner and English], and less than 1% Asian [East Indian]).²³ While English is the common language, large groups speak Xhosa and Afrikaans. Now, some fourteen years post-Apartheid, there are multiple political and cultural issues that remain in transition (e.g., the distribution of resources by an African government, health care, education, reverse affirmative action, changing views of the role of women, and more).

²³ “Eastern Cape,” http://en.wikipedia.org/wiki/Eastern_Cape (accessed May 14, 2009).

Participants

Students. There were 19 student participants: 10 females, 10 students of color (6 African American, 2 Latino, 2 American Indian), 7 scholarship athletes, 4 students involved in the Greek system, 9 first generation college students, and 6 first-time out-of-country travelers. Ages ranged from 19-25, student status ranged from freshman to senior, and 8 different major areas of study were represented. One student had completed three previous study abroad programs, and three other students had experienced short-term work-study programs in other countries.

Table 1 - student demographics

Gender	White	Athlete	Greek	Financial Aid	First Generation	Previous study abroad	Age
Males	4	5	2	7	5	1	20-22
Females	5	2	2	6	4	3	19-25
Total	9	7	4	13	9	4	19-25

(N = 19)

Faculty. The lead instructor was a white male College of Education professor who had lived and worked in several countries (but not in South Africa). The teaching assistant was an African American male, former scholarship athlete, and a College of Education graduate student. The teaching assistant had participated as a student in a study abroad program in South Africa and had made several return visits to South Africa.

Measures

Two primary data sources were used to measure the outcomes of this program. The first data source was a questionnaire or rating scale that we developed to measure student perceptions of global citizenship and responsibilities of individuals and nation states in addressing global issues. Students rated themselves on 11 statements such as “How important is it to be a good world citizen?” and “How upset are you with racism in the United States?” A 1 indicated

“a little, not much” and a 5 indicated “extraordinary, a great amount.” The rating scale was used as a pre-post measure administered before and after the study abroad experience. The second data source was student papers written during the pre-departure seminar (personal narratives), the in-country experience (updated personal narratives, description of cultural issues in the United States, description of cultural issues in South Africa, insights of the group process, and a summary of major learnings from the in-country experience), and the post-country reflective seminar (reflections on returning to the United States).

Data Analysis

The questionnaire data were analyzed using a gain/loss method from pre to post administration using a *t*-test for paired measures. A theme analysis was conducted on the student papers using a content analysis.²⁴ After all the student papers were submitted electronically, the authors read each paper and scored sections according to predetermined criteria of global citizen, interest in South African affairs, and changing views of the world. As the papers were read, new themes emerged and the final themes were determined through an iterative process.

Results

Questionnaire. After the students were pre and post tested on the 11 question rating scale, a *t*-test for paired measures indicated significant increases for 8 of the 11 questions. Significant increases were noted for the three questions addressing individual global citizenship (how important is it to be a good world citizen?, how skilled and knowledgeable are you to be a good world citizen?, and how much responsibility do you feel toward making the world a better place?). A significant increase was also noted for the question concerning the responsibility of the United States for making the world a better place, but not for the effectiveness of the United States in making the world a better place. Significant increases were noted in the students' beliefs about being a good U.S. citizen and in their skills and knowledge for being a good U.S. citizen. A significant increase was noted in regard to world poverty and racism, but not for poverty or racism in the United States (the rating for racism actually declined but not to a significant level).

²⁴ A. L. Strauss and J. M. Corbin, *Basics of qualitative research: grounded theory procedures and techniques* (Newbury Park, Calif: Sage Publications, 1990).

Table 2 - t-test for paired measures

Question	t	p
How important is it to be a good world citizen?	+3.644	.002
How skilled and knowledgeable are you to be a good world citizen?	+4.191	.001
How much responsibility do you feel toward making the world a better place?	+2.964	.008
How much responsibility does the U. S. have in making the world a better place?	+2.118	.048
How effective is the U. S. in making the world a better place?	+.842	.411
How important is it to be a good citizen of the U. S.?	+2.916	.009
How skilled and knowledgeable are you to be a good U. S. citizen?	+2.141	.046
How upset are you with poverty in the U. S.?	+.271	.790
How upset are you about racism in the U. S.?	-1.424	.172
How upset are you about poverty in the world?	+2.249	.037
How upset are you about racism in the world?	+2.467	.024

(N = 19)

Table 3 - Summary of Themes from Student Papers

Themes	Number students commenting	Percent of students commenting
Global Mindedness	16	84
Interest in international events	12	63
Desire to be a global citizen	11	58
Understanding South African culture	19	100
Appreciating culture practices	16	84
Race	12	63
Changes in Beliefs	19	100
Poverty	16	84
Reflection on U. S. culture	18	95
Service	16	84
Travel	19	100

(N = 19)

Theme Analysis from Student Papers. The theme analysis revealed four major themes: Global Mindedness, Understanding South African Culture, Changes in Beliefs, and Agency. Excerpts from student papers that are representative of the four major themes are included below.²⁵

Global Mindedness. Themes of global mindedness appeared through statements in which students demonstrated an increased interest in world affairs and a desire to be a global citizen. One student expressed an increased interest in world affairs by describing the change in his point of view and his openness to others:

My trip to South Africa has forever changed how I will view the world, it is a fact I will not be the same because of my experiences. Even hearing the word Xhosa or South Africa or Nelson Mandela and even more so Steve Biko I will always remember my experience here. Now instead of talking to others and being conscious of who I am I will be conscious of who they are and how they view the world. It is not my job to teach everyone or convince them of my opinions but I will be aware of how they [Americans] view the world juxtaposed to how I view the world. It is going to take 30 hours of flight to get back home, back to my comfort sphere, my friends, my family. But it will be different this time, I have learned, my eyes have been opened, I have experienced learning. I earlier mentioned the question “who cares?” I care, because I have knowledge [sic].

A second student expressed a newfound desire to be a global citizen by reflecting on interactions with new acquaintances who work to improve the quality of life for individuals with AIDS in South Africa:

Natalie H and her friend Muffy were an inspiration to me. They are two white women working on different projects in a township community with a very high AIDS rate . . . and really making a difference. Natalie’s foundation provides spiritual support, physical care, and hope for suffering AIDS patients. Muffy took us to a landfill where she once witnessed children playing among the rubbish. She addressed the problem and created community day-cares for the children. We visited one day-care and the children were all seated with crayons and paper, a smiling teacher, and proceeded to perform songs and dances for us. I was struck by the drastic change Muffy’s project has had on the community. From their examples, I feel confident that I, too, can apply myself and make a difference in the world.

²⁵ All students participants agreed to have these statements anonymously included in this manuscript.

Both students' statements reflect an increased interest in global affairs, a desire to be a global citizen, and the belief that they acquired the skills and knowledge to be a global citizen.

Understanding South African culture. The second theme that appeared throughout students' papers was an increased understanding of South African culture. This was reflected by comments about race and an appreciation of unique aspects of African culture, such as sharing and community. Commenting on race, one student reflected on the meaning of being colored in South Africa:

I found out very quickly that I am looked at as a colored, and as with any race there was benefits and also problems that came with it. On the good side I was already accepted and felt at home where I could relate to at least one group of people, yet coloreds in SA are labeled as the gangsters and thieves. As you can imagine the whites especially the women would tell me off in the clubs, and just ignore me often times, but not every white is racist I brushed it off and counted it to be their loss. Our group of 19 students varying in size, race, sex and personalities was respected and drew a lot of attention no matter what the situation. Walking down the street could turn into a side show at times, this I realized was such a big deal because if you look at a group of people in SA guaranteed they are the same race and or share a number of similarities, so you can imagine how different we looked [sic].

Similarly, a second student explored the meaning of race and how his own race was redefined within South African culture:

The biggest issue I have struggled with to me is the most important. It simply has to do with the fact that I have had to cope with actually not being "black" in South Africa. My main example of this came within week number two. It all began with me needing my hair re-twisted (a normal event for me back home). The look that the women gave me when I asked how much and if they could actually twist my hair was unforgettable. Along with saying no came a look as if I had just slapped her. What got to me was the question of, was it because of my Hair and skin color. I'm still lost to this day about the reasoning for their answer. This is where I began to follow the acceptance of the colored community [sic].

Students' increased understanding of South African culture focused not only on race but also on a unique appreciation for African culture. One student described his experience of learning to appreciate the sharing inherent within African culture:

Upon touring these different areas of PE I was exposed to many situations of sharing and care for another then I may have never seen in the states. When we were getting ready to leave a day trip to Red Location the history museum, our driver gave a can of soda to a child and it was a blazing hot African day and they kid did not as much as even take a sip before he handed it to his brother and gave him the first drink. I must be honest I cant imagine myself doing that to my own brother. Sure I would share it with him but to selflessly give him the first drink and display that much love for another at such a young age to me was astonishing [sic].

A third student described learning to appreciate African culture by writing about the emphasis on community and relationships over individualism:

But when one actually spends time in Africa and makes an effort to step outside of the white constructed social spaces, one is immediately confronted with a unique world view, one that values human relationships and constructs them as fundamentally important to existence. If you previously believed that your worldview was really your own and not constructed by your country then you are in for a rude awakening. Most of the world is poverty stricken; most of the world lives on a dollar a day; most of the world values social relationships above material wealth although they dream of attaining a sustainable form of income. In this way, South Africa has been viewed by Americans from a lens that does not adequately portray the importance of black cultural concepts. That is why Black Consciousness was an important movement. It gave black people a reason to conceptualize blackness as a more sustainable worldview.

The students demonstrated their openness to learning from the South African culture by describing events that caused them to re-think beliefs they had held and to begin to reconsider the truth of these beliefs. They also formed affectionate bonds with South Africa and the people they met there.

Changes in Beliefs. The third theme that appeared across students' papers was changes in their personal beliefs. This theme was represented through reflections on poverty and the United States culture as well as through an increased desire to engage in community service and an increased value of international travel. One student described a change in beliefs through close and personal encounters with people living in poverty:

Prior to this trip, poverty equaled a negative attitude. A very down on life, poor me mentality. Little did I know, these thoughts and ideas were all backwards! The people in these townships have such hope for life and a strong sense of family. What I have learned from this is that just because you are poor and underprivileged doesn't mean you have given up on life. The will to survive and succeed is innate in all humans regardless of where you are socially

and economically. The greater good of all people was shown to me through the eyes of these poverty stricken South Africans, in these townships.

A second student demonstrated a change in personal beliefs through a reflection on United States culture and, specifically, attitudes toward race:

Because of the racial division and inequality in South Africa, I now appreciate the diversity found in the United States. I love the fact that my best friend can be African-American and that I can date a Filipino and not have anyone second-guess my actions or stare when we walk down the street. I took those simple things for granted before, but now I realize the uniqueness of America and the general openness of our culture. For the most part, people can go anywhere and do what they want. The United States frowns upon hindering anyone's life based on race or gender. Being in South Africa has made me discover the privilege I have living in the United States I hope I never take that privilege for granted again.

A third student also experienced a change in personal beliefs when reflecting on United States culture; however, this student focused on consumerism as a unique aspect of United States culture:

I think about our American culture and community and how we are absolute pigs. I am guilty of this as well as continue to consume, consume, consume. We only think of ourselves and from being in South Africa it seems as though the less you have the less greedy you are. Just from seeing the boy out at Red Location when he handed the rest of our taxi driver's sprite give it to his little brother first before taking some for himself has proven this to me. I reflect on all of the problems we Americans claim to have. We complain, "Oh my hair is ruined because of the rain today" or "I don't have enough money to buy a \$200 pair of shoes" and then I think about the stories I have heard while I've been here, especially from the girls group [sic].

A change in beliefs was demonstrated not only through encounters with poverty and reflections on American culture, but also through a desire to engage in community service:

In the future I certainly want to continue with community service. Previously, when I dedicated my services, it was always with a selfish heart. It was to boost my college application or to prevent a fine from my sorority. In truth, I have been a part of philanthropy the entire time I have been in college because of my membership in a sorority. Yet, it never felt like the community service I have done in South Africa. Now that I reflect back on the community service activities I took part in in the Greek system, I can not help but laugh. I danced

on a stage in front of fraternity members in a seductive manner and somehow that translated into earning money to donate to Make A Wish Foundation. How bizarre. My hope is to dedicate my time to an organization that I feel is worthwhile in a respectful manner. I just don't think I can go back to the life I led before I came to South Africa. I must continue to give more of myself back to the community.

One student's change in beliefs manifested in placing increased value on international travel:

World travel has always excited me but I never thought it was obtainable. The amount I have learned on this short trip to Africa lets me further know that I must make time to travel worldwide to further my education and to become a better world citizen. Before college, I believed that I would go to school, play football, get my degree and get a job. At this point I would eventually find my wife and not have any time to travel or do anything like that. In the last four years of my life, it has become very clear to me that seeing different places, experiencing many different cultures of the world, is vital for me to have the perspective and wisdom, it will take for me to raise my future family and become the man I want to be.

As demonstrated by the quotations above, the study abroad experience caused the students to reconsider their long-held and often unexamined beliefs about poverty, race, American culture, and their place in the global world.

Agency. The fourth theme, agency, was illustrated through students' newfound confidence and belief in themselves to serve as agents of change. One student demonstrated a new sense of agency when reflecting on his experiences in South Africa and his self-perception:

Since I've been in South Africa, I've held one of the most dangerous and venomous snakes in the world, bungy jumped off the world's highest bridge and traveled across the world to a foreign country thousands of miles away from my family, friends, and support system. Because I allowed myself to let go and experience these things I have a new found confidence in myself. I feel I can take on challenges that I may have previously pre-determined I could not accomplish. I have realized that if there are things I dream of doing, I have the confidence in myself to go out, take action and make my dreams a reality.

This student's statement is an exemplar of all the students' increased belief that they have the power to engage in the world, to set personal goals and strive to achieve them, and to make a difference in their lives and the lives of others.

Discussion

While the questionnaire revealed significant changes in students' attitudes and reflected the impact of living abroad and exposure to diversity, the papers revealed themes such as global mindedness, understanding South African culture, changes in beliefs, and agency. The discussion will address the impact of living abroad and exposure to diversity followed by an in-depth examination of the themes in the students' papers. Finally, the discussion will address the purpose and benefit of study-abroad programs within the neo-liberal-free market versus the global citizen debate.

Impact of Living Abroad. We created disequilibrium for the students by taking them to South Africa, separated from their friends, support groups, and routines. We identified this as dislocation of time and space. Dantas, citing Agar, describes this as cultural clashes (disruptions of the ordinary) that provide rich learning experiences.²⁶ Tonkin and Quiroga describe this as leaving the comfort zone "where reversals and inversions can be part of the growing process".²⁷ The students' sense of time was disrupted in that their routines and typical schedules were left behind and a new time frame had to be constructed. Their old support groups were no longer available to provide the social and emotional support that they had grown to depend on. Their environment was new, in many ways exotic, and their preconceived notions of who they were and what was truth were shaken at every turn. They had to develop a new support system, learn new skills, and re-evaluate who they were, what was truth, and how they wanted to behave and be. They had to create new friends and new routines and, all the while, talk, write, and reflect about both the process and the outcomes.

Impact of Diversity. We believe that the diversity within the study abroad group served as a major contributing factor to student learning. We aggressively recruited students of color, males, and first generation college students. We were successful in recruiting a diverse group of students but it was not an easy task. Our collaboration with the athletic department resulted in the inclusion of seven scholarship athletes on this trip. Many of these students were able to use their athletic scholarships to pay for program fees, and their air travel was provided by the athletic department through the National Collegiate Athletic Association (NCAA) Student-Athlete Opportunity Fund. We also worked very

²⁶ M. L. Dantas, "Building teacher competency to work with diverse learners in the context of international education," *Teacher Education Quarterly* 34, no. 1 (2007): 77. Dantas cites M. Agar, *Language shock: understanding the culture of conversation* (New York: Wm. Morrow, 1993).

²⁷ H. Tonkin and D. Quiroga, "A qualitative approach to the assessment of international service-learning," *Frontiers: The Interdisciplinary Journal of Study Abroad* 10 (2004): 139.

closely with the Office of Minority Affairs and Diversity (OMAD) and were able to obtain scholarship funding for two additional students of color. We assisted the other students in applying for available funding and, as a result, four other students received partial assistance for a total of 13 (68%) students receiving some form of support for this program.

At the University of Washington, approximately 18% of the students who participate in most study abroad programs are students of color. Nationally, the Institute of International Education reports that 16% of all study abroad students are students of color and 65% are women (Institute of International Education, 2007). However, in our group, 58% of the participants were students of color and 53% were women. The seven student athletes added gender diversity (5 males), students of color (6), and first generation college students (4). A large part of our success in recruiting the athletes was the work of the teaching assistant, a former athlete with some notoriety around his study abroad experience.²⁸ The Vice Provost for Global Studies, the Vice Provost for Undergraduate Academic Affairs, and the Athletic Director also energetically supported the program and worked toward obtaining financial support for the students. Working with OMAD and the Office of Global Affairs and the International Education Programs Office to obtain funding for the students was also crucial. Generating a diverse group of students for a study abroad program is possible but it requires great effort to marshal support from various departments across the university and aggressive recruiting with the promise of financial support.

The students made numerous comments identifying the diversity of their group as a major contributor to their learning; living in close proximity with their fellow students was a major factor in many students' self-reports. This diverse group of students had not had the experience of living with students this different from themselves (Greeks and athletes, students of color and white students, men and women). The living arrangement required many lifestyle negotiations — sharing kitchen facilities, negotiating noise and music, sight-seeing, clubbing together, and more — and many of the group reflection sessions addressed these issues. Offensive language, sending and receiving "I" messages, arriving at group consensus, and deeply listening to one another provided multiple opportunities for the students to re-examine their sense of self as they received daily feedback from their peers. The students reflected on these experiences in relationship to their own self-identity and who they wanted to be.

Global Mindedness. The students' increase in global mindedness included an increased interest in world affairs, increased belief that they needed to be world

citizens, and increased confidence in their skills and knowledge about being world citizens. While these changes in the students' belief systems was probably due to the interactions of all aspects of the program, they were certainly enhanced by the service learning experiences and the reflections (formal and informal) that took place as the students made sense of their experiences in South Africa.

Understanding South African Culture and Changes in Belief Systems. The lectures by South Africans, the community service projects in the townships, and students' "on their own" socializing with South Africans put them in touch with divergent world views and caused them to question many of their long held assumptions. All of the students reported new insights into South African culture, politics, and worldviews. This is not surprising as most of them had little or no knowledge of South Africa prior to the program. Two major themes in many of the student papers reflected their newfound experiences with South African culture: (1) poor people can be happy and (2) the idea of sharing within the community not because there is excess but because there is scarcity.

Poverty. The finding that our students began to question their understanding of poverty, especially as a definition limited to material possessions, is consistent with the findings from other studies.²⁹ This finding is complex, certainly more so than the notion of "happy slave" or even the idea that people without many material possessions often don't know they are poor until told they are poor. Perhaps the students were beginning to understand that people living in poverty can be smart, capable, and industrious and can develop a vibrant society if given a chance. These are similar to Yunus' insights in which he describes the poor in Bangladesh, where he evolved his micro-economic program.³⁰ In many ways our students seem to express the beginning of the idea that maybe, just maybe, other cultures have definitions of human happiness that value relationship over material possessions and might provide insight for us on how to improve our values.

Community before individual. The idea of community before individual was introduced in the pre-departure seminar and deeply explored in several of the lectures on African culture; however, it was not really internalized by the students until they had first hand experience with the concept. One of the iconic events of the trip took place on the way to visit a museum. We were driving through a Township and, at a stop light, a group of children was begging. The driver of our lead van reached out the window and passed one of the children a half bottle of soda. The boy immediately returned to the group of other children

²⁹ See Tonkin and Quiroga, op. cit.

³⁰ Muhammad Yunus and Karl Weber, *Creating a world without poverty: social business and the future of capitalism* (New York: PublicAffairs, 2007).

and shared the soda with them before he himself drank any. All of us witnessed this event, and it became a metaphor for the South African cultural notion of ubuntu (community before individual).

Race. One of the interesting findings from the questionnaire data was the significant increase in the rating for concern of world racism and the decrease (but not significant) in concern for racism in the United States. Race was certainly a major topic of conversation throughout the study abroad program and was encountered as a social construct as students navigated social interactions in South Africa. The most dramatic instance, which the group discussed in great detail and which was clearly one of the iconic events of the trip, was when one of our African American students was refused service in a Black hair saloon. As we deconstructed this experience and grappled with racial definitions, the students brought multiple examples of newfound racial definitions to the group discussion. Examples ranged from the difficulties the American Indian students experienced in explaining their racial identity to South Africans to reflections on navigating the multiple racial classifications found in South Africa.

While we had anticipated that the main issue our group would have to negotiate with each other would be race, intra-group racial issues never became a major point of contention. Perhaps our pre-departure work on race contributed to the relatively minor race issues that emerged within the group. Or, perhaps the racial issues within South Africa became such a focus that the group pulled within themselves for support across racial lines. We believe that the critical mass of students of color within the group played a crucial role in allowing the group to openly deal with race. The white students clearly listened to the stories of the students of color and seemed to gain an increased understanding of racism and privilege. The comparison between racial conditions in South Africa and the United States probably contributed to the decrease in the students' concerns about racism in the United States. However, this is not to imply that there was no talk about racism in the United States; many of our discussions centered on a better understanding of racism in the United States as highlighted by our experiences in South Africa.

Reflections on U. S. Culture and Values. The students' experiences in South Africa caused them to reflect on their ideas about cultural values and norms in the United States. They expressed an appreciation of the amount of tolerance for racial differences in the United States. We think that their increased perception of racism in the United States was a function of living within their own diverse small community and their observation of harsh racial issues in South Africa. For instance, the group most often socialized (read clubbing) as a group. They were consistently interrogated by South Africans (African, Coloured, Indian, and White) about their group and, specifically, why "Coloured" men were dancing

with “White” women. They were challenged when they, as a group, tried to enter White clubs, Coloured clubs, and Black clubs as the group represented members from all these groups. These experiences helped the students realize that racial conditions in the United States are not as bad as they could be (but have no doubts, this group of students was very outspoken about racial inequalities in the United States).

The group also reflected on the culture of consumerism in the United States and began to question this culture in relationship to the South African lifestyle. The students were impressed with the notion of community and sharing in South Africa and experienced guilt about their consumerism, perhaps contributing to an emerging ethic of sustainability.

Agency. The experience in South Africa seems to have empowered the students to feel that they can do something about the issues they confronted and that they have the motivation and skills to be a world citizen. The words of the students highlight how living in South Africa with a diverse group of fellow students and engaging in unusual activities resulted in an increased sense of agency. Many of these activities were part of the formal program but others (bungee jumping) were activities the students arranged on their own. We believe this sense of agency will go a long way in assisting the students in their personal endeavors and in realizing their desires to be good citizens. They set off on a journey on which they knew they would be challenged and would have to learn new skills and they truly did not know if they would be successful. By finding success, their self-confidence in their own abilities to do new things increased.

Summary of Findings

Our data indicate that this study abroad program made considerable progress toward achieving the goals of increasing the students’ awareness of global issues, providing them with new knowledge and skills to be good global citizens and better citizens of the United States, expanding their belief systems, and increasing their knowledge of South Africa. We believe our outcome measures derived from the questionnaire and theme analysis accurately represent student growth. We are well aware that self-report is not as powerful a measure as actual documentation of changes in student behavior. However, we believe that the reflections found in the student papers are, at the very least, a starting point to change in behavior. The themes of global mindedness, increased knowledge of South Africa, changes in self-beliefs, and increased agency are comparable to earlier studies and add to the growing database on the effects of study abroad programs.

This project was certainly not carried off in a perfect manner. Luckily, there was good rapport between the instructors that was frequently tested in the multiple opportunities for reflection in action.³¹ The aspects of the program that we believe played a role in achieving these changes include the diversity of the group of students, the dislocation of time and space (the setting of Port Elizabeth, South Africa), the role of service learning, the opportunities for incidental learning, and the use of formal reflective sessions. The learning experiences for the students would have been seriously compromised without the group diversity.

Reflections on the Purpose of Study Abroad Programs

The review of the literature found diverse reasons American universities might engage in study abroad programs. These can be grouped into two main types: 1) the neo-liberal viewpoint of expanding the free market global economy (with the United States positioned as it's leader) combined with the neo-conservative desire to export American values and American culture; and 2) the notion of a global citizen that believes in equity and justice, the notion of interdependency among nation states, and that cultures other than the American culture might have some good ideas. We believe the current climate creates an opportunity for an open debate on the purpose of such programs. We support Parker's observation that "Only with some clarity about the various and at times conflicting aims of so-called 'international education' can educators make wise decisions. Examining these alternatives should provide a starting point."³²

Our program was conceived and developed to advance the notion of world citizen. We believe the data from the students indicate that the program was successful in achieving the program goals. Our students grew in their appreciation of the importance of global citizenship and were quick to note the contrasting cultural views of South Africans and Americans. While clearly appreciating the advantages of the cultural and values of the United States, the students were open to other ways of being (sharing, less materialistic) and became aware of the interdependency of nation states and their various citizens. As Loy states:

³¹ See D. A. Schön, *The reflective practitioner: how professionals think in action* (New York: Basic Books, 1983).

³² W. C. Parker, "International education", 202.

Globalization is transforming the earth's great variety of cultures into consumerist cultures, increasingly a product of the economy, created by advertising and public relations. . . . This production – and –consumption cycle meets the needs of economic growth, but does it meet human needs?³³

We think it does not.

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³³ D. R. Loy, "Globalizing education or educating globalization?" *Education across borders: Philosophy, policy, pedagogy - new paradigms and challenges*, eds. M. H. Field and J. Fegan (Tokyo: Waseda University Meedia-Mx Co., Ltd, 2005), 40.

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Luke Caldwell, "The Changing Winds of Civilization: The Aboriginal and Sovereignty Between the Desert and the State," *intersections* 10, no. 2 (2009): 119-149.

ABSTRACT

The antagonistic relationship between the Australian state and the Aborigines has deep and problematic roots. Beginning with the racist doctrine of *terra nullius*, I look at how more than two hundred years of legal policies have consistently constructed the Aborigine as a problem that required a state solution. I argue that these policies are predicated on a complete denial of native sovereignty and have increasingly alienated native communities. By refusing to engage with the source of these problems, the state has created significant barriers to native rehabilitation and has hijacked reconciliation efforts to strengthen its hegemony instead of native groups. Rather than solving the "Aboriginal problem", these state policies have *created* it by placing Aborigines in an ambiguous political space that functions as a medium for civilizing the native—a process through which the native is killed and reborn in a form that is unproblematic for the state.

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The Changing Winds of Civilization

The Aboriginal and Sovereignty Between the Desert and the State

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In 1770, Captain James Cook sailed up the eastern coast of what is now Australia, unfurled a “Union Jack”, and claimed half of an inhabited continent under the authority of the British Crown. While it sounds farcical to imagine today, the power of such a grandiose claim still reverberates in and through the modern Australian state. The political dynamics established by this act of colonization are still manifest in the absolute inability of the Australian state to adequately recognize the separate-but-equal sovereignty of the Aboriginal.¹ In this paper, I will investigate the historical treatment of the Aborigines and the representation of the Aboriginal by the state, and will argue that the state, in its constitution, stands fundamentally opposed to the recognition of the native as having sovereignty beyond its jurisdiction. I will argue that this failure to recognize Aborigines as autonomous beings creates and justifies a political space in which the native is constituted as both within and without the juridical order, both subject to its limitations and beyond its protection. Finally, I will argue that the image of the native in the public imagination² serves as both a vector for state power and a means for civilizing the native, a process through which the native is killed and reborn in a form that ceases to be problematic for the state.

Australian Sovereignty and *Terra Nullius*

In the late 18th Century, European legal theorists were tentatively formulating international law to mediate conflict in an increasingly globalized world. Entering into the “Age of Exploration”, European nations needed a way of formally regulating the establishment of colonies. International law was therefore needed to legitimize the dispossession of territory held by non-European groups, yet also protect the property rights of European countries over these newly

¹ While indigenous Australians are generally referred to as either *Aborigines* or *Torres Strait Islanders* in recognition of their geographic specificity, I will refer to them together as either Aborigines or natives for the sake of space and clarity.

² By imaginary, I follow Charles Taylor’s definition as “the ways people imagine their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations.” Charles Taylor, *Modern social imaginaries* (Durham: Duke University Press, 2004), 23.

established colonies. When the British Crown claimed legal control over what is now Eastern Australia, there were three legal justifications for the acquisition of territory: conquest, cession, or through the creation of settlements in a *terra nullius* – an uninhabited territory.³ Due to the local conditions surrounding Captain James Cook’s landing in 1770, British authorities chose to follow the latter justification when they established settlements in 1788.

Rather than being an empty territory, the land that would become New South Wales and eventually Australia was inhabited by a highly diverse indigenous population that was approximately 500,000 strong. They were grouped into about 500 small tribes and spoke several hundred different dialects.⁴ Captain Cook, however, did not have the opportunity to experience this diversity as the natives bombarded his longboat with stones as he made shore in Botany Bay. Frightening the natives out of their nearby village with gunshots, Cook and his crew fruitlessly tried to reestablish more favorable contact by leaving beads and other material possessions in their abandoned shelters.⁵ After this initial show of courage, Cook scared them away with several musket shots, wounding one of them. With the natives showing complete disinterest in the European gifts, Cook tellingly wrote, “We were never able to form any connections with them, they had not so much as touch’d the things we had left in their huts. . . . All they seem’d to want was for us to be gone.”⁶ While he held official instructions to gain the consent of any natives he encountered to claim property rights to “Convenient Situations, in the King’s name”, Cook never established significant enough contact with native groups to receive such permission.⁷ Though this prevented the colonial appropriation of native land through the legal mode of cession, his lack of interaction and observation of the complexity and nature of native social organization supported a view that the land was empty and unoccupied. Giving scientific credence to this view, Cook’s botanist companion Joseph Banks described the land as mostly unpopulated and the few natives as timorous, primitive, and militarily inept. Not only were there few natives to be displaced, their lack of courage and sophisticated arms did not pose a threat to settlement.⁸

³ Peter H. Russell, *Recognizing Aboriginal title: the Mabo case and indigenous resistance to English-settler colonialism* (Toronto: University of Toronto Press, 2005), 40. A military campaign to gain territory was considered as a last resource for obvious reasons.

⁴ Robert Hughes, *The fatal shore* (New York: Knopf, 1987), 9. Estimates vary. This number is close to the middle of the spectrum. Cf. Damien Short, "Reconciliation, assimilation, and the indigenous peoples of Australia," *International Political Science Review* 24, no. 4 (2003), 492.

⁵ Hughes, 54.

⁶ *Ibid.*

⁷ Russell, 69.

⁸ *Ibid.*

Banks' description of the natives established the justification of *terra nullius* for three main reasons. First, the British did not show interest in creating a penal settlement until 1779,⁹ the year of Cook's death, and Banks was relied upon instead as an expert. Distant from and ignorant of the territory they were claiming, the British had to rely upon the reports of the crew and therefore believed their analysis.¹⁰ Second, the natives did not accord with Western ideas of national sovereignty, which meant having a unitary leader supported by a juridical order. Finally, as hunter-gatherers, the natives did not practice agriculture in the same way as Europeans. Since Europeans understood property ownership as being established and maintained through the Lockean idea of cultivating the land in an economically rational way, *natives were seen more as part of the landscape* rather than being in control of it.¹¹ The British understanding of political authority and economical land use established a hierarchical evolutionary schema whereby native practices were destined to be sublimated by the glories and fruits of civilization—civilization the Europeans would bring with violent precision.¹²

In comparison to other European settler societies, such as in North America, where the growth of settlements was slow and forced settlers into temporarily reciprocal relationships with native groups for survival, the British settlement in New South Wales progressed rapidly. Initially utilized as a prison outpost to ease their crowded prisons, the new colony quickly became home to thousands of inmates. Within less than fifty years of the first arrivals in 1788, over 37,600 inmates were sent from Britain to New South Wales¹³ and by 1861 the European population swelled to over a million settlers.¹⁴ As settlements grew, the aboriginal population decreased rapidly, falling to 180,400 during the same period.¹⁵ Rather than developing mutual relations that might have contributed to limited recognition of Aboriginal sovereignty based on the necessities of trade and assistance, the European settlers immigrated *en masse* and quickly placed strain on relations with the native population by pushing them out of settlement areas. Soon after the first settlers arrived, Britain laid claim to the rest of the

⁹ Hughes, 57. The original motive for the creation of the colony was to have a place to send convicts who were sentenced to exile. Since the American colonies were breaking away, they needed a new place that could be habitable and self-sufficient.

¹⁰ *Ibid.*

¹¹ Russell, 41. See also Lewis P. Hinchman and Sandra K. Hinchman, "Australia's Judicial Revolution: Aboriginal Land Rights and the Transformation of Liberalism," *Polity* 31, no. 1 (1998): 30-31.

¹² Hinchman and Hinchman, 30-31.

¹³ Russell, 70-71.

¹⁴ *Ibid.*, 74-75. This population was not just inmates. Other settlements were quickly created that were unconnected to the penal outposts.

¹⁵ *Ibid.*, 75.

continent and all of the surrounding islands, solidifying their legally justified theft of an entire inhabited continent.

Using the doctrine of *terra nullius* as a legal justification and mass settlement as a vector, the British imposed exclusive sovereignty over their new territories. This notion of sovereignty, forming the foundation of the Australian state's legal and moral authority, however, was (and is) intimately linked to the absolute exclusion of the Aborigine from the juridical order. In fact, the identity of the state stood in direct opposition to the equality of the native because their exclusion was a necessary condition for the justified authority of the state. The doctrine of *terra nullius* exemplifies this: Crown authority is established over the territory because there is *no one inhabiting it*. The aborigines are merely *a part* of the greater territorial landscape to be disciplined and cultivated into economic productivity. The Europeans, on the other hand, are *apart* from the strictly natural order: they are the bearer's of civilization and are therefore justified in impressing an economically rational order on the discord of nature.

Even though the natives were defined by exclusion from the state, they were simultaneously, and paradoxically, incorporated within it. As part of the landscape, they were integrated into the British Empire and were subject(ed) to its sovereignty. While natives resisted this integration by making violent stands in opposition to settler encroachment and the disruption of their ways of life,¹⁶ the rapidly growing settler population pushed the natives back through persecution, disease, and environmental disruption. Within 100 years of settlement as many as 20,000 natives were killed in conflict.¹⁷ By the 1830's, certain British authorities were growing concerned about settler abuse of the natives and began establishing administrative positions that would see to the protection and wellbeing of the native population.¹⁸ These administrative offices, however, merely complicated and furthered the dangerously ambiguous and paradoxical position in which the Aboriginal was placed.

¹⁶ Ibid., 77-78.

¹⁷ Ibid., 78. See also Robert Tickner, *Taking a stand: land rights to reconciliation* (Crows Nest: Allen and Unwin, 2001), 2. Gordon Briscoe challenges this view of frontier violence, claiming instead that there is little textual evidence for such a claim. The evidence that Briscoe offers indicates that the violence against the natives was the same as the violence against the settlers. Briscoe's analysis is overly positivistic and relies solely upon the textual record of the perpetrators. He does have a point, however, in that it is difficult to establish a number with certainty because of the lack of sources. Gordon Briscoe, "Aboriginal Australian Identity: the historiography of relations between indigenous ethnic groups and other Australians, 1788 to 1988," *History Workshop*, no. 36 (1993): 142.

¹⁸ Tickner, 4; Moses, 7; Russell, 79.

The Space in Between Assimilation and Segregation

It seemed to me that in the Northern Territory of Australia there exists Kafka's Metamorphosis in reverse, an elaborate if unwitting pretence that already present difference, that is, Aboriginal culture, is not there, or not real, or at the very most, some kind of temporary aberration which can be erased or overcome with a little help.¹⁹

The Humanism of Imperialism

The ambiguity of the position in which Aboriginals were placed can be captured by the paradoxical maxim, "in order to be saved, you must be destroyed". Embodying a religious ethos of conversion and rebirth, "civilization" involves an irrevocable rupture from the natural order.²⁰ Rather than following a Hegelian logic where higher concepts sublimate and preserve their antecedents, "civilization" requires the destruction of its predecessor in order to grant redemption.²¹ Through the establishment and maintenance of the juridical order, the imperial state, as the bearer of civilization, attempts to destroy and prevent the reemergence of the primitive. This is the function of the legal order and the police state: to establish and maintain a rational order that is compelled by necessity and not subject to whim, possibility, or nomadism.²²

The paternal office of the Protector of Aborigines exemplifies this antagonistic position of the state toward the native. In charge of defending natives from settlers, but also settlements from natives, Protectors were placed in an uneasy position between respect for and violation of Aboriginal customs and territories. While the position was able to prevent certain egregious violations from being perpetrated against the natives, the office was also responsible for facilitating significant atrocities.²³ Colonial governors were often inflexible with their political ambitions and Protectors were therefore used to accomplish colonial aims through "humanitarian" means (i.e. without large-scale military intervention). Aboriginal historian Henry Reynolds recounts a meeting between

¹⁹ Gillian Cowlishaw, *Rednecks, eggheads, and blackfellas: a study of racial power and intimacy in Australia* (Ann Arbor: University of Michigan Press, 1999), xvii.

²⁰ Similar to Christianity where there is an original sin that must be renounced in order to be reborn and "saved". This rebirth, however, is never fully complete, and must be guarded against the resurgence of the primal, sinful desires. The legal order and the police serve this function.

²¹ I am not advocating viewing this in evolutionary terms whereby higher means better. While the settlers definitely saw things from this perspective, we should see the violence and imperialism of this position.

²² See Gilles Deleuze and Félix Guattari, *A thousand plateaus: capitalism and schizophrenia* (Minneapolis: University of Minnesota Press, 1987), 351-423; 424-473. This also reflects the position of Karen Shaw, *Indigeneity and political theory: sovereignty and the limits of the political* (London: Routledge, 2008), Chapter 8.

²³ Russell, 111.

Chief Protector George Augustus Robinson and Governor George Gibson after a failed, though devastating military effort to sequester natives from Van Dieman's Land (now Tasmania) on a small reservation in which "The Governor assured [Robinson] that his government was sympathetic with the Aborigines and favoured humanitarian measures, but *nothing was to hinder the improvement of the colony*" (emphasis added).²⁴ In his position as Protector, Robinson then worked for the next four years to convince the few indigenous survivors to temporarily comply with the government resettlement so that they would remain safe from colonial violence.²⁵ Even though they were promised regular passage to their traditional lands, the survivors were eventually transferred to a distant penal station where they were kept until their population was decimated by disease and despair.²⁶

While Protectors saw to many resettlement programs in the "best interests" of the Aboriginal population, they also worked to establish a pastoral lease program through which traditional native areas would be protected from settler squatters and the growing sheep and cattle industry.²⁷ Due to the thin layer of topsoil that covers much of the Australian outback, large tracts of land were needed to sustain the animals that drove the colonial economy.²⁸ In order to protect the interests of native groups, legislation was passed to allow the colonies to lease pastoral areas to support the economy while also formally allowing some native groups use of their traditional lands. Forcing settlers to lease the land kept squatters from claiming exclusive rights over native areas and established a system of "dual-occupation" that still exists today.²⁹ While the pastoral system intended to reserve the rights of some native groups to continue using their traditional lands, strategic settler violence ultimately drove many Aboriginal groups onto established reserves.³⁰ Natives that chose to remain were eventually killed or integrated into the pastoral industry as cheap labor.³¹ Because humanitarian measures, like the pastoral system, were always subject to the growth imperative of civilization (—"the improvement of the colony"), they ended up justifying the invasion and disruption of native lands through the process of trying to save them.

²⁴ Henry Reynolds, "Land and customary law: 1993 perspective," in *Aboriginal self-determination in Australia*, ed. Christine Fletcher (Canberra: Aboriginal Studies Press, 1994), 20.

²⁵ Russell, 80.

²⁶ *Ibid.*, 80-81.

²⁷ *Ibid.*, 88.

²⁸ *Ibid.*, 86.

²⁹ *Ibid.*, 87-88.

³⁰ Short, 492-493. Short writes: "Massacres, poisoning of flour and waterholes, and the banishment of Aboriginal people from traditional sources of food and water were used by pastoralists and others as 'dispersal' measures".

³¹ *Ibid.*, 493.

The Mission and Morality of Civilization

As natives moved increasingly onto reserves set aside for them by the state, they were also drawn further into the clutch of civilizing forces that attempted to destroy their way of life. Aboriginal reserves were generally located in close proximity to Christian missions where they were taught Western agriculture and pressured to assimilate to Western culture. Teaching them farming integrated them into the economy and some natives became acculturated to the collection of material goods.³² Both of these practices tied them to the land and discouraged their traditionally nomadic lifestyle. Missionaries simultaneously told them about the evils of their ways and encouraged them to convert. These civilizational strategies, however, were not successful on many natives. Aboriginal families often attended sermons merely to collect the food that was served, leading one frustrated minister to claim that the natives were an “apathetic, insusceptible, defiant and lazy” people because they were thwarting the mission’s civilizing purpose.³³ Native populations also fluctuated greatly as families continued their hunting and ceremonial traditions, motivating the same minister to inform them that their “nomadic habits” were “morally wrong” and not practical.³⁴

As Christian missions were trying to cultivate assimilated native subjects, the colonial legal system was trying to incorporate them into the administration of the state. The natives were already the object of paternalistic legislation, but it was unclear whether the natives should be held accountable to the same body of law as the settlers. Their exclusion from the legal order would make them legally foreign enemies and subject to unregulated settler reprisal, while inclusion would judge them according to foreign standards but would help to protect them from extra-legal killing.³⁵ In 1836 in the case of *R v Murrell*, the High Court decided that English common law extended to the natives because, even though they had laws and customs of their own, they were not organized as a sovereign state at first-settlement. Since native sovereignty was not recognized, it would be inconvenient and unacceptable for the colonial “Community” if the court were not able to prosecute crimes that took place within its jurisdiction.³⁶

Exemplifying their ambiguous political position, however, natives were subject to the authority of the law, but were rarely protected by it. Extra-legal killings

³² Russell, 89.

³³ Quoted in Rosalind Kidd, *The way we civilise: Aboriginal affairs-the untold story* (Queensland: University of Queensland Press, 1997), 38.

³⁴ Ibid.

³⁵ David Ritter, “The ‘Rejection of Terra Nullius’ in Mabo: A Critical Analysis,” *Sydney Law Review* 15, no. 5 (1996): 10-11.

³⁶ Russell, 82-83.

continued unabated and the few legal supporters they had were drowned in the political current.³⁷ For instance, five years after *Murrell*, Justice Willis refused to prosecute an Aborigine for killing another Aborigine, claiming that they had rights to self-governance through their own customary laws—rights that could only be extinguished by legislation or treaty. This judgment, however, was too radical and Willis, with no support locally or in Britain, was removed from office.³⁸ Without the support of legal advocacy, natives were subjected to an institutionally mediated and regulated moral code that judged them according to concepts that were radically foreign to Aboriginal ways.³⁹ Through their integration into the coercive side of the legal system, and simultaneous exclusion from all protection of the law, state and police control reached deeply into traditional native affairs and disrupted their customary law.

The “Stolen Generations”

While the institutional forces of the legal system were trying to eliminate traditional native subjectivity and replace it with settler morality, native populations were being genetically assimilated through the widespread rape of Aboriginal women. The semi-nomadic lives of pastoralists and the scarcity of white women disrupted family life in the outback and white men often used Aboriginal women as a sexual outlet.⁴⁰ In their position beyond the protections and guarantees of the foreign legal system to which they were subject, abused women had no recourse. Under their customary law, natives would seek reprisal by attacking the violator “with a spear or knife, intending to draw blood”,⁴¹ but this was no longer acceptable because it would provoke settler revenge or legal prosecution. Rape was therefore beyond the reach of justice.

It was not, however, beyond the compounding of injustice, as racially mixed children became the target of state assimilation policies as early as 1865. Falling into the emerging discourse of scientific racism and social Darwinism, many administrators saw Aborigines as racially inferior to Europeans and believed they were biologically disposed toward indecency, immorality, violence, laziness, and

³⁷ Ritter, 11.

³⁸ Russell, 83.

³⁹ Ritter, 11-12. Particularly problematic were different understandings of what constitutes truth, justice, and property rights.

⁴⁰ Cowlshaw, 64.

⁴¹ Bruce Debelle, “Aboriginal customary law and the common law,” in *Indigenous Australians and the law*, second edition, ed. Elliot Johnston, Martin Hinton and Daryle Rigney (Sydney: Cavendish, 2007), 90-91.

stupidity.⁴² While they believed children of mixed blood had many of these characteristics as well, it was thought that they could be educated beyond them.⁴³ For this reason, administrators felt it was unconscionable to allow half-European children to be raised in an Aboriginal atmosphere and policies were developed to disrupt native claims to motherhood.⁴⁴ Under the Aboriginal Act of 1865, having an Aboriginal mother was the only evidence necessary for Queensland police to bring any Aboriginal child, full or half-blood, before the court on charges of neglect.⁴⁵ Protectors were eventually established as the legal guardians of all full and half-blood Aboriginals until the age of sixteen—a paternalistic right that overrode the claims of any Aboriginal mother.⁴⁶ Under the guise of protecting the interests of the child, thousands of so called “half-caste” children were kidnapped from their mothers and isolated in state and religious boarding schools with the intention that they would become culturally and racially assimilated within a few generations.⁴⁷

Political support for this state policy of kidnapping was also driven by a fear of European racial degradation. Since the population of half-castes was growing faster than the European population, Protectors like Dr. Cecil Cook were concerned that the half-castes would grow to be the dominant population.⁴⁸ Many believed that the Aborigine was racially similar, though clearly inferior, to the Caucasian, and that the half-castes could be racially assimilated so long as the blood of the Aborigine was diluted each generation.⁴⁹ The boarding schools helped to facilitate this assimilation effort. Subject to horrific conditions, the children were sexually segregated, given basic education, taught English, and were often converted.⁵⁰ After completion, girls, having been raised to “white standards”, were encouraged to marry European men so that their racial characteristics would be bred out, while boys were pushed to find practical employment.⁵¹ Such discourses contributed significantly to the idea that the

⁴² Robert Manne, “Aboriginal Child Removal and the Question of Genocide, 1900-1940,” in *Genocide and settler society: frontier violence and stolen indigenous children in Australian History*, ed. A. Dirk Moses (New York: Berghahn Books, 2004), 220-223, 227, 233-234.

⁴³ *Ibid.*, 227.

⁴⁴ *Ibid.*, 225.

⁴⁵ *Ibid.*, 221.

⁴⁶ *Ibid.*, 222. This happened in different places at different times, but the first was in Western Australia in 1904.

⁴⁷ *Ibid.*, 217-239.

⁴⁸ *Ibid.*, 228.

⁴⁹ *Ibid.*, 231-232.

⁵⁰ Manne writes that: “It is difficult to believe, but nonetheless true, that by 1928 seventy-six half-caste children were housed in the small three-bedroom cottage in Darwin at Myilly Point. Moreover, almost everyone who visited the Bungalow at Alice Springs was appalled by the primitive and unhygienic conditions, the overcrowding and unbearable heat” (*Ibid.*, 225).

⁵¹ *Ibid.*, 229-230. While there was definitely regional variation in the facilities and curriculum, concern with racial characteristics and fecundity was a general concern.

Aborigine was inevitably a “dying race” and that nothing could, or should, be done to save them.⁵²

The Imperative of Civilization

Despite these apocalyptic predictions and every effort of the state to force their assimilation, Aborigines survived against all odds. The civilizational imperative of the empire called upon the colonists to bring the savage into modernity—meaning, tying them to an acceptable territory, teaching them Christian morals, and integrating them into the economy; essentially, making them *unproblematic for the continuing hegemony of the state*. At the bottom of all of these historical atrocities is the redemptive message of the state that cries “let me help you become civilized, it is for your own good”. But the guard at the gates of civilization has decreed that the Aborigine must remain forever outside, until such time as their scales are shed and they emerge reborn and transformed into someone fully human. This rebirth—“Kafka’s *Metamorphosis* in reverse”⁵³—is the demand of assimilation and forms the essence of the state: the production of subjects that emulate the “White Man himself, with his broad white cheeks and the black hole of his eyes. The face is Christ. The face is the typical European”.⁵⁴

Seen through the state projects of racial assimilation, the Christian boarding schools, and the British Common Law, this Christian European face could only emerge in the radical destruction of the Aborigine. Only through the abandonment of their nomadic lifestyle, the traditions and customs that animated their cultural existence, their languages, and even their families did the native cease to be a threat to the state. Rather than successfully assimilating the native, these policies produced a contradictory political space in which the Aboriginal was both inside and outside the juridical order, pushed to inhabit a space of cultural and material alienation.⁵⁵ Constituted as purely other, the Aboriginal was never integrated into the state, even though they remained subject to it. Recognizing the power of their otherness and hoping for the recognition of their separate-but-equal claims to self-determination, self-government, and sovereignty, the natives politically organized in the 1920’s and began legally fighting for their collective rights.

⁵² *Ibid.*, 237.

⁵³ Cowlshaw, xvii.

⁵⁴ Deleuze and Guattari, 176.

⁵⁵ This analysis closely parallels the theoretical work of Giorgio Agamben, *Homo sacer: sovereign power and bare life* (Stanford, CA: Stanford University Press, 1998).

Multicultural Identity, Native Title, and the Limits of Reconciliation

While government policies prior to World War II were largely defined by the segregation of full blood Aboriginals onto reserves where they were targeted by strategic modes of assimilation, policies in the post-war state grew more explicitly assimilationist. Amid rising international concern for human rights and the realization that the “dying race” was not actually dying, the Australian state then focused on raising the standard of living, political status, and image of the Aborigine. Paul Hasluck, Minister of Territories from 1951-1966, described these familiar goals as:

All Aborigines and part Aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community, enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs, and influenced by the same beliefs, hopes, and loyalties. . . .the advantages of civilization in Australia should be shared by all who live here.⁵⁶

Addressing political, legal, and humanitarian concerns, these assimilationist objectives aimed at raising Aborigines to an undifferentiated position within the middle class through the removal of discriminatory policies of segregation. The state passed legislation forbidding racial discrimination by the state, guaranteed equal-pay for all, and increased social welfare programs for the needy. Aborigines were granted voting rights in federal elections in 1962 and were given full citizenship rights in 1967, effectively integrating them into the juridical order.⁵⁷

This integration, however, remained on a purely formal level because it did not address the question of reconciliation. Many indigenous groups did not want to be forced into the state; they wanted to be free from it. They wanted their lands back and rights to self-determination that would allow them to regain what had been lost of their traditional ways. They wanted recognition of their sovereignty and reparations for the imperialistic policies that were thrust upon them.⁵⁸ The equality that was the focus of these assimilation policies did little to meet the *actual* needs and claims of the natives themselves. Once again, what seemed to be

⁵⁶ Hinchman and Hinchman, 33-34.

⁵⁷ *Ibid.*, 34; Russell, 146-150. The 1967 referendum, passed with overwhelming public support, symbolically included the indigenous population in the national census. While many Australians see this as the extension of full citizenship to the Aborigines, most natives see justice for the past as a necessary condition for full citizenship.

⁵⁸ Russell, 150-152.

a mission driven by humanitarian concerns for the sake of the Aborigine was more about improving the position of the Australian state than the position of the native.⁵⁹

Illustrating the vacuity of the formal equality that they were pledged, instead of giving Aborigines sovereign authority over the lands that they had inhabited for thousands of years, the court opened traditional native territories to the exploitation and environmental devastation of large-scale mining. Judging the Aborigines according to their formally equal status, the court claimed that the natives did not hold European-style proprietary rights to their land and were therefore unable to challenge state-sponsored use of the land.⁶⁰ Further outrage was sparked by Prime Minister McMahon's declaration on "Australia Day" 1972—the anniversary of the British claim to sovereignty—that native land rights could be established through leases, not by right, and that they would be given not according to traditional attachment to the land but rather based on rational standards of economic and social utility.⁶¹ It was under these conditions that Aboriginal people repeatedly took to the streets of the capital to loudly proclaim their grievances. In 1972 a group of Aboriginal activists protesting the government denial of native sovereignty built a "tent embassy" on the lawn in front of the Parliament House in Canberra to remind legislators that they were sovereign peoples and that the Aboriginal problem was not going away.⁶²

As the native was formally integrated into the juridical order, and as Aboriginal identity and solidarity arose to address the problems that collectively disenfranchised them,⁶³ the romantic image of the pre-contact Aborigine began to creep into the national imaginary, changing the national identity. In response to the national financial instability of the 1970's and increasing international concern over indigenous rights, the Australian state had to refashion itself as a "multicultural" state, one in which difference, including Aboriginal difference, was respected. After losing England as their major trading partner in the early 1970's, and faced with decreasing commodity prices, increasing debt, and

⁵⁹ This is similar to the claim of Elizabeth Povinelli, *The cunning of recognition: indigenous alterities and the making of Australian multiculturalism* (Durham: Duke University Press, 2002), 56: "The goal of understanding the necessary failure of indigenous identity is to understand how national and state recognition of that identity supports and strengthens the nation and capital, not indigenous peoples, or not primarily indigenous peoples." While Povinelli is writing about the state recognition of the difference of indigenous identity, which I will get to shortly, this also seems applicable for the recognition of similarity or equality.

⁶⁰ This was the notorious *Milirrpum* decision by Justice Blackburn. It explicitly upheld the doctrine of *terra nullius* as a mean for denying native land title claims. Russell, 158.

⁶¹ Russell, 159.

⁶² Tickner, 11.

⁶³ *Ibid.*, 12.

uncompetitive industries, the Australian economy was becoming increasingly reliant upon trading partnerships and capital investment from the booming Asia-Pacific markets.⁶⁴ These transitions necessarily called into question the strict Eurocentrism of Australian identity and brought out a desire to shape a unique national image that adequately reflected their historical specificity.⁶⁵ This, however, required finding a solution to the Aboriginal problem.

It was in this atmosphere that the image of the pre-contact Aborigine entered into the public imagination. Breaking from the view that natives were savages and stood in fundamental opposition to the civilization of the state, the image and history of the unspoiled Aborigine paradoxically became incorporated into the Australian national identity as a sign of its multiculturalism. Drawn into mass culture under the romantic guise of the noble savage, indigeneity became commodified and glorified for the vibrant cultural difference it represented rather than the actual social struggles and colonial oppressions that shaped its genesis.⁶⁶ As the idea of indigeneity became detached from its referent, it ceased to function as a mode of resistance to the state and instead worked to purify and redeem the national image.⁶⁷ While the state was being forced to confront the image of its colonial past and the ghosts of the frontier, mourning this past *in its abstraction* allowed the country to emerge from the shroud of settler society in the eyes of the international community and their regional trading partners. This redemption took place through the romantic abstraction of the native, but provided little justice to the actual people scarred by this historical terrain. Through the strategic (mis)recognition of certain symbolic dimensions of native existence, the state was able to create the appearance of multiculturalism, while simultaneously continuing the colonial domination of those through which it gained greater legitimacy. The most famous and important example of this was the recognition of rights to native title in the Supreme Court case *Mabo v Queensland*.

Native Title

In 1992, the Supreme Court handed down a decision, *Mabo v Queensland*,⁶⁸ which formed the basis for establishing native title claims to traditional lands under customary native law. Sparking a wide range of contradictory responses, *Mabo*

⁶⁴ Povinelli, 19-20.

⁶⁵ *Ibid.*, 20-21.

⁶⁶ *Ibid.*, 24. The main idea here is that the identity of “indigenous” is only applicable in a colonial setting because it emerges only in opposition to what is non-native.

⁶⁷ *Ibid.*, 26, 42.

⁶⁸ There were actually two different cases under this heading. I am referring here to the most recent case.

was seen as both unifying and dividing for the country, both a victory and a loss for the native population, and as both essential and detrimental for the national economy.⁶⁹ These contradictions came from the complicated position of the Aboriginal within Australian society and the ambiguous place that the native was forced to inhabit in both the juridical order and the social imaginary.

The decision in *Mabo* established two crucial points that significantly altered the legal understanding of the relationship between the native and the state. First, the court struck the notion of *terra nullius* from the common law, claiming that, “Whatever the justification advanced in earlier days for refusing to recognize the rights and interests in land of the indigenous inhabitants of settled colonies, an unjust and discriminatory doctrine of that kind can no longer be accepted”.⁷⁰ The racist foundation of the doctrine that ruled out indigenous rights to land because they were characterized “as people too low in the scale of social organization to be acknowledged as possessing rights and interests in land” was rebuked as a system that was out of sync with international law and perpetuated colonial injustice.⁷¹

Second, since the court could no longer use *terra nullius* as a legal justification for the extinguishment of native customary law, the establishment of Crown sovereignty could not alone “be taken to confer an absolute beneficial title to the occupied land.”⁷² While Crown sovereignty established “radical title” (power over the land, with the power to take a proprietary right to the land if the sovereign wished), it did not automatically extinguish rights to their traditional

⁶⁹ For an analysis of some of these contradictions and the implications for the postmodern state, see Paul Patton, “Mabo and Australia: Toward a Postmodern Republic,” *The Australian Journal of Anthropology* 6, no. 1-2 (1995): 83.

⁷⁰ High Court of Australia, *Mabo v Queensland (No 2)* (1992), 175 C.L.R. 1, June 3, 1992, §42 <http://www.austlii.edu.au/au/cases/cth/HCA/1992/23.html> (accessed March 10, 2009). The passage continues:

The expectations of the international community accord in this respect with the contemporary values of the Australian people. The opening up of international remedies to individuals pursuant to Australia's accession to the Optional Protocol to the International Covenant on Civil and Political Rights...brings to bear on the common law the powerful influence of the Covenant and the international standards it imports. The common law does not necessarily conform with international law, but international law is a legitimate and important influence on the development of the common law, especially when international law declares the existence of universal human rights. A common law doctrine founded on unjust discrimination in the enjoyment of civil and political rights demands reconsideration. It is contrary both to international standards and to the fundamental values of our common law to entrench a discriminatory rule which, because of the supposed position on the scale of social organization of the indigenous inhabitants of a settled colony, denies them a right to occupy their traditional lands.

⁷¹ *Ibid.*, §63, 42.

⁷² *Ibid.*, §51.

lands.⁷³ Since these rights were not automatically removed, certain elements of native customary law were protected under the common law through which natives could make land claims.⁷⁴

While this ruling seems like it changes the relationship between the state and the native significantly, it is not nearly as radical as it seems. The court claimed that the invalidation of the concept of *terra nullius* could not call into question the legitimacy of the state as the sovereign power: “recognition by our common law of the rights and interests in land of the indigenous inhabitants of a settled colony would be precluded if the recognition were to fracture a skeletal principle of our legal system.”⁷⁵ As we have seen above, the sovereignty of the state depends upon this fundamental exclusion of the natives from their own sovereignty. Because of the legal limitations of the conditions present during the establishment of Crown sovereignty, the court could not fully banish the concept of *terra nullius* from the common law because *the concept animates the legitimacy of the state*. A judgment of this sort would amount to the delegitimation of the state through the power of the state. Such a paradox constitutes a limit beyond which the court cannot and will not proceed.

If we tease out and continue the court’s logic in the statement above, the remnants of their prejudice become obvious: 1) the common law is built upon justice; 2) the dispossession of the natives was based on an unjust and prejudicial bias; 3) (hidden premise: the state itself was built upon this same prejudicial order); 4) the common law cannot contradict itself or invalidate itself, it can only build upon itself and become more just; 5) justice for the native is therefore relegated to the gaps in the sovereign order, the injustice of which must be protected to retain the validity of the common law; 6) the purity of the common law drives itself into contradiction because it perpetrates a fundamental injustice. The common law therefore is both contradictory and unjust for the native because it is unable to critically analyze the foundation of the juridical order.

This inability to bring about actual justice is further evidenced by the asymmetry that is established between native customary law and the common law. While *Mabo* has the appearance of establishing a pluralistic legal system whereby native claims to land are justified according to native standards and traditions rather than those of their colonial oppressors, this customary law is only recognized in and through the common law, reinforcing the hegemonic power of the state.

⁷³ Ibid., §53.

⁷⁴ Ibid., §65.

⁷⁵ Ibid., §43.

This is clear in the court’s claim that “Native title, though recognized by the common law, is not an institution of the common law and is not alienable by the common law.”⁷⁶ Native law, however, cannot contradict the common law—it is qualified by its necessary compatibility with the authority of the state: “the only title dependent on custom which the common law will recognize is one which is consistent with the common law.”⁷⁷ Native customs are once again constrained by their subordination to settler morality.

The land rights protected under this customary law are also extremely limited. Since the court was unable to raise the question of national sovereignty, the power of the sovereign still, in every case, overrules the customary law of the native. Sounding startlingly similar to the *Murrell* case, where it was declared that it would be inconvenient for the settler “community” if the natives were not subject to the common law, *Mabo* declares that it would be inconvenient for the state if it did not have the ultimate right to dispossess the territory of those it deems necessary. It would be highly undesirable if the lands upon which the state is founded were illegitimate and its absolute power called into question. The native land rights that are given in *Mabo* are therefore only valid *in the absence of an explicitly legislated state interest in the land*. The power of the state to extinguish native claims to land is justified under the absolute power of the Crown—it just has to do so explicitly through: 1) claiming that the indigenous people no longer have rights to the land; 2) selling the land to private owners; or 3) by setting it aside for some other kind of public project that contradicts the interests and uses of the natives.⁷⁸ In effect, the *Mabo* ruling left little valuable land for natives to claim rights to.

In the wake of the *Mabo* judgment, the Commonwealth government codified the ruling in legislation through the *Native Title Act of 1993* (NTA). While the NTA established a tribunal through which future claims to land could be made and established the guidelines according to which native title would be granted, it also justified the dispossession of many indigenous claims prior to when the act came into force (New Years Day, 1994), made significant concessions to the mining and pastoral industry, and granted the state the right to judge the authenticity of native claimants and the validity of their customs and practices.⁷⁹ In order to qualify, groups had to prove a genealogical connection with the original inhabitants of the land, a customary law that justified their land claim,

⁷⁶ *Ibid.*, §65.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*, §53.

⁷⁹ Russell, 305-310.

their continued practice of that law, and current occupation of the land.⁸⁰ While this was necessary from the state perspective,⁸¹ the romantic image of the Aborigine in the public imaginary forced natives into a paradoxical position that drew attention away from the contemporary problems confronting them.

By framing the justification of native title in a romantic past, in order to make land claims, natives had to be reconstituted as “authentic” indigenous subjects that were unspoiled and untouched by the horrors of the colonial past—a reality that was and still is empirically false. To receive the benefits of the NTA, indigenous groups had to paradoxically *change to become authentic* in a way that validated the multicultural identity of their oppressors. Rather than shedding light on how Aborigines have the lowest standard of living in the nation because of colonial exploitation and exclusion, natives were pushed to renounce their radical opposition and incompatibility with the state in order to gain rights to their traditional lands. Since the state occupied the positions of both judge and jury, successful native title claims required adopting a system of cultural values that validated the legitimacy of the state and nullified their incompatibility with it. While the *Mabo* court recognized that native culture was necessarily changed by contact, they assumed, along with the rest of the Australian public, that a distinctive native-ness remained beneath all of the suffering and social dysfunction.⁸² This distinctive essence—primarily their customs and spirituality—was what established their authenticity and held the potential to justify land claims. However, if “authentic” native practices were not readily observable, claims to native title were no longer valid.⁸³ In the words of the *Mabo* court:

The common law can, by reference to the traditional laws and customs of an indigenous people, identify and protect the native rights and interests to which they give rise. However, when the tide of history has washed away any real acknowledgment of traditional law and any real observance of traditional customs, the foundation of native title has disappeared. A native title which has ceased with the abandoning of laws and customs based on tradition cannot be revived for contemporary recognition.⁸⁴

⁸⁰ Povinelli, 157.

⁸¹ It is necessary for the state because of the way that native title is justified, i.e., by the existence of a pre-settlement customary law that establishes and maintains a claim to land that has not been explicitly extinguished by the Crown.

⁸² Povinelli, 48-49, 180-181.

⁸³ As Povinelli writes, “At some ‘to be announced’ boundary, the ‘less’ becomes ‘too little’ and the special rights granted to indigenous persons give way to the equal rights granted to all groups in the multicultural nation” (Ibid., 57).

⁸⁴ *Mabo*, §66.

What the court gives with one hand, it takes away with the other. While there is an acknowledgement of native customary law that is based on non-European traditions, the state is still positioned to be the judge of both the form and validity of such claims.⁸⁵ What the native finds meaningful about their connection to the land and their customary law is irrelevant. Rather, what becomes important is what the judge or the public believes the native to be at heart, and whether that essence is different enough from, but not repugnant to, the juridical order to be celebrated and affirmed in its difference.⁸⁶

While the development of native title was seen by many as a huge step for the establishment of a multicultural society and its corollary indigenous rights, the limitations of the legal order clearly presented themselves when they were moved beyond the purely symbolic realm. While the few claims that were successfully established under the NTA have given certain groups more of a say about what happens on their lands and limited compensation from the government, the act strengthened Australia's national and international image as a multicultural nation instead of significantly improving the position of most Aborigines.⁸⁷ Since this multiculturalism took place largely in the public imagination through the production of a romanticized representation of indigeneity that was different from, but still compatible with, the social organization of the Australian state, it served to efface the real struggles of indigenous groups who saw themselves as fundamentally excluded from this societal order.

⁸⁵ It is on this point that Aboriginal lawyer Noel Pearson also sees the means of escaping the state: Colonial law determines and controls our ability to exercise our own law, enjoy our rights and maintain our identities. With the focus on Mabo, the colonial legal system is saying to us: 'Yes, we do recognize Aboriginal law in certain confined circumstances relating to land, but our law also says that there has been potential extinguishment of title in many regions'. And what of the balance of Aboriginal law? According to the colonial law it has limited reality – insofar as colonial law is prepared to act. Despite the illegitimacy of the imposition of colonial law and no matter how revisionist and how artificial and calculating the High Court has been, recognition of indigenous law in the Murray Island case is nevertheless a prevailing reality. They have outlined their position to us and we have to act.

Noel Pearson, "Aboriginal law and colonial law since Mabo," in *Aboriginal self-determination in Australia*, ed. Christine Fletcher (Canberra: Aboriginal Studies Press, 1994), 155-156.

⁸⁶ Povinelli writes that there is "a demand that cultural beliefs be intelligible...but not too believable; that lie within a set of preexisting legal frameworks but not be oriented to them.... In other words, the local must speak the truth of itself for itself even though speakers know other laws and agencies are sitting not far away ready to discipline any enunciation that strays 'too much' toward or against the nonlocal" (253). For a good empirical analysis of this see Ch. 6.

⁸⁷ *Ibid.*, 42.

Reconciliation

We have got to get the balance right... The pendulum has swung too far in the direction of Aborigines.

John Howard

On someone else's terms, reconciliation can not be progressed.

Patrick Dodson

Many commentators on the *Mabo* case and the subsequent title decision in *Wik Peoples v Queensland*⁸⁸ (1996) saw native title as one of the first steps toward reconciliation with the Aborigines for their past dispossession, even though, as we have seen, native title was a largely symbolic endeavor through which the Australian nation tried to resolve its Eurocentric and colonial past. While the “left” Keating government (1991-1996) was committed to pursuing the process of reconciliation, the “center-right” Howard government (1996-2007) was largely uncooperative and detrimental to the process. Both governments, however, show the limitations of the legal order and the problems presented by the disjunction between the romantic Aborigine of the public imagination and the actual conditions in which they live.

In 1991, the Keating government established the Council for Aboriginal Reconciliation, a committee that would progressively address the social and political disadvantages for Aboriginal groups caused by the history of colonialism. The group was charged with resolving issues relating to Aboriginal “aspirations to land, housing, law and justice, cultural heritage, education, employment, health, infrastructure, economic development and any other relevant matters” within ten years.⁸⁹ But rather than being made up of all, or mostly, Aboriginal people, the council was composed of 25 people associated with business, the government, academia, and some “high-profile Aboriginal people”, most of whom were involved with churches.⁹⁰ The symbolic diversity of the council closely paralleled their message of forgiveness and national unity, with competing interests all joining together in a common goal of correcting the wrongs of the settler past.

This idea of national unity, however, was strictly at odds with many Aboriginal groups' demands for separation from the nation. Aboriginal groups had long

⁸⁸ This case was the second major native title victory. It ruled that the granting of a pastoral lease did not remove native title, therefore establishing larger areas for natives to claim as traditional lands.

⁸⁹ “Council for Aboriginal Reconciliation Act 1991: Preamble”, quoted in Short, 495.

⁹⁰ Short, 496.

been asking for treaties that would justify a space for native self-determination and, with the acknowledgement of native customary law in the *Mabo* case, were interested in having their pre-colonial sovereignty recognized.⁹¹ While the reconciliation council's rhetoric fell into the language of "social justice"—specified by citizenship rights, specific indigenous rights, and constitutional recognition—indigenous groups wanted the self-determination rights and land rights as specified under the UN Draft Declaration on the Rights of Indigenous Peoples (DDRIP).⁹² They saw separation as a necessary condition for the realization of reconciliation.

The division between the reconciliation council and native groups was directly related to the disjunction between the position that the native held within the national imagination and the political space they were forced to inhabit. The abstract idea of indigeneity associated with the public was something *pacified* and able to coexist within the state; it was the native that was different, yet also united in civilization. This was the Aboriginal whose claims and customs complemented the common law rather than challenged it. The state-sponsored reconciliation effort was based upon this romantic idea, as the council's rhetoric of national unity implies. The reconciliatory position was not based upon "multicultural" respect for difference; it was based and judged according to the degrees of integration of the native into the apparatus of the state. Since the fundamental assumptions and prejudices of the state were not called into question, the injustices that pervaded the structures of the state from the conditions of its genesis were merely being continued.

As the public image and discourse of the Aborigine came closer to the actual desires and conditions of Aboriginal life, public opinion soured and support was lost for the reconciliatory project. Gradually realizing the implications of actually meeting Aboriginal needs, the public began to see the native as once again inhabiting an antagonistic social space. In the aftermath of the *Wik* (1996) ruling that claims to native title were not extinguished by pastoral or mining leases, various commercial interests initiated a smear campaign against Aboriginal land rights and the "uncertainty" they introduced into the traditional understanding of land ownership. Citing the "horrifying" prospect of having to negotiate with native titleholders, the mining industry claimed that the *Wik* decision placed many government issued mining and pastoral permits in question and threatened

⁹¹ Michael Dodson and Robin McNamee, "Recognition of the Indigenous people of Australia and their rights," in *Indigenous Australians and the law, second edition*, ed. Elliot Johnston, Martin Hinton and Daryle Rigney (Sydney: Cavendish, 2007), 238-244.

⁹² Short, 500.

the stability of the national economy.⁹³ Inciting fear through blatant falsification, mining companies also started publicizing that native title was compromising the private property of “other Australians”, not just commercial interests. With people ignorantly worrying that their backyards would be subject to native title claims, fear shaped a political discourse in which support for Aboriginal rights was a political liability.⁹⁴

Rather than seeing native title as a right guaranteed to Aborigines under the common law, many ordinary Australians began to see it as an assault on *their* rights.⁹⁵ No longer holding a place within the public imaginary, the rights and claims of the native were reinscribed as violations of it. Prime Minister Howard agreed with this view when he claimed, “We have got to get the balance right...The pendulum has swung too far in the direction of Aborigines.”⁹⁶ The Howard government followed this assertion months later with the Native Title Amendment Act 1998, which had the explicit intent of making title claims harder and less beneficial, and promised “bucketloads of extinguishment”.⁹⁷ As Peter Russell writes, “Whereas...Keating pledged to use the recognition of native title to establish a new relationship with Indigenous peoples, Howard seemed determined to return Australia as quickly as possible to denying recognition of Aborigines...as distinct and enduring peoples.”⁹⁸

Howard’s position on other elements of the reconciliation process followed similar trends. When confronted with *Bringing Them Home*, the government report that brought to light the “stolen generations” of the state kidnapping policies, Howard was unable to even offer an official apology to Aborigines because he believed that “Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control.” He also feared that an apology would establish further grounds for Aboriginal litigation and claims for compensation.⁹⁹ Instead of apologizing, Howard reaffirmed his plans for restricting native title and claimed that reconciliation needed to be practical, meaning primarily “a shared commitment

⁹³ Russell, 322.

⁹⁴ Short, 498-499.

⁹⁵ Russell, 323.

⁹⁶ *Ibid.*, 326.

⁹⁷ This claim was made by Tim Fischer, Deputy Prime Minister and Minister for Trade. Quoted in Fred Tanner, “Land rights, Native Title and Indigenous land use agreements,” in *Indigenous Australians and the law, second edition*, ed. Elliot Johnston, Martin Hinton and Daryle Rigney (Sydney: Cavendish, 2007), 154.

⁹⁸ Russell, 325.

⁹⁹ *Ibid.*, 328.

to raise living standards and broaden the opportunities available to the most disadvantaged group in Australian society”.¹⁰⁰

Howard’s refusal to bring shame upon the Australian nation was driven by a fear of national division. While only a few years before, the Aboriginal was the sign of an emerging national multicultural identity, the native, under Howard, stood transfigured once again into an imminent threat to the integrity of the state. Howard’s government was marked by a radical inability to say either of the words that meant most to Aborigines: “sorry” or “treaty”. He believed in a unified vision of the future of Australia and nothing could dissuade him from it.¹⁰¹ Admitting guilt or giving natives special rights only reinforced the belief that natives had a claim to sovereignty that made them separate from the Australian state. And, again coming full circle, this claim to sovereignty—and therefore true reconciliation—was something that Howard and all his predecessors were unable to entertain.

Humanitarian Discrimination, “Sorry Day”, and Indigenous Rights

Blackfellas will get the words, the whitefellas keep the money.

Noel Pearson

In June of 2007, a government study entitled *Little Children are Sacred* was published that claimed Aboriginal communities in the Northern Territory had significantly higher rates of child sexual abuse and neglect than the rest of the Australian population. Linking the problems to alcoholism, pornography, substance abuse, rampant poverty and the lack of community organization, the report made 97 suggestions for addressing the issue, mostly focusing on community empowerment, education, and the allocation of funds to help combat poverty. In response, the Howard government passed the Northern Territory National Emergency Response package (known as “the intervention”). Ignoring nearly all of the reports’ suggestions and suspending the Racial Discrimination Act of 1975 (RDA) that protects against racially biased legislation, the Howard government imposed paternalistic restrictions on Northern Territory Aboriginal communities. Particularly, they enacted a wholesale ban on alcohol and pornography, and coercively tied welfare payments to the school attendance of children and regulated how and where funds could be spent. The “intervention” also disrupted native claims to land by reestablishing exclusive government

¹⁰⁰ Ibid., 328-329.

¹⁰¹ Ibid., 360-361.

control over the 73 native communities in question by removing the permit system¹⁰² and suspending native title. Under the name of protecting the rights of Aboriginal children, the “intervention” authorized the military and police to take over Aboriginal camps and townships and required compulsory medical examinations for Aboriginal children. It also, however, allocated greater funds for addressing native economic and social problems than has historically been the case.

While there was significant outcry from Aboriginal representatives at the politically motivated and harsh nature of the intervention, the unprecedented allocation of funds complicated this response. At the forefront were concerns that the Howard government was using Aboriginal child abuse and the “national emergency” as a lightning rod to spark middle-class support for his election campaign. Howard had information about Aboriginal child abuse for all eleven years of his leadership, yet, after many years of waiting, he chose to address it as if it were a “natural disaster” in need of an emergency response right when he was gearing up for reelection.¹⁰³ Many natives saw Howard’s response as political opportunism and, in the context of his other decisions on Aboriginal policy, as merely another assault on native rights to self-determination. Aboriginal leader Patrick Dodson agreed with this position, saying it was an “urgent [and] immediate priority...to protect children.... But this priority is undermined by the Government’s heavy-handed authoritarian intervention and its ideological and deceptive land reform agenda.” However, he also saw the intervention as an “historical opportunity” to address the plight of Aboriginal communities *if* it could be conducted in a manner than was not merely coercive but also sought community involvement and a “partnership” between local, state, and federal levels.¹⁰⁴ Pat Anderson and Rex Wild QC, authors of the *Little Children are Sacred* report, also challenged the government response, testifying before the Senate’s “legal and constitutional affairs committee” that the intervention would be a step backward in Aboriginal policy, was discriminatory, and failed to recognize the recommendations of the report that they were responding to. Anderson further mirrored Dodson’s position, claiming “there’s a real opportunity here to once

¹⁰² The permit system required non-natives to acquire a permit from the Aboriginal community before being allowed access to their land. This gave native communities a level of autonomy from the surrounding territories, though police were still allowed unfettered access.

¹⁰³ Emily Sherlock, “NT intervention seen as stunt by protesters; Aboriginal march likens child abuse issue to children overboard,” *Canberra Times*, July 15, 2007, <http://www.lexisnexis.com>, (accessed March 10, 2009); See also Simon Kearney, “Police unite against NT permit plan,” *The Australian*, August 13, 2007, <http://www.lexisnexis.com>, (accessed March 10, 2009).

¹⁰⁴ Patrick Dodson, “An entire culture is at stake; comment & debate,” *The Age*, July 14, 2007, <http://www.lexisnexis.com>, (accessed March 10, 2009).

and for all do something... We need extraordinary interventions but not at the risk of infringing our fundamental human rights".¹⁰⁵

While these statements are only a few of a vast public debate, they represent another instance of a struggling discourse about the position of Aborigines within the state. In response to the intervention, Aboriginal leaders were generally split into two camps: one supporting the government program of "practical reconciliation" and the other opposing it by advocating rights to self-determination.¹⁰⁶ This response elucidates the complex nature of the problems facing Aboriginal communities. Acknowledging the clear connections between the historical suppression of native sovereignty and the dysfunction native communities face today directly calls into question state solutions that involve further violation of native rights to self-determination. From this perspective, contemporary problems must be addressed by the withdrawal of state coercion from Aboriginal affairs and by providing native communities with resources to collectively solve their own problems. Reconciliation would then mean agreeing to a treaty that would recognize the sovereign status of Aborigines. This, on the other hand, is seriously complicated by reports like *Little Children are Sacred* that imply Aboriginal groups are too dysfunctional to have self-determination work in the interest of their communities. More freedom, it is feared, will only create further human rights abuses *within* their groups rather than providing space for the emergence of a responsible collectivity. Reconciliation then is a necessary evil that should aim to practically improve the position of Aborigines within the greater community of the state by coercively promoting social institutions to raise the Aboriginal standard of living. In its attempt to respond to these different perspectives, the state adopted an uneasy position that privileged the latter while symbolically placating the former.

For example, at the end of 2007, Howard was voted out of office and replaced by Labor candidate Kevin Rudd. On February 13, 2008, Rudd offered the first formal apology to the Aborigines in front of Parliament for the "stolen generations" and "past mistreatment".¹⁰⁷ Rudd passionately broke with the policies of his predecessor, claiming:

¹⁰⁵ Patricia Karvelas, "Tactic a backward step, say authors," *Weekend Australian*, August 11, 2007, <http://www.lexisnexis.com>, (accessed March 10, 2009).

¹⁰⁶ Joel Gibson, "One policy, two camps - the takeover rift," *Sydney Morning Herald*, October 27, 2007, <http://www.lexisnexis.com>, (accessed March 10, 2009).

¹⁰⁷ Kevin Rudd, "Apology to Australia's Indigenous Peoples," *Parliament of Australia*, February 13, 2008, http://www.aph.gov.au/house/rudd_speech.pdf (accessed March 12, 2009), 1.

To the stolen generations, I say the following: as Prime Minister of Australia, I am sorry. On behalf of the government of Australia, I am sorry. On behalf of the parliament of Australia, I am sorry. I offer you this apology without qualification. We apologise for the hurt, the pain and suffering that we, the parliament, have caused you by the laws that previous parliaments have enacted. We apologise for the indignity, the degradation and the humiliation these laws embodied. We offer this apology to the mothers, the fathers, the brothers, the sisters, the families and the communities whose lives were ripped apart by the actions of successive governments under successive parliaments.¹⁰⁸

Acknowledging that a purely symbolic apology was insufficient, Rudd also signaled a commitment to shrinking the life-expectancy gap between natives and non-natives and to addressing the significant social problems facing Aboriginal communities.¹⁰⁹ He wanted to make sure that his apology was not merely an empty symbol. Rather, it was the beginning of a bridge being built between disparate worlds, founded on “real respect” instead of “a thinly veiled contempt”.¹¹⁰

Certainly the long overdue apology was an emotional event that was warmly welcomed by Aborigines. Many have also wondered, however, whether it was really more than another symbolic token. While acknowledging that much Aboriginal suffering was related to discriminatory state policies, the apology simultaneously set the state up as the new solution. Despite his revolutionary proclamations about breaking with the policies of the past, nothing was mentioned about Aboriginal sovereignty or rights to self-determination. Rudd’s commitment was also undermined by his firm conviction that victims of the “stolen generations” should not receive state compensation for their suffering. Some Aboriginal leaders, such as Noel Pearson, took this as a clear signal that Rudd remained entrenched within the paradigm of his predecessors and reduced the apology to the formulaic proposition, “Blackfellas will get the words, the whitefellas keep the money”.¹¹¹ Further problematizing the apology was Rudd’s continuing support of Howard’s paternalistic intervention policies as a way of addressing “*practical* reconciliation”. While some Aborigines continued to support the intervention as a necessary—practical—evil for dealing with child

¹⁰⁸ Ibid., 3.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Quoted in Misha Schubert, Sarah Smiles, Bridie Smith, Dewi Cooke and Ari Sharp, “We’ll never let it happen again”; Historic gesture to Aborigines,” *The Age*, February 13, 2008, <http://www.lexisnexis.com>, (accessed March 10, 2009).

abuse, substance abuse, and welfare dependency, others renewed their criticism in light of these new promises.

In late October of 2008, an independent review of the “practical reconciliation” taking place through the Northern Territory intervention found that it was racist, dogmatic, and humiliating.¹¹² Criticizing the state for turning a blind eye and not seeking input or advice from the groups that it was trying to assist, the review board recommended that the government “reset their relationship with Aboriginal people” to be “based on genuine consultation, engagement and partnership”.¹¹³ The report also called for the reinstatement of the permit system that controls entrance to Aboriginal lands and revision of the discriminatory regulation of welfare payments.¹¹⁴ Others challenged intervention policies on functional grounds, claiming that the “expensive, untried, top-down, heavy-handed policy approaches” created greater barriers to Aboriginal health because they ignored and disrupted local knowledge and practices.¹¹⁵ Instead of improving health, a year and a half of paternalistic policies saw rates of children with anemia nearly triple and underweight childbirths double.¹¹⁶ The United Nations committee on racial discrimination also joined this chorus in response to sustained complaints from Aboriginal communities, formally warning the Rudd government that it needed to make progress toward reinstating the Racial Discrimination Act and remove intervention policies that were at odds with it.¹¹⁷

It was in this controversial context that the state created another symbolic discontinuity with the Howard administration by pledging its support for the UN Declaration on the Rights of Indigenous Peoples (DRIPs). Having been closely involved in the drafting process, the Howard government ended up rejecting the final product along with the United States, Canada, and New Zealand. No longer able to become a signatory, the Rudd administration officially endorsed the declaration as a *nonbinding resolution* on April 3, 2009.¹¹⁸ Many saw this step, along with the apology, as an important piece in the larger puzzle of

¹¹² Ben Doherty and Leo Shanahan, “Review finds intervention racist; government rejects planned changes,” *The Age*, October 29, 2008, <http://www.lexisnexis.com>, (accessed March 10, 2009).

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ Larissa Behrendt and Irene Fisher, “Intervention is hurting health,” *Sydney Morning Herald*, March 31, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009). Lindsay Murdoch, “Infant iron levels worse than in Zimbabwe,” *Sydney Morning Herald*, April 7, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009).

¹¹⁶ *Ibid.*

¹¹⁷ Rosslyn Beeby, “‘Divided society’ without treaty,” *Canberra Times*, March 30, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009).

¹¹⁸ James Massola, “Aust backs black rights; UN declaration endorsed,” *Canberra Times*, April 4, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009).

reconciliation, but certainly not sufficient on its own.¹¹⁹ Problematically, certain provisions in the declaration—primarily, indigenous rights to equality, self-determination, self-government, and land rights¹²⁰—were fundamentally opposed to the invasive and discriminatory intervention that the government was openly sponsoring. Support for the declaration was therefore received by opponents of the intervention as “absolute hypocrisy” and as “nothing less than a tokenistic gesture like the apology was”.¹²¹ Illustrating the vacuity of the state’s commitment to the principles of the declaration, in response to a warning from Senator George Brandis that at least five articles were in direct conflict with Australian law, Indigenous Affairs Minister Jenny Macklin assured him that the domestic law would remain unaffected because “Article 46 makes it clear that the declaration can not be used to impair Australia’s territorial integrity or political unity”.¹²² Also, because of its nonbinding status, the declaration also cannot be used as a basis for legal challenges.¹²³ Here again it seems that the strategic recognition of symbolic elements of native life does far more for cultivating and rehabilitating the position of the state than those they claim to help.

While the Rudd government’s efforts to distance themselves from the policies of previous administrations are certainly well intentioned, their continuities with the past are strong and unnerving. In 2008, Aboriginal leaders gathered to brainstorm goals that they would like met by 2020. Chief among them was the development of a treaty that would recognize their autonomy, secure their land rights, and create an overseeing body to mediate and regulate the relationship between Aborigines and the state.¹²⁴ Others like Australian of the Year Mick Dodson have continued this call for a revamp of the state’s “horse and buggy era” constitution and for a treaty to preserve government recognition of customary law, land rights, and equality in positive law.¹²⁵ Native title laws have become so convoluted and strict that they are “nearly impossible” for Aborigines to win and

¹¹⁹ Beeby, “‘Divided society’ without treaty.”

¹²⁰ United Nations, “United Nations Declaration on the Rights of Indigenous Peoples,” *United Nations permanent forum on Indigenous issues*, September 13, 2007, http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (accessed May 1, 2009), Articles 2, 3, 4, and 8.

¹²¹ Massola, “Aust backs black rights.” See also Margaret Wenham, “Match declaration with deeds,” *The Courier Mail*, April 20, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009); Stephanie Peatling, “Activists say intervention must be reviewed,” *Sydney Morning Herald*, April 4, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009).

¹²² Massola, “Aust backs black rights.”

¹²³ The Canberra Times, “‘Divided’ without fair treaty,” *Canberra Times*, March 30, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009).

¹²⁴ Greg Ansely, “Pressure grows for treaty talks with Aborigines,” *The New Zealand Herald*, June 3, 2008, <http://www.lexisnexis.com> (accessed May 5, 2009); Sarah Smiles, “2020 The Ideas Summit - outcomes & flashpoints,” *The Age*, April 21, 2008, <http://www.lexisnexis.com> (accessed May 5, 2009).

¹²⁵ Beeby, “‘Divided society’ without treaty.”

a treaty is seen as the best way to provide positive results for addressing reconciliation in a way that is not merely for state benefit.¹²⁶ Instead of supporting such measures that would ensure Aboriginal sovereignty, Rudd has remained tied to the Howard administration's insistence on practical commitments to address Aboriginal problems. While Rudd has certainly brought the question of reconciliation back into open political discourse, he remains tied to the interventionist policies of his predecessor and has preferred solutions that confront Aboriginal claims in coercive and paternalistic ways rather than creating a space that allows natives to collectively provide their own solutions. Because he fails to clearly see the connections between the impositions of the state and the disillusion of native communities, and has failed to listen to the people that he is practically reconciling with, Rudd is led to believe that the problem is really the solution.

While Rudd has made no gestures toward embodying guarantees to natives in positive law, we must remain optimistic and hopeful that the tide of Aboriginal activism and international concern will inspire the state to commit to the project of seeking a true reconciliation that treats Aborigines as equals in the political sphere. High Court Chief Justice Robert French has recently opened up new possibilities for this pursuit by publically dismissing legal challenges to the creation of a treaty, claiming that the state could recognize native customary law and their status as prior occupants without contradicting the grounds for Australian sovereignty.¹²⁷ All that is lacking, then, is a healthy dose of political conviction to truly overturn more than two hundred years of policy that has relegated the Aborigines to an ambiguous position both inside and outside the paternal authority of the state.

Conclusions

While it is important to not descend too far into pessimism and essentialize the antagonistic relationship between the Australian state and Aborigines, it is also important to recognize how deep the historical roots of this relationship go. Interactions between natives and the Australian state have certainly been dynamic, but are still fundamentally characterized by the radical exclusion of the native from the juridical order. Historically this can be seen in the establishment of Crown sovereignty based upon the doctrine of *terra nullius*, where the native was deemed so low on the civilizational scale that they were not privy to

¹²⁶ Ibid.; The Canberra Times, "'Divided' without fair treaty."

¹²⁷ Joel Gibson, "Chief Justice backs Aboriginal treaty," *Sydney Morning Herald*, March 28, 2009, <http://www.lexisnexis.com> (accessed May 5, 2009).

proprietary rights, and in the assimilation and segregation policies of the state that tried to establish the native as something unproblematic. In more recent times, however, the image of the Aborigine has functioned as a vector through which the problems and powers of the state could be addressed. While the native was used as a symbol for the emerging multiculturalism of the state in the early 90's, Aborigines were also used as a threat against which society needed to mobilize.

In all of these discourses there remains the common theme that the native, as presently situated, must always become something else in order to be included in the state. The earliest confrontations between the state and the native encouraged the Aborigine to forsake their lands and their traditions for the sake of safety within the new state. Under the guise of humanistic principles, natives were forced into state and religiously affiliated disciplinary institutions—schools, missions, and the court system—and were held subject to paternalistic legislation. Through their ethnocentric bias, these institutions functioned as processes of subjectivation that tried to destroy the native to make way for their entry into civilization. When the image of the Aborigine became a fashionable icon of the multicultural society, natives had to act like they were unspoiled by their colonial heritage in order to gain the modest benefits of native title. When these benefits disrupted public expectations, however, the native ceased to be a romantic symbol of diversity and became a threat to the unity of the nation. Seen then as a drain on public resources and as drunks and child abusers, Aborigines were reconstituted as a problem that justified paternalistic intervention and discrimination.

The contradictions of these discourses reach their culmination in the empty efforts of the state for reconciliation. While the apology and the recognition of the DRIPs are important steps, state sovereignty is never placed into question. Accordingly, the reconciliation effort is constrained to pursue policies that legitimate state control rather than affirm and recognize native rights to sovereignty and self-determination. As indigenous leader Pat Dodson claimed, “On someone else’s terms, reconciliation can not be progressed.”¹²⁸ Circumventing this trap necessitates recognition of how the problems facing native communities are a product of state policies that have violated native sovereignty. What is needed is an actual commitment to new policies and treaties that empower native groups to collectively pursue what they perceive to be in their interest rather than paternalism and coercion. Because the future

¹²⁸ Russell, 329.

remains unwritten, we must remain optimistic that this relationship can fundamentally change. For now, however, we must be content with the elucidation of the problem as a way of paving a path toward a new and more fruitful solution.

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ABSTRACT

Though their methods differ, Karl Marx and Friedrich Nietzsche are allied on one major point: the refutation of religion. Marx describes religion as a drug used to soothe the misery of the masses, while Nietzsche considers it a tool employed by the weak to manipulate the nobility. Despite their shared disbelief in transcendent beings, both philosophers came to express themselves through a secular redemption; reflections of the religious doctrines they were taught as children. In analyzing man's state, Marx sees an opportunity for man to transform from a stratified society to an egalitarian one, whereas Nietzsche sees an opportunity for a reversal of the master-slave relationship into a more distinct separation, between the common man and the *Overman*. On the path to redemption, Nietzsche proclaims the death of God, where Marx predicts the death of capitalism. Both preach for a redemptive end result.

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Redemptive Narratives in Marx and Nietzsche

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Believe me, my brothers! He died too early; he himself would have recanted his teaching, had he reached my age.

Nietzsche on Jesus, *Thus spoke Zarathustra*

Though their methods differ, Karl Marx and Friedrich Nietzsche are allied on one major point: the refutation of religion. Marx describes religion as a drug used to soothe the misery of the masses, while Nietzsche considers it a tool employed by the weak to manipulate the nobility. Despite their shared disbelief in transcendent beings, both philosophers came to express themselves through a secular redemption; reflections of the religious doctrines they were taught as children.

In analyzing man's state, Marx sees an opportunity for man to transform from a stratified society to an egalitarian one, whereas Nietzsche sees an opportunity for a reversal of the master-slave relationship into a more distinct separation, between the common man and the *Overman*. On the path to redemption, Nietzsche proclaims the death of God, where Marx predicts the death of capitalism. Both preach for a redemptive end result.

Marx and Nietzsche's heritages play an important role in their respective philosophies. Marx was the heir to a rabbinical tradition, yet was also influenced by his father's ardent secular humanism. His family was directly affected by the Napoleonic emancipation of the Jews. Although his father converted to Protestantism in order to keep his job, Marx's mother persisted in her religion until the death of her parents.¹ Marx may not have identified himself as Jewish in his adult life, but he had always been aware of his roots in a persistently persecuted ethnicity. In Marx's defense of the oppressed, his heritage played a defining role.

¹ David McLellan, *Karl Marx* (New York: Viking Press, 1975), 5.

Nietzsche was a product of his heritage as well, but it did not lead him to question suffering as it did for Marx. Nietzsche did not experience or empathize with the discrimination that Marx faced, because his family belonged to a state-condoned religion and he was the son and grandson of Protestant pastors. His profession was secured; it was only by his own devices that he escaped his historical trajectory and instead took a position as a professor at Basel University.² It can thus be said that Nietzsche's philosophy was not only influenced by his religious origins, but also by his positioning as a privileged white Christian male.

Admittedly, Marx and Nietzsche's ideologies have vast differences. Both designed their radical theories from the fabric of their cultural moments, in which religion had a dominant role. That given, both produced a philosophical redemption that echoed the theological redemption they had learned at home and in church.

The groundwork for Nietzsche's philosophy arises directly from his religious origins. He was the immediate descendant of two pastors, and spent his early childhood living in a parsonage.³ Though his father existed only in memory for Nietzsche, because of his mother and sister's influence he was bombarded by religiosity, to the extent that he was unquestioningly destined for a degree in theology.⁴ Perhaps owing to the death of his father, Nietzsche was sufficiently liberated from his Christian origins to think critically about religion. At an early age he grew to view the Bible not as an historical work but as simply one more inspirational epic myth. Nietzsche disapproves of the privileges of the priestly caste, which he sees as based upon superstition and opportunism and counter-productive to man's redemption. He faults Christianity for a rampant philosophical malaise in Germany. In the *Genealogy of morals* Nietzsche articulates his attack on Christianity, a theme that is sustained throughout Nietzsche's work. Though Nietzsche's later works are typically viewed as a scathing deconstruction of Christianity, I posit that they are not so much a deconstruction as they are a secular reconstruction of the Christian paradigm of redemption. Nietzsche proposes an optimistic salvation free from the constrictions of religious dogma.

Scholars widely recognize the Christian theme of redemption in Nietzsche's work. The most radically pro-Christian view of Nietzsche's philosophy is a politicized interpretation by Karl Jaspers from the early 20th century, who claims that Nietzsche was dissatisfied with the state of Christianity because people were

² R. J. Hollingdale, *Nietzsche: the man and his philosophy* (New York: Cambridge Univ. Press, 1999), 42.

³ *Ibid.*, 8.

⁴ *Ibid.*, 38.

not authentically Christian. According to Jaspers, Nietzsche was an ardent follower of Christian morality, but “from childhood on, Christian contents, literal Christian teachings, Christian authority lacked real meaning for him”.⁵ Jaspers' work is peppered with quotes that support his discussion of Nietzsche's hidden reverence for Christianity. For example, he claims that Nietzsche praises the church as an institution because it “brings superior minds to the top,” and that “priests of a certain type filled Nietzsche with a respect bordering on awe”.⁶ Jaspers goes on to declare that “only superficial readers blinded by his aggressive extremism can see in him nothing but hostility to all things Christian”.⁷ According to Jaspers, Nietzsche is grossly misunderstood, and at the heart of his criticism of Christianity he actually wants men to become ultra-Christians: “Nietzsche wanted ‘everything Christian to be overcome by something super-Christian, not merely to be abandoned’”.⁸ As Jaspers sees it, this wish is so strong in Nietzsche that his entire life “seems like a sacrifice for our time”.⁹

Though very few share such a distinctly pro-Christian interpretation of Nietzsche's philosophy, Nietzsche's quest to redeem Christian society is a theme of frequent recurrence. In a recent interpretation, Giles Fraser writes on the “piety” of Nietzsche's “unbelief”: he labels Nietzsche's works as “primarily soteriology: experiments to design a form of redemption that would work for a post-theistic age”.¹⁰ Fraser claims that due to Nietzsche's early Christian influence, he “is obsessed with the question of human salvation. [D]espite the fact that he becomes an atheist, [Nietzsche] continues passionately to explore different ways in which the same basic instinct for redemption can be expressed in a world without God.”¹¹ Fraser concludes that although Nietzsche's philosophy is “designed to be atheistic, Nietzsche borrows a great deal from the Christian past he eschews”.¹² This redemptive element culminates in the form of the Overman. In the *Anti-Christ*:

we begin to see Nietzsche advance the idea of the *Übermensch* as his own version of what redeemed humanity ought to look like. This leads on into an examination of what is arguably the pinnacle of Nietzsche's soteriological experimentation, the enigmatic eternal recurrence of the same. With the development of the eternal

⁵ Karl Jaspers, *Nietzsche and Christianity* (Chicago: H. Regnery Co., 1961), 9.

⁶ *Ibid.*, 3-4.

⁷ *Ibid.*, viii.

⁸ *Ibid.*, 6.

⁹ *Ibid.*, ix.

¹⁰ Giles Fraser, *Redeeming Nietzsche: on the piety of unbelief* (London: Routledge, 2002), 2.

¹¹ *Ibid.*

¹² *Ibid.*

recurrence, Nietzsche believes himself to have given birth to an idea capable of offering genuine redemption, albeit to very few, and those not yet born.¹³

Thus Nietzsche's philosophy, though irreligious, arises from Christianity and reflects many of its major themes. He is not preaching a new religion, but rather a modified version of the faith of his childhood. And the vessel of Nietzsche's new faith is none other than his prophet, Zarathustra.

Another contemporary interpretation by Weaver Santaniello discusses the impact of *Thus spoke Zarathustra* as a religious exposition: "it is rich in Biblical symbolism, and Zarathustra emerges as the prophet of a new age who challenges Christianity."¹⁴ As Santaniello explains, Nietzsche is indeed reworking Christianity:

The book is pivotal to Nietzsche's critique of Judeo-Christianity, for his overarching goal is to replace traditional Christian concepts with new ones... the will to power replaces God as the ground of creation; the *Übermensch* signifies the historical Messiah who has yet to appear.¹⁵

If Nietzsche is simply reworking the Christian framework, what then does he object to? In addition to the heinous priestly power struggle and the usurpation orchestrated by the slave class, Nietzsche is deeply disturbed by Christianity's perversion of the concept of redemption. Instead of living in the world, Christian practitioners invest themselves in mythical otherworlds. "According to Zarathustra, the believers of true faith have not only invented afterworlds to comfort themselves and threaten others, they have invented them to compensate for incapacities."¹⁶ Nietzsche accuses man of using the old religion to shelter himself from his true being, and "because Zarathustra wants to create meaning for the earth, the unhealthiness of Christianity's otherworlds, which has dominated Western culture for centuries, must be exposed and abolished."¹⁷ The eternal life and death of Christianity is, for Nietzsche, "psychologically grounded in a state of repression."¹⁸ Thus, the fundamental flaw of Christianity is the gross misappropriation of the human theme of redemption.

Far from taking refuge in irreligious pessimism, Nietzsche is working to free men from the shackles they have unwittingly accepted. Nietzsche, through

¹³ Ibid.

¹⁴ Weaver Santaniello, *Nietzsche, God, and the Jews: his critique of Judeo-Christianity in relation to the Nazi myth* (Albany: State University of New York Press, 1994), 69-70.

¹⁵ Ibid., 70.

¹⁶ Ibid., 73.

¹⁷ Ibid.

¹⁸ Ibid., 78.

Zarathustra, is here to preach man's liberation from religious dogma and constricting morality: "Nietzsche favors an anthropological view which posits humans, not god(s), as the creators, sustainers, and redeemers of the earth."¹⁹ Nietzsche is here to mend the chasm that Christianity has created between God and humans, and to restore humans to their true divinity. Responding to what he sees as Christianity's desecration of humans, he seeks "to remake the image of human beings."²⁰ Because Nietzsche "sees Christianity as the greatest objection to earthly survival primarily because of its fetishism with the afterlife"²¹ in his philosophy he does away with the afterlife and gives man access to redemption here on earth. He strips Christianity of its impurities, thereby giving men the gift of determining their own immortality.

Nietzsche despairs when his vision is irreverently received. Zarathustra descends to the marketplace to preach to the masses, only to be met with ignorance and unworthiness.²² Thus Nietzsche modifies his philosophy to serve only those who are worthy of his message. "In contrast to the preachers of equality, Nietzsche's approach is spiritually, not racially—or religiously—aristocratic. Some human beings, Nietzsche holds, *are* nobler than others and should serve as models for humanity," and it is these free spirits who "are able to overcome themselves and rise above the all-too-human mass."²³ Though Nietzsche's spiritual liberation is reserved for a "small group of spiritual elites",²⁴ this does not detract from his philosophy's overwhelming redemptive quality.

William Newell expands on the aristocratic aspect of Nietzsche's redemption, defending him with the following: "His love is not so much universal—and whose is, really?—but one reserved for the talent whom narrow-minded Protestantism and Catholicism had crushed."²⁵ Newell describes Nietzsche's philosophy as a means to finding one's own divinity, or the "kingdom within," independent from the Christian framework, a practice that is "only for the courageous few... only for the few who have the grace to go that preternaturally lonely way."²⁶ The idea is not that this new religion be aristocratic, but that its followers protect themselves from inferiority through exclusivity: Nietzsche "hated a religion that preached happiness on the plain and opted for one that

¹⁹ Ibid., 70.

²⁰ Ibid., 88.

²¹ Ibid., 73.

²² Friedrich Wilhelm Nietzsche, *The portable Nietzsche* (New York: Viking Press, 1954), 166.

²³ Santaniello, 79.

²⁴ Ibid., 80.

²⁵ William Lloyd Newell, *The secular magi: Marx, Freud, and Nietzsche on religion* (New York: Pilgrim Press, 1986) 188.

²⁶ Ibid., 181.

preached it on the mountaintop for those who were willing to be creative geniuses, when nature has determined them to be so; this rather than peaceful mediocrities.”²⁷ Nietzsche’s form of redemption is so individualized that it can only be achieved by man coming, of his own design, to the transformative and holy thought of Eternal Recurrence.

In contrast to Nietzsche’s notion of redemption, Marx engages all of mankind in redemption rather than just a select few. Nietzsche has taken refuge from the masses, while Marx revels in them and relies on the proletariat to both provoke the revolution and structure the new society that will ensue. Although Marx was not raised with the same vigorous religiosity as Nietzsche, influences from his theological upbringing manifest themselves in his mature theories. Marx was influenced by his father’s use of religious conversion as a social leverage, as well as his mother’s loyalty to the family’s rabbinical lineage. The tension between the Judaism and Protestantism of his early household impacted Marx in multiple ways.²⁸ Firstly, though raised with two religions, he fully belonged to neither, and thus had no cohesive religious identity. Secondly, his father’s open preference for humanism over religion, and “sympathy for the rights of the oppressed,” affected Marx as much as did the religions of his household.²⁹ Thirdly, due to the status of Jews in Germany, and Marx’s disconnection from the Jewish community, he perhaps was influenced more by Protestantism than by his maternal religion.

The question of whether Marx’s redemptive theory was more influenced by Christianity or by Judaism seems to be hotly debated. Julius Carlebach examines the claim that Marx was a “secular nineteenth-century version of an Old Testament prophet”,³⁰ and concludes that Marx’s “passionate devotion to the proletariat” is a “displacement of the ‘chosen people’” and that Communism is nothing more than a reconstruction of Judaism with Marx as its new prophet.³¹ What is more, there are four major tenets in Judaism that resurface in Marx’s theories: “The *equality* of men as a matter of right and not of grace. *Justice* as a matter of principle and not convenience. *Reason* based on learning as a virtue and a duty, and *this-worldliness* which demanded the search for perfection on earth.”³² William Newell, weighing in on Marx, carefully treads the same path: “There is

²⁷ Ibid., 179-80.

²⁸ McLellan, 4-5.

²⁹ Ibid., 8.

³⁰ Julius Carlebach, *Karl Marx and the radical critique of Judaism* (London: Routledge and Kegan Paul, 1978), 315.

³¹ Ibid., 311.

³² Ibid., 314.

messianic hope here...the kind that kept the Jews going for millennia, as they waited for the Messiah.”³³

In the same vein, Michèle Bertrand notes several similarities between Marx's socialism and “primitive” Christianity: both are movements of the oppressed; both are composed of persecuted individuals who despite their persecution victoriously and irresistibly blaze their own paths. Most importantly, “both preach of a *forthcoming deliverance* from servitude and misery.”³⁴ Listing themes ranging from martyrdom to sympathy for the oppressed, Bertrand concludes that there are a certain number of constants inexorably linking Christianity and Socialism.³⁵ Yet whether the redemptive element in Marx's socialist revolution is derived from Judaism or Christianity, it is recognized that it is based in a historically theological model.

Marx's redemptive exercise does away with religion and supplants his reconstruction in its place. Newell claims that Marxism was “an openness to the goodness of both people and things...the incarnation not of Christ but of man and woman...the heart of Marx and Engels' thought is a communitarian humanism, a noble incarnationalism that bespeaks a faith in what *is*.”³⁶ Marx thus eliminates the former deity and sculpts his ideology from the shell that Christ once inhabited. The masses become their own deity, and in the glow of their redemption, they are enlightened and ennobled by their own divine purpose. The proletariat need not be taught the principles of the post-revolutionary socialist state; they will attain a new state of being by light of their moral purity. As a redeemer, God “has been rendered otiose.”³⁷ Marx himself deems communism “the real *appropriation of the human* essence by and for man” and “the complete return of man to himself as a *social* (i.e., human) being.”³⁸

Indeed, Marx does not object to the ideals of religion as much as to its manipulations in the hands of the privileged classes: “the central critique of Marx against religion is a critique of how elites have used and still use their religion—

³³ Newell, 65.

³⁴ Bertrand, Michèle Bertrand, *Le statut de la religion chez Marx et Engels* (Paris: Editions sociales, 1979), 176-77, my translation.

³⁵ *Ibid.*, 182. Bertrand writes that:

Thus there are, from Christianity to socialism, a certain number of constants: conviction, subjective motivation sometimes erring towards martyrdom; a sense of celebration, of the liberty experienced here and now in the form of symbolic acts, an openness to the forgotten and the oppressed (182, my translation).

³⁶ Newell, 55.

³⁷ *Ibid.*, 58.

³⁸ Robert C. Tucker, Karl Marx, and Friedrich Engels, *The Marx-Engels reader* (New York: Norton, 1978), 84.

to give themselves, for example, a sense of legitimacy for their privilege or “meaning” in the face of personal tragedy.”³⁹ With religion, as with all other aspects of society, Marx employs his all-inclusive standard and advocates for universal, not individual, liberation. As early as 1844, Marx writes that:

there must be formed a sphere of society which claims no traditional status but only a human status...which cannot emancipate itself without emancipating itself from all the other spheres of society, without, therefore, emancipating all these other spheres, which is, in short, a *total loss* of humanity and which can only redeem itself by a *total redemption of humanity*. This dissolution of society, as a particular class, is the *proletariat*.⁴⁰

Marx’s representation of redemption relies on a heaven-on-earth vision of worldwide harmony attained through Socialism, where every human will partake in an equal, primarily material, happiness. This redemption excludes no one, and focuses especially on providing for those who were disadvantaged by previous social structures.

The similarities between these two seminal thinkers are remarkable: they were contemporaries, their lives overlapping by four decades, and they both rose from privileged classes in Germany. Their concerns were strikingly similar. Each one strove to moor the human psyche in an increasingly fragmented world. To achieve this, each sublimated his early religious influences into a philosophical doctrine, emphasizing the importance of an earthly redemption over a mythical redemption in the afterlife. But there the similarities end. While the Overman attains solitary spiritual redemption, the proletariat attains redemption based on a communal harmony that provides for men both spiritually and materially. While Marx places man’s salvation in the embrace of collective humanity, Nietzsche finds it in high solitude, far from the madding crowd.

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³⁹ Karl Marx and John C. Raines, *Marx on religion* (Philadelphia: Temple University Press, 2002), 169.

⁴⁰ Tucker, *Marx-Engels reader*, 64.

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ABSTRACT

This paper examines constructions of gender in early modern England as a way of understanding the emerging of modernity in a period of extreme social and political upheaval. Through a study of portrayals of women as monstrous in the English popular press in the second half of the seventeenth century, the author describes how fundamental changes in the way that the public made sense of the world—increasingly according to the modernist perception that the universe is made up of an orderly and defined a system of inherent and infallible relationships—led people and things that defied the categories ascribed them to seem monstrous and threatening. Gender, as a contested site upon which questions of culture and politics have often played out over the ages, became a particular focus of attention during this period. In this context, women came to be seen as a threatening force, and described with great frequency in the popular press as monstrous creatures to be feared and loathed.

http://depts.washington.edu/chid/intersections_Spring_2009/Alletta_Brenner_Monstrosity_and_Womanhood_in_Early_Modern_England.pdf

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'The Good and Bad of that Sexe'

Monstrosity and Womanhood in Early Modern England

By Alletta Brenner
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Monsters. In the modern mind, they have come to occupy a mere periphery. Rejected by the orderly nature of our scientific universe, they are either subsumed into the categories of routine, abnormal results, or delegated to that of the supernatural—those things which have no place in our system, and thus cannot exist. However, not so long ago, monsters occupied a very different space. Monsters were evidence of the wondrousness of our world, signs of the vastness and variety of God's creation, and portents of his wrath. Monsters informed and reflected the way we understood our world. Daston and Park, in their extensive work on the history of wonder, have drawn this connection in terms of the heavenly and prodigious qualities perceived of monsters and how this tied to historical circumstance. These scholars, along with several others, have drawn a clear line between the rise of monsters and periods of social, religious, and political unrest.¹

Monsters can be connected to the times in which they appear in other ways as well. Periods of upheaval are also characterized by change and redefinition. Here, the great struggle monsters come to embody is not just located solely in the presence of turmoil, but as well in its resolution and the general human effort to arrive at and justify a consensus about the 'natural order' of the world. For as much as they threaten them, monsters also help to define and signify boundaries and hierarchies. In his essay "Monster Culture (Seven Theses)", Jeffrey Cohen provides an excellent description of these phenomena:

The monster's body quite literally incorporates fear, desire, anxiety, and fantasy (both ataractic or incendiary), giving them life and an uncanny independence. The monstrous body is pure culture. A construct and a projection, the monster only exists to be read... Like a letter on the page, the monster signifies something other than itself: it is always a displacement, always inhabits the gap between the time of upheaval that created it and the moment into which it is received, to be born again.²

¹ For more on the historical dynamic of monsters see Lorraine Daston and Katherine Park, *Wonders and the order of nature, 1150-1750* (New York: Zone Books, 2001); Peter G. Platt, *Wonders, marvels, and monsters in early modern culture* (Newark: University of Delaware Press, 1999); and Jeffrey Cohen *Monster theory: reading culture* (Minneapolis: University of Minnesota Press, 1996).

² Cohen, 4.

As Cohen suggests, through a study of what, how, and why certain bodily characteristics or physical qualities have come to be understood as monstrous, we can observe how over time people have questioned and constructed the limits of the normal, natural world. This epistemological history—what Lorraine Daston has described as the way that “the categories that structure our thought, pattern our arguments and proofs, and certify our standards of explanation” have changed over time—is as much a reflection of human history as a dynamic of it.³

Ultimately, monsters are objects that cross boundaries of what we perceive to be normal, and thus natural. In the modern world, this carries implications that are specifically negative. Monsters are horrible, dangerous, and repugnant. However, prior to the modern period, monstrosity carried a dramatically different epistemological connotation. In the medieval period, Europeans saw themselves as party to a greater scheme of connections. Jerusalem was the physical and conceptual center of the globe, and all that existed was part of God’s creation.⁴ Under this philosophical framework, divisions were present, but only as parts of a greater holistic vision. Even when perceived as awful portents, the emphasis remained that such things came as a message from God. In the pre-modern mind a ‘monster’ might have been wondrous and stupefying, but never repugnant. For, nothing that was part of God’s creation could be viewed as unnatural. Wonders were signs from heaven, evidence of nature’s playfulness, and examples of the vastness of God’s creation, but never perversions of it.⁵ Consequentially, the usage of ‘monstrosity’ to refer to things as horrible and unnatural could not have developed without a significant shift in the conceptual ways in which the world was understood.

I examine one particular historical moment of unrest and redefinition to understand in part how this shift occurred: early modern England from the middle of the sixteenth century to the end of the seventeenth. Perhaps the most complex and turbulent in Britain’s history, this period was witness to a civil war, the overthrow and execution of a monarch, the (then unprecedented) rule of queens, religious upheaval and reformation, the reinstating of both a monarchy

³ Lorraine Daston, “Historical Epistemology,” in *Questions of evidence: proof, practice, and persuasion across the disciplines*, eds. James Chandler, Arnold I. Davidson, and Harry D. Harootunian (Chicago: University of Chicago Press, 1994), 282.

⁴ A dramatic example of this conceptual framework can be seen in the Mappa Mundi, a medieval world map located in the British Library. It is also available in P.D.A. Harvey, *Mappa mundi: the Hereford world map* (London: Hereford Cathedral & the British Library, 1996).

⁵ See Daston and Park, *Wonders and the order of nature*, Chaps. 1 and 5. See also Platt, *Wonders, marvels, and monsters in early modern culture*. It should be noted that on occasion, monsters were taken to be an expression of evil. However, this was still understood as part of the cosmic dance between God and Satan, and not as something outside of nature. For more see Bettina Bildhauer and Robert Mills, *The monstrous Middle Ages* (Toronto: University of Toronto Press, 2003).

and a religion, and a revolution in science and philosophy. Each of these great shifts were manifest in the appearance and interpretation of the monstrous.

Monsters real and imagined played a crucial role in the early modern mindset—whether they were found in the form of grotesque births or witches, the sexually depraved or creatures with bodies composed of many species.⁶ Through them, we can witness the collective anxieties of a nation as it sought for meaning in a time of vast uncertainty.⁶ By tracing the formation and definition of these monsters, and the epistemological shifts they embodied, we are able to witness the continuing emergence of modernity in British society.

In this period, monsters played a large part on the stage of popular imagination. One of the most intriguing examples of popular conceptions of monstrosity can be found in representations of women as monstrous creatures. In some ways, this was nothing new to the early modern period. After all, “the monster is difference made flesh” and the locating of difference within women’s bodies is a tradition that goes back to the oldest of Christian mythologies, Adam and Eve.⁷ However, throughout the early modern period, there was a profound surge in the idea that women were somehow monstrous creatures—at best gossiping, unreliable, dishonest and dangerous, and at worst literal corruptions of the human flesh.

While femaleness has long been associated with sinfulness, such a widespread indictment of ordinary women as literally *deformed* in body and soul is dramatic. Many have pointed to a rise in misogyny to explain this portrayal, but such explanations are unsatisfactory.⁸ While it may have been true that certain events may have led to a misogynist backlash in early modern England, this does not explain why women would be portrayed in this particular manner, nor what the significance of such portrayals were for the way gender was being understood and defined in that time and place.⁹ Instead, I propose that we examine this

⁶ For more on the monsters and the preternatural and the meaning associated with them in this period see Lorraine Daston, “Marvelous Facts and Miraculous Evidence in Early Modern Europe,” in *Questions of evidence: proof, practice, and persuasion across the disciplines*, eds. James Chandler, Arnold I. Davidson, and Harry D. Harootunian (Chicago: University of Chicago Press, 1994), 243; also see Daston and Park, *Wonders and the order of nature*, Chapters 1, 5 and 6.

⁷ Cohen, 7.

⁸ It is worth noting here while a rise in misogyny may certainly have occurred, (after all, this period would be witness to the some of the most violent of attacks against women: politically, economically, and certainly physically by way of ‘witch trials’), I argue these events were only a symptom of larger cultural developments, embodied in an overall anxiety about sex and gender.

⁹ For more on the history of anti-feminist writings in the pre-modern period see Alcuin Blamires, Karen Pratt, and C. William Marx, *Woman defamed and woman defended: an anthology of Medieval texts* (New York: Oxford University Press, 1992).

phenomena through the lens of epistemological history, and ask instead, what does the portrayal of woman as monstrous tell us about the processes of redefinition and adjustment to which gender was subject in this period? And, how were these processes linked to larger epistemological shifts in English society as a whole?

To set a scene for this exploration, we must first go to where most monsters appeared in the popular imagination of the time, the small press. During this same period of unrest, the world of print—ranging from ballads, to books, to broadsides—underwent a vast degree of development. As political adversaries fought for power on the battlefield, ideological battles were fought out in print—a fact indicated by the exponential growth of printed materials during the tumultuous period of 1640 to 1660.¹⁰

In a unique way, the small press brought together all degrees of English society, embodying a whole variety of ideas and experiences, and in turn disseminating them to everyone. In any particular shop, one might find everything from the latest discoveries of Boyle, to the finest work of Shakespeare and the bawdiest pornography, often all sharing and borrowing themes. Thus from its center in London, the press was literally a vast and crucial site for discourse and debate. Here, monsters were recorded and represented, their meanings interpreted, and their ultimate significance determined. Likewise, it is through an analysis of relevant small press that we can observe the developmental course of all kinds of epistemologies, as their meanings were negotiated between the many institutions of English culture and thought, and in works of every genre and price.¹¹

Historically a favorite topic, it is unsurprising that a significant amount of printed material in early modern England dealt with the theme of women. While definitions of sex and gender have always been major objects of contention, this subject had reached new heights, becoming a primary topic of discussion. Beginning with the controversial rein of the Tudors, and marked by the infamous ‘*querelle de femmes*’—the prolonged humanist debate on the status and nature of women—this period would be witnessed to a virtual explosion in misogynist writings dictating everything from the ‘true nature of the feminine sex’, to the

¹⁰ An example of this growth can be seen in the growth of the pamphlets collected by the printer Thomason: 22 in 1640, over 1000 in 1641, and 1966 in 1642, with an overall total of more than 22,000 from 1640 to 1660. For more, see Fred S. Siebert, *Freedom of the press in England, 1476-1776: the rise and decline of government controls* (Urbana: University of Illinois Press, 1952), 191.

¹¹ For more on the history of the British press and cultural discourse see Jerome Friedman, *The battle of the frogs and Fairford's flies: miracles and the pulp press during the English Revolution* (New York: St. Martin's Press, 1993). Also, Joad Raymond, *Pamphlets and pamphleteering in early modern Britain*, Cambridge studies in early modern British history (Cambridge, UK: Cambridge University Press, 2003).

appropriate roles for women in religion, marriage and reproduction.¹² From all aspects of society, thousands of authors would weighed in on the issue, each purporting to know the final 'truth' of the matter, while clearly representing their own individual interests. Though numerically marginal, female authors too participated in this discourse, both condemning and defending their sex with great eloquence and wit.¹³ Further, as was made clear by so many authors' appeals to their audiences, women too were avid readers of these works, often warranting a style aimed particularly to at female audiences. Thus, while the medium of print was definitely circumscribed by relations of power and influence, and though the wealth of material clearly represented the ideals, desires, and interests of men, it nonetheless provides us with an excellent map of the debate as it developed over time.¹⁴

Centered mostly on conceptions of 'true' and 'appropriate' womanhood, these writings focused on a variety of major themes, namely: politics, morality, women's role in history, and appropriate relations between men and women. Common to almost all of these, is an insistence upon the inferiority of the female sex, and broad, virulent attacks upon its perceived defects. Claiming the majority of women to be gossiping, lazy, inconstant, manipulative, and untrustworthy creatures with voracious sexual appetites, much of this literature paints women as inherently evil and troublesome. To this point, one such author even suggests 'hanging' as a preferable alternative to marriage.¹⁵ Others, acknowledging the 'general usefulness' of women, would provide their readers with suggestions of how to secure a 'constant', honest wife, and avoid a 'shrew'.¹⁶ Thus while often positing an argument in terms of merely critiquing certain 'bad' behaviors thought to be typical of women, the authors of these works almost always emphasized their own version of the ideal 'goodwife' who happily and without protest adheres to her rigidly defined, subservient role.

¹² See Joy Wiltenburg, *Disorderly women and female power in the street literature of early modern England and Germany* (Charlottesville: University Press of Virginia, 1992), 9; also Raymond, *Pamphlets and pamphleteering*, Chapter 7, and Friedman, *The battle of the frogs*, Chapter 9.

¹³ For a variety of great examples of women's participation in the printed world, see Suzanne Trill, Kate Chedgzoy and Melanie Osborne, *Lay by your needles ladies, take the pen: writing women in England, 1500-1700* (New York: St. Martin's Press, 1997). Also see Anne Haselkorn and Betty Travitsky, *The Renaissance Englishwoman in print: counterbalancing the canon* (Amherst: The University of Massachusetts Press, 1990), and Charlotte Otten, *English women's voices, 1540-1700* (Miami: Florida International University Press, 1992).

¹⁴ See Wiltenburg, *Disorderly women*, Chapter 3; Friedman, *The battle of the frogs* Chapter 1, and Raymond, *Pamphlets and pamphleteering*, Chapter 7.

¹⁵ Raymond, 284. Also see Barbara McManus, Barbara, *Half humankind: contexts and texts of the controversy about women in England, 1540-1640* (Urbana: University of Illinois, 1985).

¹⁶ Raymond, 279-288

One of the earliest works of the period to proclaim the monstrosity of women was John Knox's famous *First blast of the trumpet against the monstrous regiment of women* in 1558. Regaling the recent phenomena of female rulers as abhorrent to nature, it built upon the misogynist sentiments typical of his day and, to make the argument that women who stepped outside the role God created for them were unnatural and repugnant:

To promote a Woman to beare rule, superioritie, dominion, or empire above any realme, nation, or citie, is repugnant to Nature; contumelie to God, a thing most contrarious to his reveled will and approved ordinance; and finallie, it is the subversion of good order, of all equitie and justice.¹⁷

Its primary theme, that women were created by God to be subservient to men and were thus unfit to rule over them, set the premise for a whole litany of writings to come, as authors would continue to emphasize the 'unnaturalness' of powerful females. Invoking immediate and fierce debate about female capability, Knox's piece brought to a head one of the major debates of his time.¹⁸ Though the subsequent succession of Queen Elizabeth would soon force Knox to recant, and make attacks against female rulers impossible, the general theme of natural hierarchy, and violations of it as monstrous, would remain steadfast.

Perhaps the most infamous of these brutal, tongue-in-cheek arraignments of womankind, would be the notorious pamphlet by Joseph Swetnam, *The arraignment of lewde, idle, forward, and unconstant women: or the vanitie of them, choose you whether. With a commendacion of wise, vertuous and honest women*, in 1615. Consisting of misogynistic stereotypes in scathing tone, Swetnam's pamphlet emphasized the comical nature of women's faults, calling females 'necessary evils' who could all use some adjustment. Short and inexpensive, it would run at least 10 editions by 1637, with others as late as 1807, prompting many angry responses, and even a play titled *Swetnam the woman hater, arraigned by women A new comedie*, in 1620.¹⁹ Though considered by many to be repetitive, contradictory and unimaginative, the lasting power of Swetnam's pamphlet in the fast moving world of print indicates the fact it must have carried some resonance with its readers.

¹⁷ Josephine A. Roberts, Josephine, "Radigund Revisited: Perspectives on Women Rulers in Lady Mary Wroth's *Urania*," in *The Renaissance Englishwoman in print: counterbalancing the canon*, eds. Anne M. Haselkorn and Betty Travitsky (Amherst: University of Massachusetts Press, 1990), 187. For more on common conceptions about women in this period see Antonia Fraser, *The weaker vessel* (London: Weidenfeld and Nicolson, 1984).

¹⁸ For more on "The First Blast of the Trumpet" and its responses see, Carroll Camden, *The Elizabethan woman* (Houston: The Elsevier Press, 1952), Chap. 9. See also Shepard, *Gender and authority in sixteenth-century England*.

¹⁹ See Camden, 255-257; Raymond 284-290.

Like Knox's *First Blast*, Swetnam's *Araignment* spurred intense controversy, sparking and setting the style for decades of debate and commentary.²⁰ One of the most prominent refutations of Swetnam's argument would be against his insistence that all women were bad, as demonstrated by his failure to truly provide an example of a 'good' woman to counter his criticisms. While his case met frequent attacks against his blindly misogynist claims,; none of these threatened his and others' essential assumptions about the feminine ideal.²¹ Though sweeping judgments were made in both cases, declaring on one side the general badness and inferiority of women, and on the other, the general goodness and equality of women, neither challenged the fundamental idea that women should be relegated to a particular, limited role of bearing children and serving their husbands, nor that chastity and lack of passion should be preferable.²² In almost every pamphlet to follow Swetnam, on either side of the issue, this dichotomy would remain, with few actual challenges to the structures of femininity and masculinity that underlined it. Thus And while Swetnam never directly declared women monstrous, his work is an important contribution in a long vein of misogynist literature that does. The deepened hierarchical divisions and attitudes that emerged from the debate were fundamental additions to the construction of feminine monstrosity, making the notion of a 'natural', 'good' woman in opposition to the 'unnatural', 'bad' (and thus monstrous) woman, all the more rigidly defined.

As the gender debate climaxed between 1640 and 1670, images of monstrous women proliferated. Vast numbers of books, broadsides and pamphlets presented tales of horrendous, monstrous women who tyrannically dominated the men in their lives, causing them to commit acts of terrible sin, and even going so far as to murder their families (or in some cases, clients).²³ For some, these ubiquitous 'whores', 'witches' and 'shrews' and the ultimate sins they embodied were signs of God's wrath against a nation that had sinned. For others, they were signs of how corrupted a nation Britain had become.²⁴ But for more still, they were the very incarnation of the fear that Britain itself had been

²⁰ For more on the history of controversies over women, including that surrounding Swetnam, see Linda Woodbridge, *Women and the English Renaissance: literature and the nature of womankind, 1540-1620* (Urbana: University of Illinois Press, 1985).

²¹ Raymond, 285-286. See Ann Rosalind Jones, "Counterattacks on "The Bayter of Women": Three Pamphleteers of the Early Seventeenth Century," in *The Renaissance Englishwoman in print: counterbalancing the canon*, eds. Anne M. Haselkorn and Betty Travitsky (Amherst: University of Massachusetts Press, 1990): 45-62.

²² Raymond, 285-286.

²³ For more examples see Roger Thompson, *Unfit for modest ears: A study of pornographic, obscene, and bawdy works written or published in England in the second half of the seventeenth century* (Totowa, NJ: Rowman and Littlefield, 1979).

²⁴ Friedman, 179-200, 255-261.

‘cuckolded’, literally losing control of its subjects and in doing so becoming an emasculated, headless nation.²⁵ In this tradition, some of the fiercest attacks would be reserved for sectarians and activists such as the Quakers, Adamites, Anabaptists, Levelers and Diggers, whom were perceived as giving too much power to women, becoming sexually depraved and dominated by ‘religious whores.’

Imagining these women as devilish minions of Satan, these authors emphasized the righteousness of their own political and social agendas, and with it the unequivocal sense that powerful women gained their dominance only through unnatural, evil workings. As one such pamphlet envisioned: “But ye of all whores, there is no whore to a Holy Whore, which when she turns up the white of her eye and the black of her tail, when she falls flat on her back, according as the spirit moves her, the fire of her zeal kindles such a flame that the devil can not withstand her... she can cover her lust with religion.”²⁶ In all, the theme would be the same: English women were stepping outside their proper roles, with disastrous results.

One particular pamphlet, entitled *A brief anatomie of women: being an invective against, and apologie for the bad and good of that sexe*, provides us with an excellent example of feminine monstrosity as it was envisioned and debated. Like others of its time, it closely followed the form and the sentiments of its predecessors, invoking many of the same arguments and images. Women are deformed creatures, filled with the trickery of Satan:

If we but observe their actions and undertakings, it will manifestly appear that they are... humane creatures merely metamorphosed, seeming to be that which truly and really they are not, and in a word, it is most apparent that they onely are the greatest and most powerful temptations to evill of all other.²⁷

However, this work goes beyond the simple misogynistic rants of some earlier works. Published anonymously in 1653, dead center in the highpoint of debate,

²⁵ See William Burns, “The Kings Two Monstrous Bodies: John Bulwer and the English Revolution,” in *Wonders, marvels, and monsters in early modern culture*, ed. Peter G. Platt (Newark: University of Delaware Press, 1999), 188-189. Interestingly, this fear of national emasculation was also expressed by John Knox in “First Blast of the Trumpet.”

²⁶ Friedman, 185. Friedman quotes *A Strange wonder, or, A wonder in a woman, wherein is plainly expressed the true nature of most women. Especially of some eminent women in this citie. Likewise a plaine description of many mad tricks and slights lately performed by a zealous sister which was overcome with the spirit* (London, Printed for I.T., 1642). For more on the misogynistic use of print for political purposes see Thompson, *Unfit for modest ears*.

²⁷ *A Brief anatomie of women: being an invective against, and apologie for the bad and good of that sexe* (London: printed for E. Alsop, 1653), 3. This text is available in the Thomason Tract Series (microform) from University Microforms of Ann Arbor, Michigan.

it existed on a cusp between two radically different understandings of gender: woman as a version of man, and woman as an entirely distinct creature. Thus in *A brief anatomie*, we can observe the workings of some of the major epistemological shifts that marked its time, as Britain became increasingly invested in a modern worldview, and a very different vision of monstrosity emerged.

A brief anatomie contributed to the discourse on womanhood in several important ways relevant to the development of modernity. The foremost of these, was a shift in the way that gender divisions were drawn and affirmed. Such divisions are an essential element to a modernist worldview. Bruno Latour, in his critical work *We have never been modern*, describes this function succinctly as a process he calls “purification.” According to Latour, one of the main directives of modernism is not simply the division of objects into separate and distinct groups, but what moderns perceive as the *purification* of them into their essential meanings, allowing for each object to then be placed into its respective category of existence.²⁸ In this way, boundaries do more than delegate (and separate) groupings of objects—they determine their *possibilities* of existence. While it is certain that this ‘purification’ is only an illusion (Can we ever really determine the essential qualities of anything?), its impact on the way we see the world is powerfully evident in the historical formation of modern epistemologies of sex and gender. The upsurge of monsters in the early modern period can be seen as related to this emerging process; for by the very nature of their contradictory bodies, they “resist all attempts to include them in any systematic structure.”²⁹

In England, an emphasis on the delegation of all things, including the sexes, into rigid and separate categories of meaning had begun as early as the sixteenth century. However, because the purifying force of the scientific method was still only in its early stages during the early modern period, the lines drawn were often confusing and contradictory. John Bulwer, one of the most significant authors on monstrosity during the mid seventeenth century, provides an excellent example of this relationship in his encyclopedic work *Anthropometamorphosis*.³⁰ Bulwer’s principal concern was that of deformity. For Bulwer, monstrosity not just the result of “licentiousnesse of inordinate concupiscence,” but the incarnation of “very wickedness”—the perverse crossing of essential and fundamental lines of division. For Bulwer, the traversing of

²⁸ Bruno Latour, *We have never been modern* (Cambridge, MA: Harvard University Press, 2002), 1-37.

²⁹ Cohen, 6.

³⁰ Burns, 197-198; Also see Mary Campbell, “Anthropometamorphosis: John Bulwer’s Monsters of Cosmetology and the Science of Culture,” in *Monster theory: reading culture*, ed. Jeffrey Cohen (Minneapolis: University of Minnesota Press, 1996).

gender lines was one of the most monstrous of acts. Bulwer described castration with particular rage, as ‘high treason’ against nature.

What things determined the essential nature of each sex was still hotly debated, and Bulwer, attempting to clear up such ambiguity, often found himself stuck at extremes. For example, Bulwer considered even shaving a deformity as it made a man too effeminate, a point that most of his fellow men would have rejected.³¹ Contemporary to Bulwer’s work, both the desire to and difficulty of ‘setting things straight’, are strongly evident in the way gender is defined and described within *A brief anatomie*.

Like Bulwer, the author of *A brief anatomie* also pushes to extremes. From the very beginning, the author makes a significant point of emphasizing divisions:

For if there were not deformity how could their be beauty [?]; and if there were not sin, how could righteousness appear[?]. The Antipathy therefore between good and evil, is as great as the visible difference betwixt the most resplendent light and obscurest darkness.³²

Following the legacy of Swetnam’s pamphlet, this kind of sharp line is extended to what the author identifies as two different breeds of woman, “the good and bad of that sexe”: the first of which is “abundant [with] goodness and magnificent virtues”, and a second, which is made up of deformed women “whose corrupt natures and evil dispositions render [them] odious in the sight of God and man.”³³ Likewise, he states: “We must also acknowledge that women (in their natural inclinations) are all in extreams, for they that are good are really good indeed, and they that are bad are usually extremely evill.”³⁴ These dichotomies are evidence of what was a conscious societal effort to construct clear boundaries upon a division that was inherently (and only increasingly so) problematic. Because it was almost impossible for women to cross over these lines, they were locked into positions of ‘essentially good’ or ‘essentially bad.’ Together, this virtual splitting of womanhood into two opposing camps created a powerful requisite for monstrosity, for if only one can be natural, all else is unnatural and thus ‘deformed.’

In addition to the boundary between ‘good and bad’ women, perceptions of feminine monstrosity also emerged from perceived boundaries between the

³¹ Burns, 197-198.

³² *A brief anatomie*, Introduction.

³³ *Ibid.*

³⁴ *Ibid.*, 5.

sexes that sought to define man and woman as oppositional in nature. Such an emphasis reveals an important contradiction between the modern conception of sex, and older conceptions of gender that existed at the time. For while the modernist emphasis on boundaries encouraged placing men and women at opposite poles, the reasons cited for women's deformities relied upon an older, more flexible understanding of the interrelation of the sexes. This understanding of feminine monstrosity focused instead on the interrelatedness of the sexes; making the case that from Eve's literal birth from the 'crooked rib' of Adam, to the formation of gender in the womb,³⁵ women are created by God as 'deformed' men, monstrous in their own right by their physical and mental inadequacies. By the early seventeenth century, however, the physiological distinctness of women's bodies had become firmly established in the scientific realm and was gaining traction in popular conceptions of gender also. Evidence of this new oppositional view of gender is present in the *A brief anatomie*, albeit in constant tension with pre-modern conceptions of gender which are also present. Thus, while the author goes to great pains to distinguish women from their male 'counterparts', he explains female difference and monstrosity in the language of deformity, returning often to the idea of original sin as the source of feminine badness.

The author begins with the moral and historical context of the Eve, making a special point of noting that women are a group which has almost exclusively gone against the interests of men (that is, of 'all mankind'):

If we but consider the nature and qualities of the generality of that sex, even in all ages from the fall of man unto this present, we may well perceive that they have not only been extremely evil in themselves but have also been in the main instruments and immediate causes of murder, idolatry, and a multitude of other heinous sins.³⁶

Following this line of reasoning, the author then provides a long list of female biblical characters that committed enormous acts of sin, or more importantly, like Eve, led to the downfall of men. While a few examples of 'good' women are cited, the general sense given is that women, by their own initial instincts, are not. This point is only emphasized in the work's conclusion: "For we find (by sure and infallible arguments) that the number of the righteous are but few, and

³⁵ According to Aristotle, women were created when male babies failed to reach their full development; Thus women in essence, were deformed men. This made them less than perfect, being faulty models of the perfect human, man. For more on this conception of physiology in the early modern period see Kate Aughterson, *Renaissance woman: a sourcebook : constructions of femininity in England* (London: Routledge, 1995), 41-66.

³⁶ *A brief anatomie*, 1.

the wicked very numerous.”³⁷

This tendency for badness is given to be a result of woman’s weaker mind and morals, consequence of an inferior degree of development inherited all the way back from her ‘grandmother Eve’.³⁸ If we follow the general argument of most contemporary guidebooks on femininity and morality, female goodness was only possible with the moralizing influence of religion and the social constraints of propriety.³⁹ And even then, while a few women could overcome their tendency toward badness, the vast majority apparently would not, a fact emphasized by *A brief anatomie*’s insistence upon the utter rarity of ‘good women.’ The clear conclusion of such a definition, is that women are the dark counterpart to an inherently good (read: pure) male sex, and that all transgressions on the part of men, result from the ‘pollution’ of women.

While drawing upon an older understanding of the interrelatedness of the sexes based on biblical narrative, the author of *A brief anatomie* also draws upon more modern conceptions of difference that aim to delineate and separate the sexes. However, unlike those medical anatomies that were developing in the same era, it serves not to normalize and naturalize the female body, but rather to reinforce its function as a monstrous creation:

The golden tresses of their amorous hair... doth manifestly express the true performance of their dutie to their great Lord and master Lucifer, in observing so well his livery... Their roling eies,⁴⁰ like shining pearl, seem to be the baits that insnare men in their love, whole fruit is destruction... Their bodie it self is a magazine of corrupt and ill humors, which hath continual recourse to all the rest of the members: Their thighs are the ascent unto this frail fabrick of corruption, their legs the supports, and their feet swift guides to the waies of vanity, for from the crown of their head to the sole of the foot, there is not a good member, no not one.⁴¹

In this process, the author attempts to pursue the aim of laying out and exposing

³⁷ Ibid., 5.

³⁸ Fraser, 1-4.

³⁹ For a few excellent examples of these texts see Lloyd Davis, *Sexuality and gender in the English Renaissance: an annotated edition of contemporary documents*. Garland reference library of the humanities, v. 2011 (New York: Garland Publishing Co., 1998); Aughterson, *Renaissance woman: a sourcebook*; and Fraser, *The weaker vessel*.

⁴⁰ Eies (eyes), may be also read as synonymous with vagina. For more on early modern slang see James T. Henke, *Gutter life and language in the early "street" literature of England: a glossary of terms and topics, chiefly of the sixteenth and seventeenth centuries* (West Cornwall, CT: Locust Hill Press, 1988.)

⁴¹ *A brief anatomie*, 2-3.

the 'truth' of womanhood for observation.⁴² This is a theme expressed throughout early modern writing, in the language of "opening, uncovering or bringing to light something at the same time characterized as 'monstrous' or 'obscene.'"⁴³ Throughout the medieval and early modern periods, it was widely believed that the human corporeal exterior acted as a representation of God's judgment upon its interior. By this, an emphasis on the social functions of the parts of a woman's body as embodiments of deformity reinforced the claim of that her nature was in fact monstrous.⁴⁴

While boundary crossing and abnormality certainly existed in earlier times, such events provoked responses strikingly different responses in the early modern period. Monsters became unequivocally understood as threatening and dangerous, something to be controlled and eliminated. Critical to this change would be the superimposition of a structure of the 'natural order of things', of 'God's natural laws' upon all his creation. Almost a century before *A brief anatomie* was written, John Knox argued that women became monstrous when they violated the infallible descending order of God, man, and woman. Though at the time it may have been somewhat unorthodox, by the seventeenth century his emphasis on the fundamental order of the world was becoming increasingly coming to representative of the dominant view.⁴⁵ As demonstrated by prolific and accessible literature of the early modern press, early moderns of all kinds were coming to see their world as defined by a system of inherent and infallible relationships.⁴⁶ At the same time, those people and things that defied such categories were increasingly seen as monstrous.

This shift towards a rigid structuring of reality is powerfully evident in the way that many came to understand women in early modern England as monstrous creatures. For only when 'natural' is confined to strict limits, can something become monstrously 'unnatural'.⁴⁷ Prior to this era, popular conceptions of gender tended to emphasize the homogeneity between male and females. For

⁴² Thomas Walter Laqueur, *Making sex: body and gender from the Greeks to Freud* (Cambridge, Mass: Harvard University Press, 1990), 70.

⁴³ Patricia A. Parker, "Fantasies of 'Race' and 'Gender'", in *Women, "race," and writing in the early modern period*, eds. Patricia A. Parker and Margo Hendricks (London: Routledge, 1994), 87.

⁴⁴ David Williams, *Deformed discourse: the function of the monster in mediaeval thought and literature* (London: McGill-Queen's University Press, 1996), 107-176.

⁴⁵ Daston and Park, 202

⁴⁶ Latour, 29-35.

⁴⁷ For more on this progress of monstrosity from the middle 17th century onward, see William Burns, *An age of wonders: prodigies, politics, and providence in England, 1657-1727* (New York: Manchester University Press, 2002).

example, anatomists painted even the female reproductive system as a mere morphing of the male. However, by the seventeenth century, divisions became increasingly important and the emphasis would no longer be on the similarity between the sexes, but rather the supposed differences between them.⁴⁸

Within this construction of increasing difference, a paradox began to emerge between what was perceived as the natural order of the world, and that which was ideal. Increasingly, the idea that women were by nature inferior and prone to badness came into conflict with the growing belief that the world was composed of orderly and purposeful hierarchies—the ‘natural’ order of things. As the definition of proper and ‘natural’ womanhood narrowed, the list of behaviors, and of women, that defied these confines grew, and so, it seemed the world was overrun with monstrous women.

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⁴⁸ See Laqueur, *Making sex: body and gender from the Greeks to Freud*

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ABSTRACT

The last few decades have been witness to a flood of information about destructive resource extraction projects around the world. However, the tourism industry has been curiously absent from many conversations about harmful extraction. The purpose of this paper is to bridge the two industries together, revealing their similarities and exposing the tourism industry's reliance on, and contribution to, destructive extraction processes. Exploring the coordinated rise of both "hard" and "soft" development in Indonesia over the last century, I argue resource extraction and tourism are closely related manifestations of a colonial relationship between Indonesia and the "developed" West. Pressured and persuaded by the rhetoric of free market ideologues, the Indonesian government has embraced a position of colonial subordination whereby their resources and goods serve to benefit the developed world at a near total expense of the ecological and social wellbeing of Indonesia.

http://depts.washington.edu/chid/intersections_Spring_2009/Elizabeth_Adams_Parciany_The_Neocolonial_Timeshare_in_Indonesia.pdf

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Golden Beaches & Adventuresome Wilderness The Neocolonial Timeshare in Indonesia

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The last few decades have been witness to a flood of information about destructive resource extraction projects around the world. From documentaries about oil drilling in Ecuador to gold mine mercury spills in Peru,¹ deforestation in Costa Rica to the decimation of fisheries in India,² dialogue about extractive industry has been brewing. However, the tourism industry has been curiously absent from many conversations about destructive extraction.³ The purpose of this paper is to bridge the two industries together, revealing the similarities between them and showing how tourism relies upon destructive extraction processes in order to function successfully. Following a brief exploration of neocolonial globalization I will argue that resource extraction projects and tourism in Indonesia are closely related as manifestations of a neocolonial relationship in which Indonesia's resources are extracted and exploited for the near exclusive benefit of other countries. The relocation of resources for the benefit of political elites and foreigners at the expense of both Indonesia's citizens and environmental integrity is classically colonial in nature. However, in the present situation, Indonesia's subjugation to colonial exploitation is disguised and the colonizing countries are free from responsibility to the land and people they control.

¹ *Trinkets and beads*, a 1996 documentary by Christopher Walker and Tony Avirgan (New York: Faction Films), documents oil drilling and pollution in the forests of Ecuador; *Choropampa the price of gold = el precio del oro*, by Ernesto Cabellos and Stephanie Boyd (Brooklyn, NY: First Run/Icarus Films), is a documentary about a horrendous mercury spill on June 2nd, 2000 at the Yanacocha goldmine in the Peruvian Andes.

² *Hamburger* is a 1986 film by Peter Heller (Bornheim, Germany: Filmkraft Produktion) that documents the deforestation in Costa Rica for the sake of flourishing fast food companies; *Fishing in the sea of greed*, is a 1998 documentary by Anand Patwardhan (New York, N.Y.: First Run/Icarus Films) about the decimation of India's fisheries.

³ In the 1970's and 80's anthropology departments nourished a wave of critical literature on tourism. While current research on the tourism industry critically engages the politics of performance, few connections are made to the violence of extractive projects or broader regimes of neocolonial destruction.

(Neo)Colonial Globalization

“We must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas. The old imperialism – exploitation for foreign profit – has no place in our plans. What we envisage is a program of development based on the concepts of democratic fair dealing.”

President Harry S. Truman

Ne-o-co-lo-ni-al-ism: the policy of a strong nation in seeking political and economic hegemony over an independent nation or extended geographical area without necessarily reducing the subordinate nation or area to the legal status of a colony.

Random House Dictionary, 2009

“We need the children of Indonesia and the Philippines to manufacture our freedom of choice.”

Marc Maron, an American comedian

It has been suggested that the world is in a process of transformation. No longer are international relations marked by colonial conquests, colonial savagery, or colonial wars. Foreign invasions and occupations in the name of empire or material enrichment have ceased to be seen as acceptable practices in the international sphere, human rights are being championed worldwide, and international cooperation is privileged. Essentially, it is said, the current climate is one of postcolonial regeneration. The god of the free market has replaced the god of civilization and the “white man’s burden”, leveling the playing field around the values of competition, deregulation, and economic progress.

While the purpose of this paper is not to analyze and contest the various minutia of postcolonial discourse, it begins with a challenge to this notion that colonialism should be accompanied by the prefix “post” and dismissed as a practice of the past. There has been a great deal of scholarship within literary and postcolonial studies concerned with questions of postcolonial identity, or the ways in which colonial history shapes a landscape long after the colonial power is physically gone. However, the challenge to postcolonialism presented in this paper is not focused on psychosocial traces of a colonial past. Instead, the concern here is with a violent, exploitative continuation of colonial domination under the guise of free market international capitalism. As such, this paper will not be dealing with the Dutch colonization of Indonesia or its aftermath *per se*, but rather will focus on the continuation of characteristically colonial policies

facilitated by international organizations under neoliberal ideologies for the furthering of first world ends.⁴

Neoliberal globalization is generally understood as an effort to open trade and investment between countries in order to allow for increased global connections across a leveled playing field. When everyone is allowed to enter into competition, bringing their best products and services to the market, the diversity of skills and offerings will result in increased prosperity for all and a more balanced distribution of wealth.⁵ This term, however is misleading for it makes wealth seem dispersed rather than consolidated in its ultimate ends. Neoliberal policies have been characteristically marked by increased corporate freedom, increased privatization (often of basic goods and services that were formerly managed somewhat communally), and the minimization, if not elimination, of social welfare projects for populations. As a result of these policies, the divide between rich and poor is reinforced and amplified on a global scale.⁶ Thus, despite Thomas Friedman's iconic suggestion, the world is not flat and neoliberal efforts have failed to create a beneficially unbounded marketplace.

In actuality, neoliberal efforts are colonial efforts in disguise. Neoliberalism does not work to liberalize populations or international regimes of hierarchy. Rather, neoliberalism functions as an expression of first world desires for hegemonic control over nations and populations. Free market policies effectively subordinate developing countries to the dependent status of a colony and are then exploited ruthlessly for the benefit of developed nations. The fact that developing countries are not represented or referred to as colonies in media and legal discourse is what technically frames the practices *neocolonial*, but for scholars familiar with the lived history of these practices, such technical determinations are merely matters of semantics. Throughout the course of this paper it will become evident that Indonesia's exploitation is not illusory or fantastical; neocolonialism and the widening global gap between the rich and the poor is an open secret. For this reason, I will refer to "neoliberalism" and "neoliberal globalization" with a more intuitive phrase as an "apparatus of capture" that facilitates and justifies the relocation of resources, natural and cultural, from the periphery for consumption in the developed, first world

⁴ The ultimate benefactors of neoliberal globalization tend to be Western countries. However, in the case of Indonesia, Japan and China have generally functioned as an intermediary, thereby benefiting with Western powers from the exploitation of the Indonesian landscape.

⁵ Elizabeth Fuller Collins, *Indonesia betrayed: how development fails* (Honolulu: University of Hawaii Press, 2007), 12.

⁶ *Ibid.*, 186-187.

nations.⁷ The apparatus of capture lives and thrives “vampirically” off of the lives and livelihood of others.⁸

An exploration of the socio-political reality and history of Indonesia necessitates an understanding of how the neocolonial apparatus of capture has functioned axiomatically to sustain and perpetuate neoliberal ideologies as the only economically feasible strategy, even when there has been little proof that this ideology works for Indonesian benefit.⁹ My critique then is not so much about capitalism *sine qua non*, but rather is about inadequacies in management, delineations of control (usually in the hands of wealthy foreigners), and the fact that neocolonial capitalism has been accepted as a singular truth for the improvement of Indonesia despite persistent and increasing affronts to environmental and social integrity.

Importantly, the neocolonial apparatus of capture does not simply seek to incorporate developing nations into a global capitalist economy. It also actively conditions the terms of such inclusion and participation in ways that cement hierarchies of power and ensure various levels of dependency. Further, it works to confine developing nations to a particular code of conduct while simultaneously laying the groundwork for selective evasion of rules and/or international standards on the part of elite capitalists.

On a practical level, organizations such as the World Bank and the International Monetary Fund (IMF) are *agents* of the neocolonial apparatus of capture and “Development Plans” are among their favorite *tools*. Somewhat like neoliberalism, the theory behind development is not necessarily problematic. Indeed, much of the literature produced by the World Bank, IMF, the United Nations, etc. . . . on the issues and goals of development are highly encouraging. Generally, the eradication of poverty is among the first of reasons mentioned for supporting development programs. Other often cited objectives are improved

⁷ The “Apparatus of Capture” concept employed here is inspired by Gilles Deleuze and Felix Guattari’s development and use of the phrase in *A thousand plateaus: capitalism and schizophrenia* (Minneapolis: University of Minnesota Press, 1985), chapter thirteen. While I owe my understanding of the term completely to their work, my use of the concept in this paper differs somewhat from their understanding in their book.

⁸ Daniel Smith and John Protevi, “Gilles Deleuze,” *The Stanford Encyclopedia of Philosophy*, May 23, 2008, <http://plato.stanford.edu/archives/fall2008/entries/deleuze/> (accessed March 12, 2009).

⁹ Deleuze and Guattari explore what they call the capitalist axiomatic at great length in *A thousand plateaus* and I owe my use of the term to an engagement with their work. However, their formulation is slightly different than the one I utilize and much more complex. For the purposes of this paper I am primarily concerned with capitalism as a type of logical, or mathematical, axiomatic whereby capitalism is not necessarily ‘self-evident’ but it is commonly accepted as truth without proof to support the contention.

education, health care, environmental sustainability, and gender equality.¹⁰ However, there is a stark divide between stated development objectives and the ground-level experience of development planning in action.

Although development plans vary slightly from country to country and include numerous strategies, there are two main types of development strategies in Indonesia that will be explored in this paper: extractive industry and tourism. In the popular imagination, where tourism often conjures images of pristine beaches and filth is associated with extraction, these strategies could hardly be more disconnected. However, from a neoliberal development framework, extraction and tourism are two sides of the same coin. The only difference is that tourism is considered “soft” development in contradistinction to resource extraction projects that are “hard”.¹¹ The remainder of this essay will explore Indonesia’s extractive and tourism industries in greater detail in order to expose the similarities between the two, not just on the level of development planning but also in terms of existential and experiential tools of neocolonial destruction.

Extractive Industry

A new landscape had developed in resource extraction areas: Quiet scenes of forests, fields, and houses had become wild terrains of danger, urgency, and destruction. The mad rush for gold joined and stimulated mad rushes for logs, birds’ nests, incense woods, marble, and even sand.¹²

Anna Lowenhaupt Tsing

“There is virtually no overlap between the set of countries with large natural resource endowments – and the set of countries that have high levels of GDP... resource intensity tends to correlate with slow economic growth.”¹³

Sachs and Warner

Resource extraction projects are often among the most immediate associations conjured by the term colonial. Indeed, colonial relationships throughout history have been characterized by the relocation of resources from a periphery (the colony) to the center (the colonizer’s homeland). Presently,

¹⁰ See United Nations Development Programme: Indonesia, “The Millennium Development Goals Report 2005,” <http://www.undp.or.id/pubs/imdg2005/index.asp>, (accessed, March 3, 2009).

¹¹ Unsurprisingly, soft development is understood to have fewer technological requirements and is more readily, and easily, accessible than extractive industry. See Michael Hitchcock, Victor T. King, and Mike Parnwell, *Tourism in South-East Asia* (London: Routledge, 1993), 16-17.

¹² Anna Lowenhaupt Tsing, *Friction: an ethnography of global connection* (Princeton: Princeton University Press, 2005), 67.

¹³ J. & A. Warner Sachs, “Natural Resources and Economic Development: The Curse of Natural Resources,” *European Economic Review* 45, no. 4-6 (2001): 828.

neocolonialism does the same thing – only now, the apparatus of capture works by sustaining a fiction of mutual profit while developed countries enjoy a cheap supply of resources independent of social or political obligations. Once resource-rich countries are captured by the ideology of the capitalist axiomatic, which claims GDP indicators to be supreme gauges of national prosperity, a steady and unsustainable flow of resources away from developing locals to the developed center begins.

In Indonesia the start of neocolonial influence and activity can be marked clearly with the rise of President Soeharto and his “New Order”. President Sukarno, Soeharto’s predecessor and Indonesia’s first president from 1945-1966, ran an explicitly “anti-Western, often xenophobic” regime that discouraged development assistance as well as tourism.¹⁴ However, among President Soeharto’s first moves was to begin working with the World Bank and other international organizations to create a Five Year Plan for Indonesia in accord with neoliberal strategies for economic development.¹⁵ Extractive development projects were central to the first few Plans and have continued to be central to Indonesian economies even as more democratic political leadership has replaced Soeharto’s authoritative regime.

Indonesia is home to a dizzying array of natural resources and, as the World Bank assisted Soeharto in spearheading national development, not one was left out of the New Order’s regime of exploitation. Oil, gas, copper, gold, coal, tin, nickel, fisheries and rainforests have been the most seriously developed among the country’s 33+ natural resources.¹⁶ While they each have their own significant histories of exploitation, I will restrict my attention here to how the logging and gold mining industries tie Indonesia into the neocolonial apparatus

¹⁴ Eric Crystal, “Tourism in Toraja (Sulawesi, Indonesia),” in *Hosts and guests: the anthropology of tourism*, ed. Valene L. Smith (Philadelphia: University of Pennsylvania Press, 1977), 109.

¹⁵ Although the planning process began soon after his ascension to power, the first Five Year Plan was not officially published until a bit later. My sources conflict to some degree about the exact year of publication for the first Plan, some suggesting 1968 and others 1969. As the majority of sources date the First Plan to 1969, and because chronologically the date fits with the known publications of the Second and Third plans, I assume 1969 is the appropriate date. See Raymond Noronha, “Paradise Reviewed: Tourism in Bali,” in *Tourism--passport to development?: perspectives on the social and cultural effects of tourism in developing countries*, Joint Unesco-World Bank Seminar on the Social and Cultural Impacts of Tourism and Emanuel Jehuda De Kadt (New York: Oxford University Press, 1979), 180.

¹⁶ The twenty-nine mineral extraction projects are broadly divided into two groups: Industrial Minerals (Apatite, Asbestos, Collophanite, Crandallite, Graphite, Marble, Mica, Opal, Phosphate, Quartz-albite rock, and Tale) and Ore Minerals (Aluminum, Bismuth, Chromium, Cobalt, Copper, Gold, Iron, Lead, Manganese, Mercury, Nickel, Platinum, Rare earths, Silver, Thorium, Tin, Tungsten, and Zinc). See Eriako Associates, *Irian Jaya, a new frontier for trade, investment, and tourism* (Jayapura, Irian Jaya, Indonesia: Provincial Government of Irian Jaya, 1993), 124.

and keep both the state and its citizens in an exploitative relation to developed countries.

Deforestation

The logging industry in Indonesia is an exceptionally significant example of hard economic development because it has been important to the Indonesian economy and because it has been especially controversial. Indonesia is home to over 10 percent of the world's rainforests¹⁷ and over 50 percent of the forests in Southeast Asia.¹⁸ For a President interested in making money quickly, it is perhaps unsurprising then that one of Soeharto's first legislative acts upon taking office was Law 5/1967, which put all forests under the control of the state.¹⁹ Although oil was initially the largest generator of income, by the 1980s timber exports were on the rise. By the 1990s "Indonesia had become the world's largest exporter of...hardwood plywood" in addition to exporting significant quantities of other forest products.²⁰ The controversy that has surrounded timber extraction in Indonesia over the last few decades, however, has centered less on unsustainability of government development plans and more on illegal logging and the net consequences of rapid deforestation.

With an estimated deforestation rate of 1.8 to four million hectares per year (the world record) and little change in extraction or enforcement practices, Indonesia is in a state of environmental crisis.²¹ The principle causes of the country's alarming rate of deforestation have mostly been illegal logging practices, but also fires caused by changes in traditional agricultural practices.²²

¹⁷ Ann Bowen and John Pallister, *AS level geography: for AQA specification A* (Oxford: Heinemann Educational, 2000), 112.

¹⁸ Budy P. Resosudarmo, "Introduction," in *The politics and economics of Indonesia's natural resources*, ed. Budy P. Resosudarmo (Indonesia update series. Singapore: Institute of Southeast Asian Studies, 2005), 2.

¹⁹ A. M. Balisacan and Hal Hill, *The dynamics of regional development: the Philippines in East Asia* (Quezon City: Ateneo de Manila University Press, 2007), 139.

²⁰ Resosudarmo, 3.

²¹ Krystof Obidzinski, "Illegal Logging in Indonesia: Myth and Reality," in *The politics and economics of Indonesia's natural resources*, ed. Budy P. Resosudarmo (Singapore: Institute of Southeast Asian Studies, 2005), 201; See also Craig Glenday, *Guinness world records 2009* (London: Guinness World Records, 2008).

In trying to verify Obidzinski's data and ascertain the current estimated rate of deforestation for the region I found conflicting figures for extraction over the last decade. The highest rate I found from any source other than Obidzinski was 2.8 million hectares from 1998-2000, a rise sandwiched between a rate of 1.8 million hectares between 1987-1997 and 2000-2006, information that is consistent with the Indonesian Forestry Ministry. Further, at 1.8 million hectares per year Indonesia maintains the world record.

²² The World Bank Group, *Indonesia: environment and natural resource management in a time of transition*, (Washington, D.C.: World Bank, 2000), ii; See also David Glover and Timothy Jessup, *Indonesia's fires and haze: the cost of catastrophe* (Ottawa: International Development Research Centre, 2006), 4-5,

Under Soeharto, deforestation was largely critiqued by environmental activists and commentators outside of the country. After the fall of the New Order and the rise of free elections, the matter was discussed more openly and some were hopeful that the situation would be managed better.²³ Unfortunately, illegal logging has steadily increased.²⁴

Although concern over the disappearance of Indonesia's forests is well founded, the framing of the problem by the media has been deceptive. In covering the issue of illegal logging, media commentators have tended to imply that illegal logging is wholly disconnected from the government's development practices – or at least, the problem is only connected to the government in so far as it has failed to enforce the law.²⁵ However, there is scant evidence to believe rogue loggers running small-scale operations could extract, sell, and/or smuggle forty to fifty million cubic meters of timber per year.²⁶ The only plausible explanation for such rapid deforestation is a pattern of illegal practices from large-scale foreign operators who have legal contracts with and permits from the government.²⁷ Following the production of "The Final Cut", a documentary exposing large-scale commercial illegal logging practices (and their attempts to abscond liability by hiring natives to do illegal work), the World Bank was compelled to acknowledge the problem of multinational companies' involvement.²⁸ However, the popular press has continued to paint a portrait of illegal logging featuring a poor group of Indonesians just trying to make a buck. As I'll show in the next section, similar representations abound in media coverage of illegal mining.

The media representation of illegal logging as the work of small-scale Indonesian operations is important to note. Not only does it distort the reality of the situation and shift blame for direct physical destruction away from the government, whose developmental goals created the space for the problem of illegal logging to emerge in first place, it obscures the depth of the current neocolonial relationship between the developed and the developing worlds.

http://epe.lacbac.gc.ca.offcampus.lib.washington.edu/100/200/301/idrccrdi/indonesia_fire_haze-e/index.html (accessed March 4, 2009).

Interestingly, Glover points out that fires are not new to Indonesia or its forests. However, "the fact that Sumatra and Kalimantan remained forested until recent decades indicates that neither naturally caused fires nor human use of fire caused significant deforestation in the past".

²³ Obidzinski, 193.

²⁴ *Ibid.*, 193-201.

²⁵ *Ibid.*

²⁶ *Ibid.*, 201.

²⁷ *Ibid.*

²⁸ The World Bank Group, 21.

There is no denying the movement of raw materials out of the country, away from local peoples and local needs. Indeed, more trees have been felled and exported since the adoption of neocolonial policies than throughout the whole Dutch colonial occupation.²⁹ Yet the image given by the media is one of local peoples enthusiastically contributing to the flow of resources. The natives are represented as taking part in the process, selling goods, making money! Oh, if only they understood how to extract resources responsibly and sustainably...

Crucially, the media representations are not coincidental. Conceptually, everything about Indonesia's logging practices fits within the normal functioning of the neoliberal apparatus of capture. Basically, multinational logging corporations are issued permits to clear-cut forests as a result of Indonesia's adoption of the neoliberal ideologies – their surrender to the game of global capitalist development. The companies sign contracts honoring Indonesia's development plans and commitments to sustainability. But, because foreign interest in Indonesian development was always motivated by self-interest, the legal logging allowances are unsatisfactory. As they overstep their legal bounds by cutting and smuggling excess timber out of the Indonesian periphery, multinational companies draw attention to the small bands of rogue loggers illegally supplementing local markets with cheap goods. While the media regurgitates tales of stolen profits and pressures Indonesian officials to police local criminals, the corporations are free to continue their extraction efforts unabated. Indonesia is therefore captured in the form of resources but never fully in a colonial sense; small allowances are made, diversions created, and illusions fostered to ensure the capturers are never held responsible for the wellbeing of Indonesian natives or ecology. Indonesia is captured only to the extent that it is useful and convenient for the neocolonialist.

Gold Mining

Although deforestation is arguably the most severe of Indonesia's development strategies in terms of harm to the environment and number of living beings affected, gold mining has been the most notorious of the country's industries since the 1980s. While gold mining had been common in Indonesia since the first Development Plan, it was never anywhere close to the top of the country's export list. However, following 1980, when the standard price of gold per ounce increased by nearly 2500 percent, mining became especially prolific.³⁰ By

²⁹ Obidzinski, 194-197.

³⁰ Following years of a standard, fixed rate of \$35 per ounce of gold, in 1980 it unexpectedly topped out at \$850 per ounce. For the next two decades the price fluctuated drastically with an inverse

the early 1990s, however, the international price of gold dropped again and many companies that had experienced little success in Indonesia were trying to get their investments out of the country.³¹ By 1994, just as the international media had largely lost interest in topic of gold mining, a Canadian company called Bre-X struck gold in Borneo, Indonesia. The mine, Busang, was claimed to be the most profitable mine in the world and for the next three years the stock market (and interest in Indonesia) was ablaze.³² In 1997, one of the most scandalous headlines of the decade flooded news agencies world over: Busang was a scam! The consequences were dire – not just for stock traders who lost millions or Michael de Guzman, the face of Bre-X pushed out of a helicopter over the Kalimantan forests, but for extractive development in Indonesia broadly.³³ The Busang gold scam destroyed international confidence in the area and left companies cautious to invest.³⁴ John McBeth reported in 2002, “spending on exploration in Indonesia dropped from \$160 million in 1996 to \$67 million in 2000 and an estimated \$22 million last year [2001]”.³⁵ Investment continued to decline steadily until 2004 and has since only slowly improved.³⁶

One of the motivating and mobilizing forces behind President Soeharto’s fall from power was his unashamed cronyism and the corruption that had come to mark extractive industry across the country.³⁷ Although there was a transition period in which little changed, the new political organization of the country was explicitly geared toward increasing local control of resources and ensuring natives would profit from development. In essence, Indonesia would disrupt the neoliberal process, the apparatus of capture, and would no longer allow companies to easily and cheaply exploit physical and cultural resources. Consequently, at least for the first part of the twenty-first century, Indonesia only got around one percent of the world’s exploration investments.³⁸ Despite the country’s abundance of extractive potential, Australia and Argentina had lower taxes and production costs and investors were keen on getting a “good deal”.³⁹ Furthermore, with partial transfers of resource control to local

relationship to inflation. Peter L. Bernstein, *The power of gold: the history of an obsession* (New York: Wiley, 2000), 361. Tsing, 60.

³¹ Tsing, 61.

³² *Ibid.*

³³ *Ibid.*, 62-63.

³⁴ John McBeth, “Indonesia’s Wasted Opportunity,” *Far Eastern Economic Review*, July 18, 2002, 39.

³⁵ *Ibid.*

³⁶ *Ibid.*; Jason Goulden, “Exploration Record,” *Mining Journal PDAC*, special publication, Feb. 2009, 9-12.

³⁷ Resosudarmo, 3-5.

³⁸ McBeth, “Indonesia’s Wasted Opportunity,” 39.

³⁹ *Ibid.*

communities, native Indonesians finally had an avenue through which they could challenge the neocolonial façade. But as communities began making social demands for potential exploration companies, investments dropped further as multinational firms were uninterested in providing social services for local communities.⁴⁰ From the perspective of the companies, as one senior executive of a mining outfit in Jakarta explained to McBeth, “In effect, they’re asking us to take the place of the government”.⁴¹

Although some of the social demands by locals have been in the interest of community infrastructure not directly related to the actual mining processes, social health concerns and demands for safer working conditions have been heavily featured in local draft legislation.⁴² Mercury, necessary for separating gold from ore, is incredibly toxic and dangerous even in small amounts.⁴³ Workers at Indonesian mining sites, however, are regularly exposed to radically toxic levels of mercury and studies have documented numerous native workers with “25 – 30 times the normal levels of mercury”.⁴⁴ Worse still, mercury has been routinely dumped into the environment after use in mining facilities, contaminating crops, killing animals, and increasing the risk of native health problems.⁴⁵ In 2000, “samples from the Talawaan River – used by residents for domestic purposes and fish-ponds – show[ed] mercury levels 70 times higher than the internationally accepted limit for drinking water”.⁴⁶ Yet mining companies have accepted no responsibility for this “mercury timebomb”.⁴⁷ According to them, and corroborated by journalists who were granted pre-scheduled tours of select mining facilities, the irresponsible use of mercury has been at the hands of illegal miners.⁴⁸

In 2000, the Indonesian government estimated that for every legal miner there were at least two illegal entrepreneurs.⁴⁹ With such extraordinary competition, it is no surprise that mining companies have flooded the press with stories of corporate loss and diverted attention away from working conditions at legal

⁴⁰ Ibid., 40.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Luiz Drude de Lacerda and W. Salomons, *Mercury from gold and silver mining: a chemical time bomb?* (Berlin: Springer, 1998), 1-2; See also Steven G. Gilbert, *A small dose of toxicology: the health effects of common chemicals* (Boca Raton: CRC Press, 2004), 98.

⁴⁴ Elegant and Montealegre quoted in de Lacerda and Salomons, 52.

⁴⁵ John McBeth, “Undercut,” *Far Eastern Economic Review*, July 13, 2000, 29.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid., 27.

mines. However, as with popular representations of illegal loggers, the image of small-scale indigenous dreamers set on striking gold is misleading. While small-scale mining operations do exist, large operations – usually backed by military officials, governmental high-ups, and a slew of powerful regional and international interests - do the majority of illegal mining.⁵⁰ Annually, large-scale illegal miners enjoy the proceeds from approximately 30 tons of gold, quietly selling it at competitive rates to international buyers.⁵¹ Interestingly, despite knowledge of military involvement with illegal extraction, most media outlets continue to employ the image of illegal mining as an indigenous enterprise and, as a result, lack of enforcement is justified as a sensitivity to indigenous struggles. This leaves natives doubly disenfranchised by the neocolonial apparatus and the ideology of free market capitalism.⁵²

The standpoint of multinationals distressed by burdensome social responsibilities, along with governmental distortion of illegal activity even after the fall of Soeharto, reveals and reinforces the ideology behind the apparatus of capture. Indonesia's inclusion into the global capitalist market is said to be necessary for the country to prosper but, underlying the rhetoric of mutuality, there is an insistence on unbridled corporate freedom at the expense of local affairs. Indonesia is to be included in the international neoliberal community only insofar as it can ensure the transfer of goods to the developed center. By making countries like Indonesia believe in the inherent goodness of the free market ideology, developed countries gain the benefits of colonial exploitation without any responsibilities to the colonized. No longer is it necessary for the colonizer to bring civilization or see to the wellbeing of indigenous peoples by dealing directly with them through occupation. This concern with wellbeing is subsumed within a macrocosmic economic ideology that justifies turning a blind eye toward individual exploitation in the holy name of the GDP. Indeed, this neocolonialism is more beneficial than traditional colonial efforts because the apparent autonomy of the colonized state justifies shifting the burden of social obligations to the Indonesian government. Unfortunately for natives, government officials also serve the master of global capital and instead of challenging the capitalist axiomatic they have decided to fend for themselves at the expense of the country. This situation establishes both extractive industry *and* the Indonesian government as appendages to the apparatus, facilitating the flow of resources away from the Indonesian periphery.

⁵⁰ Ibid.; Tsing, 70.

⁵¹ McBeth, "Undercut," 27.

⁵² Ibid., 27-29.

The role of the Indonesian government in assisting exploitative neocolonial enterprises is especially significant to note because it is a point of intersection between extractive industry and the tourism industry. Crucially, while governmental elites may personally profit from their involvement in illegal extraction operations or successful tourism campaigns, their profits are nonetheless a testament to the flow of resources away from the local environment – their buyers are foreigners. In the next section I will explore the government's role in tourism to show the practical and conceptual connections between extraction and tourism, as well as the ways in which tourism allows the neoliberal apparatus of capture to take hold of immovable resources and redirect the flow towards foreign interests.

Tourism Industry – Culture Industry

Tourism is a basic and most desirable human activity deserving praise and encouragement of all peoples and governments.⁵³
UN General Assembly, 1967

The clicking of cameras does not disturb the Balinese, who apparently love audiences.
Raymond Noronha, Cultural Advisor to The Bali Tourism Development Board

Tourism is like fire. It can cook your food or burn your house down.⁵⁴
William Patterson

For the past several decades tourism has been the fastest growing industry worldwide. In this respect, Indonesia is certainly no exception.⁵⁵ With a targeted 6.8 million tourists to the region for 2009, it has become one of the most important elements of Indonesia's economy.⁵⁶ In fact, by 1990, a mere 21 years since it had been adopted as an official economic strategy, tourism had

⁵³ This statement was issued as a part of the UN General Assembly's unanimous resolution for International Tourist Year of 1967.

⁵⁴ Quoted in Morris Fox, "The Social Impact of Tourism: A Challenge to Researchers and Planners," in *A new kind of sugar: tourism in the pacific*, eds. Ben Finney and Karen Ann Watson (Honolulu: East-West Center Press, 1976), 44. William D. Patterson was recently announced Senior Vice President of Corporate and Business Development for American Water Works Company, Inc. in 2009.

⁵⁵ Ross K. Dowling, "Ecotourism in Southeast Asia: A Golden Opportunity for Local Communities," in *Tourism in Southeast Asia: a new direction*, ed. K. S. Chon (New York: Haworth Hospitality Press, 2000), 1.

⁵⁶ Bali News, "Indonesia targets 6.8 million tourists for 2009," <http://www.balidiscovery.com/messages/message.asp?Id=4937> (accessed March 10, 2009).

become the fourth most important attracter of foreign exchange.⁵⁷ Now it is considered the “prima donna” of the nation’s hard currency generators.⁵⁸

The history of the tourism industry in Indonesia and its inclusion as an official economic strategy is almost wholly connected to the influence of neoliberal globalization efforts and the rise of President Soeharto’s Development Plans. Although the first two plans focused most heavily on hard development, they each stressed tourism for specific areas – first Java and later some of Indonesia’s outer islands.⁵⁹ By the third plan in 1979, tourism was among the top priorities for the country as a whole.

That tourism is and was an explicit and official strategy for national economic prosperity is significant because it means that tourism, like extractive industry, is an appendage of the apparatus of capture in Indonesia. In order to encourage tourists to an area and generate high yield returns, the state must ensure that its territory is internationally appealing, advertise it as such, and, most importantly, maintain it. Tourism therefore necessitates the controlled construction and manipulation of local landscapes.⁶⁰ Put differently, the state has developed a very particular and invested interest in shaping and modifying its territory and the lives of its citizens in accordance with a specific commodified image.

Because the tourism industry diverts the flow of cultural benefits away from locals, it becomes an appendage to the apparatus of capture in any state that adopts it as an official economic strategy. However, its role as a mechanism of capture is even more severe in Indonesia because of the way that the New Order chose to frame its tourism campaign. Like many advertising efforts, Indonesia is marketed first and foremost as exotic.⁶¹ However, the basis of its international appeal extends well beyond the usual “Four S’s” (sun, sex, sea, and sand).⁶² Indonesia is touted as a cultural epicenter, an oasis of cultural depth in a world flooded with the sterile superficialities of modernity.⁶³ As Michel Picard has

⁵⁷ Michel Picard, “‘Cultural Tourism’ in Bali: National Integration and Regional Differentiation,” in *Tourism in South-East Asia*, eds. Michael Hitchcock, Victor T. King, and Mike Parnwell (London: Routledge, 1993), 79; Hitchcock, King, and Parnwell, 1.

⁵⁸ Bali News, “Indonesia targets 6.8 million tourists for 2009”.

⁵⁹ King, “Tourism and Culture in Malaysia”, 109-112.

⁶⁰ Unless specified otherwise, my use of the terms “territory” and “landscape” refer to both physical land mass but also the people, plants, and animals occupying the space.

⁶¹ Hitchcock, King, and Parnwell, 2-3.

⁶² *Ibid.*; Harry G. Matthews, *International tourism: a political and social analysis* (Cambridge, MA: Schenkman Pub. Co, 1978), 25.

⁶³ There are numerous examples of Indonesia being represented as a cultural time capsule. These representations started with anthropologists long before tourism was true Indonesian reality or concern. While recent discourse has increasingly called representations of Indonesian cultural

noted with special reference to Bali, the country is seen as “*the living museum*” and a land of the Gods “whose bearers, endowed with exceptional artistic talents, devote an outstanding amount of time and wealth staging sumptuous ceremonies for their own pleasure and that of their gods – and now in addition for the delight of tourists”.⁶⁴ Because of the barrage of cultural images incorporated into tourism brochures and the accompanying emphasis on live cultural performances for tourists – often within the walls of luxury hotels and resorts – the tourism industry in Indonesia is referred to as cultural, or ethnic, tourism.⁶⁵

Ironically, the very notion of “Indonesian culture” is paradoxical because the geographical expanse demarcated “Indonesia” is home to approximately 350 ethnic groups each with different cultural pasts and traditions and many with their own languages.⁶⁶ Yet because cultural tourism demands a singular identity (an identity that doesn’t truly exist) the government must create an Indonesian culture through a synthesis of the more analogous ethnic practices and curtail performance of cultural traditions that fall outside the manufactured ideal sponsored by the state. For the sake of development it is imperative that the citizens be captured by the government’s imagined Indonesian identity and align their practices accordingly. At the same time, the apparatus of capture must not be too successful lest it become self-defeating. In other words, it is important for the people of Indonesia to resist the ideological perspective of the state to some degree because the state, with its adoption of a globalized image and neoliberal policies, is aspiring for inclusion in an international economic system that demands a “modern” sensibility at odds with the romantic image advertised by tourism agencies.

The state-sponsored manufacturing of culture and Indonesian identity should not be misunderstood as a process of homogenization in which there can only be one expression of “Indonesia”. However, culture and identity do become commodities of the state and its international affiliates. As a result, there may be diversity within the country so long as it complements the overall image propped by the state. There is perhaps no scholar more familiar with this fact of Indonesian cultural politics than Greg Acciaoli, who explains:

timelessness into question, the idea of Indonesia as a sort of cultural time capsule persists in the country’s tourism campaigns.

⁶⁴ Picard, 75-76, emphasis added.

⁶⁵ Hitchcock, King, and Parnwell, 2-3.

⁶⁶ Resosudarmo, 1; See also Bernard Arps, *Performance in Java and Bali: studies of narrative, theatre, music, and dance* (London: School of Oriental and African Studies, University of London, 1993), 88-91.

Regional diversity is valued, honoured, even apotheosized, but only as long as it remains at the level of display, not belief, performance, not enactment...Most groups may dance their way to the national goals, each with its own ethnic steps, as long as the underlying ideology, the tune to which the dance is called, is what the state has ratified.⁶⁷

Acciaoli's work exposes the precarious position of the Indonesian state in trying to balance between maintaining the meaningfulness of cultural practices (so that they will continue to be enthusiastically performed) and ensuring that they are not so meaningful as to prevent significant changes in traditional performance for the sake of tourist satisfaction.⁶⁸

This state-level anxiety about performance and belief is irreconcilable and has its roots in a larger problem: successful tourism means increased contact with foreigners. Contact between groups, however, leads to changes within both groups and the state has an interest in preventing too much change within the practices of its citizens. Importantly, this is not just a theoretical issue. Fear of cultural change, moreover fear that the culture will die as a result of successful tourism, is a documented concern among anthropologists, social commentators, and government officials. A deep understanding of the contradictory nature of cultural tourism as a national economic strategy eventually led Indonesian officials to embrace alternative forms of tourism, the most important being eco-tourism. Indeed, Indonesia is said to be responsible for having brought "eco-awareness" to the Southeast Asian region.⁶⁹

Unfortunately, academic research on tourism, along with literature concerning Indonesia's eco-history, suggests that eco-tourism as a strategy is just as contradictory as cultural tourism. To start, by definition eco-tourism is a "niche" market. As a result, if tourism is to be a stimulus for the economy, non-specialized tourism (tourism that isn't constrained by socio-environmental concerns) must be a "megatrend".⁷⁰ More importantly, eco-tourism falls victim to a similar trap as Indonesia's more general cultural tourism. Eco-tourism requires the destruction or denigration of the very environment on which it

⁶⁷ Greg Acciaoli, "Culture as Art: From Practice to Spectacle in Indonesia," *Canberra Anthropology* 8, no. 1-2 (1985): 161-162.

⁶⁸ Taksina Nimmonratana, "Impacts of Tourism on a Local Community: A Case Study of Chiang Mai," in *Tourism in Southeast Asia: a new direction*, ed. K. S. Chon (New York: Haworth Hospitality Press, 2000), 73.

⁶⁹ Ross K. Dowling, "Ecotourism in Southeast Asia: A Golden Opportunity for Local Communities," in *Tourism in Southeast Asia: a new direction*, ed. K. S. Chon (New York: Haworth Hospitality Press, 2000), 3.

⁷⁰ *Ibid.*, 15.

depends.⁷¹ Finally, eco-tourism isn't always practiced responsibly.⁷² Many multinational tourism operators, or agencies, actively exploit the eco-market by "repackag[ing] forms of 'mainstream tourism'" so that it seems environmentally responsible – an unabashed deception.⁷³ Anita Pleumarom refers to these schemes as "pseudo-alternatives" within an "eco-façade".⁷⁴ Importantly, while the destructive failures of eco-tourism are most often due directly to foreign multinational companies running tourist operations within the country, the Indonesian government has failed to effect sufficient legislation, much less enforcement, to protect society and the environment from developmental practices.

While the exact extent to which the government is responsible for social and environmental degradation is somewhat debatable, it is important to be clear about what degradation entails. As early as 1979 Raymond Noronha, then Cultural Adviser to the Bali Tourism Development Board, was reporting rising prices for land (and a corollary decrease in local/native ownership), increasing land speculation, and a significant shift in land use practices whereby many of the best agricultural lands in Bali (rice paddy fields in particular) were being redirected towards non-agricultural uses (usually for tourist shops but eventually ending up as private residences).⁷⁵ Further, he reported increased pollution, prostitution, "pervasive" beach vendors and beggars, and a fantastic "mushrooming" of billboards, mainly advertising beer, in tourist hot spots and along popular routes.⁷⁶ Interestingly, the article was written *in support* of tourism development and, perhaps unsurprisingly, commissioned by Unesco and the World Bank. Although Noronha's report concerned Bali specifically and was not intended to be read as a commentary on Indonesia at large, other commentators have reported similar changes across the country. By 1993 there was a rising concern by journalists and academics that the increasing prices of food in local markets during tourist season was placing considerable stress on native populations and by the year 2000 increased "drug trading, crimes, and...high-rise buildings" were also being identified as significant effects of tourism development.⁷⁷

⁷¹ The most serious and publicized example from the Southeast Asia region is actually from Thailand, not Indonesia, where their eco-tourism in forested areas (of which only 15-20 percent remain) have required intrusions into "unopened" territory. But, overall eco-tourism across Southeast Asia has followed a similar pattern. *Ibid.*, 14-15.

⁷² *Ibid.*, 4.

⁷³ Hitchcock, King, and Parnwell, 25-26.

⁷⁴ Anita Pleumarom, "Alternative Tourism: A Viable Solution?," *Contours* 4, no. 8 (1990): 15.

⁷⁵ Noronha, 183-193.

⁷⁶ *Ibid.*

⁷⁷ Hitchcock, King, and Parnwell, 18-19; See also Nimmonratana, 65.

Of course, tourism development is not a purely exogenous force and the fact that physical, social, and cultural landscapes change does not necessarily mean that everyone identifies change with unqualified degradation or deterioration.⁷⁸ The development of the tourism industry in Indonesia *has* increased the number of jobs available, even if natives are regulated to the lowest, most menial ones, and some writers have commented on a seemingly pervasive belief that tourism is, despite its faults, an economic necessity – an extension of the capitalist axiomatic.⁷⁹ Given the diversity of Indonesia’s geographic, political, and social landscape, it is unsurprising to find a diversity of responses to changes taking place. David Wilson’s analysis of “perceptual time zones” is helpful in understanding the Indonesian situation. He writes:

[The problem] is not so much that circumstances change over time, but rather that several different situations may simultaneously co-exist at any given moment in time. Tourism might be perceived by the local people themselves as having quite a different impact than that suggested by supposedly dispassionate outside observers and experts. In addition, local opinion may vary between communities – and social groups within them....⁸⁰

Wilson’s idea is actually rather intuitive: people have different experiences, which lead to different outlooks on given situations. In the governmental manufacturing of a sell-able “Indonesian culture”, certain groups were inevitably favored over others and the profits from tourism have been distributed unevenly. Cities have been polluted in varying degrees, drug trading, crime, and prostitution have flourished in varying degrees, and the negative consequences of successful tourism do not generally engulf an entire city but are often concentrated in particular districts. As a result, political entities and local communities have had qualitatively different experiences over the last four decades, not only from each other but from within as well.

⁷⁸ Hitchcock, King, and Parnwell, 9-13; See also Annette Sanger, “Blessing or Blight? The Effects of Touristic Dance-Drama on Village Life in Singapau, Bali,” in *Come mek me hol' yu han': the impact of tourism on traditional music*, papers presented at ICTM Colloquim in Jamaica, 1986 (Kingston: Jamaica Memory Bank, 1988).

⁷⁹ Noronha, 185.

⁸⁰ Wilson, “Time and Tides in the Anthropology of Tourism”, 32-47, 40.

Conclusion

The diversity of experience with tourism in Indonesia and the complexity of its enactment have inspired a growing body of literature calling the usefulness of the “normative problematic” into question.⁸¹ To some degree I am sympathetic with such critiques, which is why this project has largely ignored the debates about cultural authenticity – an issue that would far exceed the confines of this project if it were given the respectful engagement it requires. However, while it may not be helpful to make sweeping normative judgments about socio-cultural changes in landscape as a result of tourism development, Indonesian development strategies are themselves normative schemes from the start. Development arose within a normative framework that asserted the importance of trade at any cost. Therefore, it *is* important to identify some of the lived realities of the present Indonesian situation: what is happening, who is most benefited, who is most harmed, and under what control? What is clear about tourism in Indonesia is that foreigners and government elites have always controlled the industry. Further, while the net gain from the industry overall may currently be indeterminate, net losses for natives are a documented fact. Tourism, in short, is at best a form of paternalistic (neo)colonization facilitated by apparatuses of capture, and at worst unashamed, poorly disguised colonial exploitation effort meant to drain the Indonesian landscape of all value for the sole benefit of the developed world.

When viewed comparatively, it becomes apparent that the tourism industry in Indonesia effectively accomplishes the same ends as extractive endeavors but at a slightly slower pace. Although the exact products differ between types of extraction projects and types of tourism, the common denominators are environmental destruction and the relocation, or redirection, of goods, services, and energy away from local needs. In the case of resource extraction the destruction and redirection is openly visible.

Tourism, however, functions under a veil as the goods and services seem to remain within the local landscape while, in reality, the landscape is actively distanced from the locals. The continued degradation of local landscapes combined with unrelenting flows of resources away from local needs expose Indonesia as a captured country... a modern colony.

⁸¹ The “normative problematic” is the tendency in tourism studies to rally around one of two poles (i.e. “tourism is good” versus “tourism is bad”) with the ultimate claim being normatively absolute (i.e., therefore tourism “ought” or “ought not” be given continued support).

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Joshua Hubanks, "Praise, Blame and Advocacy: An Examination of President George W. Bush's Post-9/11 Discourse and the Rhetorical Genres that Define it," *intersections* 10, no. 2 (2009): 199-225.

ABSTRACT

Numerous scholars of the social sciences and humanities have analyzed President George W. Bush's rhetorical response to the September 11th terror attacks on the United States. Whereas some have viewed his discourse as participating in the epideictic genre, designed as a non-argumentative attempt to unite Americans and identify enemies, others have noted its overt tendency toward implicit policy advocacy and viewed it as belonging to the deliberative genre. At present, no research has attempted to bridge the gap between these apparently disparate viewpoints. Should the rhetoric be viewed as an epideictic reaction to tragedy, extolling the values of America while condemning those of its enemies? Or should it instead be viewed as a deliberative attempt at advocacy, anticipatorily positing fear-based arguments for soon-to-be-made shifts in American foreign and domestic policy? Indeed, do simplified generic distinctions remain the useful tools of rhetorical classification that they once were, or has their inconsistent application since antiquity rendered them unimportant? Drawing from a number of studies in the humanities and social sciences, as well as from classical rhetorical theory, this study asks: On what rhetorical basis should George W. Bush's post-9/11 discourse be assessed, and to what extent can such an assessment be definitive and useful? The study ultimately concludes that recognition of the potential for multiple generic tendencies to participate within in a single discourse can contribute to more sophisticated and helpful understandings of modern rhetorical hybrids like Bush's speeches.

http://depts.washington.edu/chid/intersections_Spring_2009/Joshua_Hubanks_George_W._Bush_Post_9-11_Discourse.pdf

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Praise, Blame and Advocacy

An Examination of President George W. Bush's Post-9/11 Discourse and the Rhetorical Genres that Define it

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On the morning of September 11th, 2001, 2,974 people lost their lives in the most significant terror attack to have ever occurred on U.S. soil. Not surprisingly, this attack has had a correspondingly significant effect on the way in which our nation and its leaders talk about terrorism. As many have noted,² President George W. Bush's post-9/11 discourse was in many ways coercive, functioning to alter audience opinions, thoughts and actions by means contrary to democratic norms. Kellner, for one, has analyzed Bush's reliance on scare tactics and intimidating language as an argumentative means to influence public opinion.³ Murphy has conducted similar research, although he argues that Bush's discourse relied on topics of praise and blame rather than argumentation to make its case.⁴

While previous studies have explored Bush's less-than-transparent rhetorical practices, a consensus has yet to emerge regarding the discourse's classification. Is the rhetoric representative of the epideictic genre, allowing its audience only to passively observe a situation which should have required critical participation?

¹ I would like to thank Leah Ceccarelli, Associate Professor of Communication at the University of Washington, for her encouragement and critical input that helped make this paper possible.

² See John M. Murphy, "'Our Mission and Our Moment': George W. Bush and September 11th," *Rhetoric and Public Affairs* 6, no. 4 (2003): 607-632; Douglass Kellner, "Bushspeak and the Politics of Lying: Presidential Rhetoric in the 'War on Terror'," *Presidential Studies Quarterly* 37, no. 4 (2007): 622-645; Robert L. Ivie, "Fighting Terror by Rite of Redemption and Reconciliation," *Rhetoric & Public Affairs* 10, no. 2 (2007): 221-248; and Denise M. Bostdorff, "George W. Bush's Post-September 11 Rhetoric of Covenant Renewal: Upholding the Faith of the Greatest Generation," *The Quarterly Journal of Speech* 89, no. 4 (2003): 293-319.

³ Kellner, "Bushspeak and the Politics of Lying", 627.

⁴ Murphy, "Our Mission and Our Moment", 614-15, 620.

Or is it representative of the deliberative genre, advocating certain political policies by way of exploiting popular fears?

The research proposed here will seek to better understand the concept of “genre” as it pertains to the Aristotelian tradition. Specifically, it will examine the immediate post-9/11 rhetoric of President George W. Bush. The study will not seek to question the President’s rhetorical intent, but rather the generic basis on which his rhetoric has already been judged. Drawing from a number of studies in the humanities and social sciences, as well as from classical rhetorical theory, it asks: On what rhetorical basis should George W. Bush’s post-9/11 discourse be categorized, and to what extent can such a classification be definitive and useful?

Scholars have ascribed a variety of attributes to George W. Bush’s rhetorical response to 9/11. This, however, should come as no surprise: for decades, academics have attested to the validity of their own interpretations of the rhetorical genres, building upon and tearing down the constituent claims of their colleagues in an effort to reach greater truth. The following review aims to contribute to this effort, highlighting the variety and extent of previous attempts to better understand the concept of “genre.” In revealing the breadth and nature of scholarly contention surrounding Aristotelian forms—particularly as they relate to the post-9/11 Bush discourse—this review will establish a basis for re-examining two key Bush texts. The review will unfold in three parts: firstly, as an introduction to the Aristotelian genres and a look at previous assessments of the Bush rhetoric; secondly, as an examination of how genres can be seen to exist in simultaneity; and thirdly, as an investigation into how an epideictic speech might strive toward a deliberative end.

Genre and George W. Bush

In his article “‘Our Mission and Our Moment’: George W. Bush and September 11th,” Murphy describes Bush’s post-9/11 rhetoric as “almost purely epideictic.”⁵ He holds that it appealed to themes of American unity while “amplifying [the country’s] virtues,” positing further that the discourse did not seek to persuade its audience on matters of policy. Rather, the President’s rhetorical choices allowed him to “dominate public interpretations of the events of September 11” and to enjoy support and popularity in spite of obvious political

⁵ *Ibid.*, 609.

shortcomings.⁶ In crafting this rhetoric, Murphy claims that Bush relieved Americans of the burden of critical thought, making them passive observers rather than active judges.⁷ As the President never asked his audience to ponder the expediency of political moves, Murphy holds that Bush's rhetoric belongs to the "epideictic genre."⁸

Contemporary understandings of epideictic discourse originated in antiquity with Aristotle, who sought "to analyze systematically the 'art' of rhetoric."⁹ His aim in characterizing epideictic discourse was to encapsulate several specialized types of oratory into a single type, unified by three common traits: association with ceremonial occasion, display of oratorical mastery, and a focus on topics of praise or blame.¹⁰ Jasinski states that today, epideictic discourse is most commonly associated with praise and blame speech, which concerns "...virtue and vice and honorable [traits] and shameful [traits]; for these are the points of reference for one praising or blaming."¹¹ Beyond this, scholars have noted epideictic's emphasis on 'performative character.' Unlike the other rhetorical genres (i.e., deliberative and forensic), which seek to comment on the world and social actions within it, epideictic rhetoric seeks to be "a significant social action in itself."¹²

Epideictic rhetoric is rooted in the present.¹³ Jasinski claims that its true function "is to reveal or disclose something—to bring new truths out into the open—rather than...to reinforce existing values."¹⁴ Furthermore, while epideictic rhetoric indeed seeks to comment on things current, it may also remind us "of the past and [project] the course of the future."¹⁵ This fact holds special importance within the post-9/11 scenario, wherein the President's orations frequently referenced past and future alike. It is perhaps unsurprising then that Condit has noted audiences' tendency to "actively seek and invite

⁶ Ibid., 608.

⁷ Ibid., 609.

⁸ Ibid., 612.

⁹ James Jasinski, *Sourcebook on rhetoric: key concepts in contemporary rhetorical studies* (Thousand Oaks, Calif: Sage Publications, 2001), 210.

¹⁰ Ibid.

¹¹ Aristotle and George Alexander Kennedy, *On rhetoric: a theory of civic discourse* (New York: Oxford University Press, 1991), 1366a/1366b.

¹² W. H. Beale, "Rhetorical Performative Discourse: A New Theory of Epideictic," *Philosophy and Rhetoric* 11, no.4 (1978): 225.

¹³ Aristotle and Kennedy, 1358b/1359a.

¹⁴ Jasinski, 211.

¹⁵ Aristotle and Kennedy, 1358b/1359a.

speech that performs [the] epideictic function when some event, person, group, or object is confusing and troubling.”¹⁶

Given this understanding of the epideictic genre, Murphy's interpretations are reasonable. Referring to Americans' shock in the immediate aftermath of 9/11, he states that, “George Bush felt the need to define the meaning of 9/11 and we felt the need to understand this horrific event.”¹⁷ Citing a speech given at a prayer service on September 14th, 2001, Murphy quotes Bush: “We are here in the middle hour of our grief. So many have suffered so great a loss, and today we express our nation's sorrow.”¹⁸ Murphy notes Bush's reference to time (“here in the middle hour of our grief”) which places both he and his audience in the present (the temporal marker of epideictic speech), and thus in a position to reflect on the past while looking to the future simultaneously. In doing so, the speaker and his audience exist as one, unified in their common experience of 9/11.

To this extent Bush's rhetoric could indeed be seen as epideictic, although Murphy's view leaves little room for less absolute interpretations. Repeatedly, he insists that “President Bush has spoken almost entirely through the medium of epideictic rhetoric when it comes to his war on terror.”¹⁹ Even in acknowledging the hybrid nature of most war rhetoric as both unifying and advocatory, Murphy insists that Bush's is characterized almost entirely by the former.

This interpretation overlooks the implicitly argumentative nature in much of Bush's discourse. Indeed, the Bush Administration's frequent use of “fear rhetoric” in the days, months and years following 9/11 can be seen to constitute an implicit argument made to the American people. We have seen many examples of this, from Bush's assertion that terrorists “are evil and kill without mercy,”²⁰ to his claims that they “have no heart, no conscience,”²¹ and “kill

¹⁶ Celeste Michelle Condit, “The functions of epideictic: The Boston Massacre orations as exemplar,” *Communication Quarterly* 33, no. 4 (1985): 288.

¹⁷ Murphy, 610-11.

¹⁸ *Ibid.*, 611.

¹⁹ *Ibid.*, 609.

²⁰ George W. Bush, *President's Address to the Nation*, September 11, 2001. Speech presented at The Oval Office, http://www.cspan.org/executive/bush_terror.asp?Cat=Current_Event&Code=Bush_Admin (accessed June 14, 2009).

²¹ George W. Bush, *President and Mrs. Bush Express Sympathies at Embassy of Jordan*, November 10, 2005, Speech presented at Embassy of Jordan, Washington, D.C., <http://www.jordanembassyus.org/new/pr/pr11102005b.shtml> (accessed June 16, 2009).

innocent men, women and children to achieve political objectives.”²² Insofar as these statements exploited a national sense of grief and desire for retribution, they implied a specific policy: that retribution must be sought. As such, they conflict with a purely epideictic interpretation of the Bush discourse. Before further exploring this friction, however, it will be useful to better understand the deliberative genre, the rhetorical form most associated with policy advocacy.

Deliberative, or public policy discourse is one of three classical rhetorical genres.²³ Argument is the “essential ingredient” of deliberative discourse, wherein advocates or opponents of a cause assert their case for a particular position.²⁴ If, for example, Party A wants to pass Legislation X, Party A would have to argue its case to Party B in an effort to gain Party B’s members’ support. In doing so, Party A would have employed deliberative rhetoric by offering arguments to advocate one policy over another.

In this example, we see that deliberative rhetoric must necessarily contain at least two components: First, it must offer some form of counsel on or advocacy for one decision over another. Second, it must seek to influence an issue of indeterminate outcome. Aristotle states that the subjects of deliberative rhetoric, then, “are whatever, by their nature, are within our power and of which the inception lies with us. [As judges,] we limit our consideration to the point of discovering what is possible or impossible for us to do.”²⁵

As opposed to epideictic rhetoric, the audience for which is friendly and stands to lose nothing, deliberative rhetoric demands audience scrutiny; it involves stake, dispute and the potential for loss. Aristotle wrote that “[the deliberative rhetor][...will be concerned] not with all, but [only] those [things] which can both possibly come to pass and [possibly] not...As to what necessarily exists or will exist or is impossible to be or to have come about, on these matters there is no deliberation.”²⁶ As such, Aristotle equated the role of a deliberative audience with that of a judge: it must hear an argument and make a decision.²⁷ Murphy points to the apparent absence of this criterion continually when supporting his

²² George W. Bush, *President Bush Participates in Joint Press Availability with Prime Minister Gordon Brown of the United Kingdom*, July 30, 2007, Speech presented at Camp David, Maryland, <http://merln.ndu.edu/archivepdf/EUR/WH/20080616-1.pdf> (accessed June 12, 2009).

²³ Jasinski, 160.

²⁴ *Ibid.*, 162.

²⁵ Aristotle and Kennedy, 1359b/1360a.

²⁶ *Ibid.*, 1359a/1359b.

²⁷ *Ibid.*, 1358b/1359a.

argument that Bush's post-9/11 rhetoric was epideictic rather than deliberative. In reference to Bush's opening remarks at a September 20th, 2001 speech before a joint session of Congress, Murphy writes that "This opening set the genre." Bush, Murphy adds, "did not preview policies for the union's betterment nor did he suggest expediency arguments. Rather, he was representative of the people; he stood as a part for their whole."²⁸

However, to focus on only the epideictic aspects of Bush's rhetoric—and surely they exist—is to overlook other equally important aspects: those instances where implicit arguments are sharply articulated through the use of manipulative, fear-based rhetoric. Kellner, for one, claims that the Bush Administration "manipulated a politics of fear to push through a right-wing agenda that included the Patriot Act, massive changes in our legal system, a dramatic expansion of the U.S. military, and U.S.-led military intervention in Afghanistan and Iraq."²⁹ He contends that Bush constructed an "evil Other," a loosely defined yet easily identifiable enemy against whom Americans could unite and in the interest of defeating would accept open war.³⁰

In explicating this fear-laden rhetoric wherein elusive evil does possess the means and desire to inflict harm upon us at any moment, Kellner exposes the deceptively argumentative nature of Bush's discourse. He insists that the mass media have consistently been the venues through which Administration fear arguments are echoed, "[making] the public look anxiously to the government for protection, rendering the population malleable to manipulation."³¹ So, legitimized by mainstream media and made to resonate in the public psyche, Bush's expedient appeals to fear can be seen to advocate policy by simply reminding Americans of the dangers they face. And yet these same instances can be seen as examples of praise and blame speech; instances not where policy is advocated, but where the evil acts of America's enemies are subjected to the public scorn they deserve.

This dualistic attribute is further revealed in Bush's frequent references to 'good versus evil,' wherein he portrays America as absolutely good and its enemies as the embodiment of evil. By framing 9/11 and the War on Terror in black and white terms, arguments for "redemptive violence," Keller points out, came easily.

²⁸ Murphy, 613.

²⁹ Kellner, 622.

³⁰ *Ibid.*, 626.

³¹ *Ibid.*, 627.

But so, too, did narratives of praise and blame, and in the uncertain aftermath of 9/11, it is not hard to imagine how or why these ambiguous tactics might have been used. As Al-Sumait, Lingle and Domke have pointed out, political entities often capitalize on major terror attacks for purposes of rhetorical expediency: “Time and time again, the regime positions the flag...in front of the wreckage and begins preparing citizens for what they must willingly sacrifice to aid the state in its epic battle between good and evil.”³² In this way, we see how a leader’s appeals to a nation’s collective fear in the aftermath of tragedy can be an effective policy maneuver. In lieu of conventional argumentation, appeals to fear can advocate certain political moves over others implicitly. In the post-9/11 example, Kellner holds that Bush was able to effectively translate fear into consent, gaining widespread public support for a flawed war in Iraq, as well as a barrage of civil liberty-rescinding legislation.

Murphy maintains, however, that the reticence of Bush’s audience only cements the discourse as epideictic. As the audience is “mute,” he contends, they cannot (or do not) actively judge any arguments.³³ This view is echoed by Bohman, who holds that “Argumentation is deliberative only when it is dialogical, in the give and take of arguments among speakers.”³⁴ Is it wholly realistic, though, given contemporary political and technical realities, to expect a true dialogical give-and-take between President and public? Can an epideictic discourse be said to have had a deliberative effect if it manages to spark audience consideration or criticism of issues raised? Because the answers to these questions are surely debatable, they suggest doubt as to the usefulness of purely epideictic or purely deliberative rhetorical descriptions.

Generic Simultaneity

Genres seem often to coexist happily within a given discourse. The commonplaceness of this would-be abnormality is made clear when one considers the potential for small-scale, community-level debate to emerge as a result of epideictic oration. As Jasinski points out, “[i]f individuals...produce deliberative discourse, then communities engage in the process of deliberation;

³² Fahed Al-Sumait, Colin Lingle and David Domke, “Terrorism’s cause and cure: the rhetorical regime of democracy in the US and UK,” *Critical Studies on Terrorism* 2, no. 1 (2009): 22.

³³ Murphy, 613.

³⁴ James Bohman, *Public deliberation pluralism, complexity, and democracy*, Studies in contemporary German social thought (Cambridge, Mass: MIT Press, 1996), 42.

they make decisions.”³⁵ That is, dealing with epideictic themes does not necessarily preclude a discourse from having a deliberative effect; a discourse is deliberative so long as it induces discrimination. Should, then, an otherwise epideictic discourse be classified in the deliberative group if it manages to inspire debate, however unintentionally? Whereas some have argued that it should,³⁶ others believe that it should not.³⁷ Again we see a rift in scholars' interpretations, calling into question the efficacy and clarity of certain rhetorical classifications.

Poulakos' exploration of narrative in the *Evagoras* is helpful to understanding this questionability. Illustrating Isocrates' use of an epideictic medium—eulogy—to impart civic and moral instruction upon his audience, Poulakos explains that:

Isocrates did not follow the conventions established by the traditions of festival orations. Departing from customary practices, according to which the commonplaces of festival oration had deteriorated into mere vehicles of displaying an orator's virtuosity, Isocrates exalted the deeds of Evagoras in order to lead Nicocles to a moral end.³⁸

Here we see that insofar as civic and moral instruction is argumentative (promoting one public action over another), it is also deliberative. Indeed, epideictic rhetoric has the potential to advocate policy in that, by extension and implication, the policies of the worldview it lauds are themselves lauded.³⁹ As numerous scholars have noted, a discourse can be in this way simultaneously epideictic and deliberative.⁴⁰

In the case of Bush's post-9/11 discourse, frequent appeals to fear and intimidation can be seen as examples of both blame speech and argument by implication. Consider, for instance, the following excerpts:

³⁵ Jasinski, 162.

³⁶ See Bohman.

³⁷ See Jasinski.

³⁸ Chaim Perelam and Lucie Olbrechts-Tyteca, *The new rhetoric: a treatise on argumentation* (Notre Dame: University of Notre Dame Press, 1969), 317.

³⁹ *Ibid.*, 49-50.

⁴⁰ See Beale, *op cit.*; Bonnie J. Dow, “The Function of Epideictic and Deliberative Strategies in Presidential Crisis Rhetoric,” *Western Journal of Speech Communication* 53, no. 3 (1989): 294-310; see also Carolyn R. Miller, “Genre as Social Action,” *Quarterly Journal of Speech* 70, no. 2 (1984): 151-67; and C.R. Smith, “A Reinterpretation of Aristotle's Notion of Rhetorical Form,” *The Western Journal of Speech Communication* 43 (1979): 14-25.

The terrorists rejoice in the killing of the innocent, and have promised similar violence against Americans, against all free peoples, and against any Muslims who reject their ideology of murder. Their barbarism cannot be appeased, and their hatred cannot be satisfied.⁴¹

[The terrorists] seek to oppress and persecute women. They seek the death of Jews and Christians, and every Muslim who desires peace over theocratic terror. . . . And they seek weapons of mass destruction, to blackmail and murder on a massive scale.⁴²

Present in each case is the praise and blame rhetoric associated with epideictic discourse, as well as the advocacy-oriented rhetoric of deliberative discourse. Enemies are defined and condemned, and the choices that Americans and others around the world must make are made clear through a false dichotomy, but nevertheless presented as a decision. Campbell's and Jamieson's research pertaining to President Lincoln's first inaugural speech provides a useful analogy to these examples.

Remarking on Lincoln's need to address certain states' threats to secede from the Union, Campbell and Jamieson attest that "Lincoln's speech displays epideictic contemplation as a precursor to deliberative decision," and that, faced with the secessionist crisis, Lincoln "present[ed] a series of questions designed to induce the audience to think deeply about secession, the reasons for it, and the consequences it would bring."⁴³ The speech "subtly invite[d] contemplation of the contrast between the present haste of the secessionists and the timeless truths their hasty action could destroy."⁴⁴ So, by implicating the then-present crisis with con-templation of the "eternal truths" that epideictic rhetoric is rooted in, the speech was able to exist in a ceremonial *time out of time* while still imparting judgments on topical issues.⁴⁵

⁴¹ George W. Bush, *President's Radio Address*, May 15, 2004, Office of the Press Secretary, The White House, Washington, D.C., <http://www.presidency.ucsb.edu/ws/index.php?pid=25149> (accessed June 14, 2009).

⁴² George W. Bush, *President Addresses the Nation in Prime Time Press Conference*, April 13, 2004, Press Conference of the President, The East Room, The White House, Washington, D.C., <http://merln.ndu.edu/merln/pfiraq/archive/wh/20040413-20.pdf> (accessed June 16, 2009).

⁴³ Karlyn Kohrs Campbell and Kathleen Hall Jamieson, *Presidents creating the presidency: deeds done in words* (Chicago: University of Chicago Press, 2008), 48-49.

⁴⁴ *Ibid.*, 51.

⁴⁵ *Ibid.*, 53.

There are clear parallels here to the Bush rhetoric, which has already been shown to combine epideictic and deliberative elements. In this example, the potential of praise and blame rhetoric to both sway public opinion and commemorate an event is indication of the oft-ambiguous role genre plays in defining political discourse. Bostdorff has elaborated on this potential at depth as it exists in the rhetoric of Puritan covenant renewal.

Epideictic Means to a Deliberative End

Covenant renewal discourse originated in the late 1600s with Puritan reform ministers, who, “attempted to bring second- and third-generation Puritans into the church and to revitalize the commitments of first-generation members.”⁴⁶ Belonging to the epideictic genre, covenant renewal grew from the Puritan jeremiad, which induced spiritual conformity by “focus[ing] on [younger generations’] sins and how they had failed to measure up to the standards set by their founders.”⁴⁷ In accentuating “impending communal doom,” the jeremiad relied on blaming rather than praising parishioners to accomplish its epideictic function: to affirm or reaffirm the commitment of young, would-be Puritans to the Church.⁴⁸ Covenant renewal, conversely, focused blame on external entities and praised congregants.⁴⁹ In reaching out to youths and deflecting blame for societal ills outward, reformist ministers such as Cotton Mather and Samuel Willard were able to renew upcoming generations’ commitment to Puritanism, thus achieving “covenant renewal.”⁵⁰

What is noteworthy about Bostdorff’s treatment of this epideictic sub-genre, though, is that she equates it with Bush’s post-9/11 discourse:

Bush’s public messages in the months immediately following September 11 urged the younger generations of Americans to uphold the faith of their “elders,” the World War II generation, and encouraged all Americans to recommit themselves to the nation by supporting the war on terrorism.⁵¹

⁴⁶ Bostdorff, “George W. Bush’s Post-September 11 Rhetoric”, 293.

⁴⁷ *Ibid.* 295.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, 293-94.

Conversely, other prominent American voices—like those of the Reverend Jerry Falwell and Susan Sontag—made use of jeremiadic messages in the aftermath of 9/11. Unlike Bush's rhetoric of covenant renewal, however, these jeremiadic discourses were met with disdain by most Americans.

Sontag's assertion that blame for 9/11 lay with the U.S. government, for instance, was seen by many as offensive. So, too, was Falwell's ascription of blame to “the pagans, and the abortionists, and the feminists, and the gays and the lesbians.”⁵² In detailing the general failure of jeremiadic-epideictic narratives to resonate with Americans after 9/11, Bostdorff exposes covenant renewal's epideictic potential to influence both belief and behavior. Just as Puritan covenant renewals succeeded at increasing religious adherence by presenting sanitized versions of the jeremiad, Bush's rhetoric increased adherence to Administration political leanings by presenting non-contentious, universally agreeable narratives of the post-9/11 world. In both instances, covenant renewal rhetoric conveyed a politically expedient version of reality which, agreeable to most, served to effectively realign audience perceptions and opinions. Here, an overtly epideictic discourse achieved that which it sought — critical persuasion — the end traditionally sought by deliberative rhetoric.

This suggests a conceptualization of epideictic rhetoric wherein praise and blame can be used to not only define situations, but also to encourage moral or political judgments. Hauser notes that:

[The] occasion for praising or blaming significant public acts and actors also afford[s] the opportunity to address fundamental values and beliefs that [make] collective political action within [a] democracy more than a theoretical possibility.⁵³

Hauser further notes that “rhetorical choices of inclusion and omission [have] inscribed contrasting visions of the polis.”⁵⁴ These remarks expose the potential for “contrasting visions of the polis” to affect public perceptions of the polis and thus deliberations made within the polis. Here we see that, whether intentionally or unintentionally, rhetoric can be simultaneously epideictic and deliberative; speaking not only to what is, but to what should or should not be.

⁵² *Ibid.*, 298.

⁵³ Gerard A. Hauser, “Aristotle on Epideictic: The Formations of Public Morality,” *Rhetoric Society Quarterly* 29, no. 1 (1999): 5.

⁵⁴ *Ibid.*

Smith's description of a sermon as simultaneously epideictic, deliberative and forensic is effective at illustrating this point: "In essence, a sermon can be epideictic, praising or blaming good and evil; forensic, judging men guilty of sin; and/or deliberative, advising what course leads to salvation."⁵⁵ It is interaction among the three, he contends, that contributes to rhetorical "effectiveness or lack thereof."⁵⁶ Beale, too, has remarked on the potential for generic inconsistency, noting that while an umpire's declaration of "foul ball" may indeed be questionable, such a call is not typically subject to debate.⁵⁷ Here, situational context (a baseball game) denies deliberative exchange to an utterance (a questionable call) that would otherwise demand it.

Hauser continues to highlight the epideictic/deliberative cross-bleed by asserting epideictic's primary function as didactic and, concurrently, deliberative's contribution "to the ongoing political education of the polis." In both cases, he notes, "virtuosity emerges through rhetorical transactions. Esteemed attributes speak eloquently about the polis and the person of the statesman-rhetor, since the prevailing rhetoric is a statement of communal beliefs and commitments as well as a demonstration of the rhetor's practical wisdom."⁵⁸ In this way, he seems to indicate that effective deliberative rhetoric (that which imparts "practical wisdom") must necessarily be epideictic, too, as it must frame arguments eloquently, as statements of communal belief. Bordering on outright conflation, he ultimately concludes that the ideal rhetor functions as both a teacher and a persuader.⁵⁹

This is not to say that epideictic rhetoric is deliberative, nor deliberative epideictic. Yet, there exists a tendency within scholarship to distill discourses into a single genre-type; to induce conformity by accentuating those rhetorical elements which strengthen a given interpretation while casting aside those which do not. Though such generalizations may make rhetorical qualification easier in a theoretical sense, they tend toward oversimplification when applied to instances of actuality. It should come as no surprise, then, that this is especially true of the crisis rhetoric typified by Bush's discourse.

⁵⁵ Smith, "A Reinterpretation of Aristotle's Notion of Rhetorical Form", 16.

⁵⁶ Ibid.

⁵⁷ Beale, 232.

⁵⁸ Hauser, 14. Emphasis added.

⁵⁹ Ibid., 17.

Dow asserts that “crisis rhetoric cannot be viewed as a homogenous type of discourse; rather, it should be analyzed in relation to the different exigencies it responds to and the different functions it performs.”⁶⁰ Still, examinations of the Bush discourse have often focused not on the exigent situation from which the rhetoric arose (i.e., the attack on the United States), but rather the perceived or purported objective of the rhetor (i.e., to praise Americans and identify enemies, or to posit arguments). The fact that an individual’s ‘true’ intent can never be known with any degree of certainty, however, renders this approach problematic at best. More effective, Dow argues, is a “focus on exigence, which allows the critic to assess the function of rhetoric for an audience [and] goes beyond an intrinsic textual analysis, which can only judge the purposes of the rhetor.”⁶¹

This interpretive discordance — that is, the often unspoken debate as to whether intent, audience, exigence or some combination thereof is the best indicator of genre — further elucidates the inconsistency with which genre is commonly determined. For instance, whereas Campbell and Jamieson insist that genre is the result of situational, stylistic and substantive factors,⁶² Miller holds that genre is determined by function (e.g., celebration, eulogy, etc).⁶³ Indeed, that scholars assign genre based on such radically different criteria would almost seem to preclude the usefulness of a tool already reliant upon broad generalization.⁶⁴ Miller echoes this sentiment, noting that:

[I]f the term “genre” is to mean anything theoretically or critically useful, it cannot refer to just any category or kind of discourse. One concern in rhetorical theory, then, is to make of rhetorical genre a stable classifying concept; another is to ensure that the concept is rhetorically sound.⁶⁵

Indeed, just as the research presented here questions the usefulness of the Aristotelian genres as they have been applied to contemporary discourses, so has Miller’s:

[A] more general failure...is the attempt to use the Aristotelian types to identify contemporary genres. Although developed from recurrent situations in

⁶⁰ Dow, “The Function of Epideictic and Deliberative Strategies”, 294.

⁶¹ *Ibid.*, 306.

⁶² Campbell and Jamieson, 18.

⁶³ Miller, 164.

⁶⁴ See Campbell and Jamieson, 18; Dow, 307; Miller, 164.

⁶⁵ Miller, 151.

ancient Greece, these original genres do not describe complete situation-types that recur today—they are too general.⁶⁶

She goes on to note the hierarchical quality of generic “hybridization,” wherein one genre dominates another subordinated genre.⁶⁷ Certainly, this speaks to the Bush discourse, which some have identified as “primarily” epideictic,⁶⁸ while others have primarily noted its deliberative elements.⁶⁹ Perhaps as it exists today, contemporary political discourse has outgrown the usefulness of such rigid classifications. Smith captures the essence of this possibility perfectly, remarking that, “Certainly [the Aristotelian rhetorical forms] can be conceptualized and thereby discussed as discrete. But can they be discrete in reality?”⁷⁰

This review exposes a rift in the existing literature: On one side is Murphy, who sees George W. Bush's post-9/11 discourse as almost purely epideictic. On the other is Kellner, who views the same rhetoric as advocatory and policy-driven, and thus deliberative. Additionally, in a transcendent middle ground are Miller, Smith and others, who have emphasized genre's potential to gradate and fuse subtle elements of both epideictic and deliberative rhetoric into a single discourse.

In exploring these themes, this review has revealed the depth of scholarly contention surrounding the Aristotelian genres as they are applied to public address. Left at this juncture, one must ask: Can Aristotelian genres be applied beyond theory, into instances of actuality; or has time rendered these tools' practical application naught? Drawing upon two key Bush texts, the following analysis seeks to illuminate this matter. It will demonstrate that while overarching Aristotelian classifications are often insufficient to account for contemporary rhetorical situation-types in their entirety, genre's utility is not lost. Quite the opposite, in recognizing the potential for multiple genres to participate simultaneously in a given discourse, more sophisticated and helpful understandings of modern rhetorical hybrids like Bush's speeches may emerge.

⁶⁶ Ibid., 164.

⁶⁷ Ibid.

⁶⁸ See Murphy, *op. cit.*

⁶⁹ Notably Kellner and Al-Sumait, *op. cit.*

⁷⁰ Smith, 14.

Analysis

Much of the post-9/11 Bush discourse eludes simple generic classification. As an in-depth reading reveals, the rhetoric often blends disparate genres together, mixing and matching supposedly contradictory elements to create a discourse that can only be described as hybrid: Instances of outwardly epideictic rhetoric frequently contain subtle or implicit forms of advocacy, appealing to the expediency of a particular policy or course of action. In the strictest sense, such rhetoric can be considered neither fully epideictic nor fully deliberative; attempts to praise or blame are offset by attempts to advocate and vice versa. This is evidence of a classificatory problem, the existence of which is confirmed by the very fact that previous efforts to assign genre to the discourse have been unable to account for the full range of its rhetoric. Framed primarily as a response to Murphy's contention that Bush's rhetoric was "almost purely epideictic,"⁷¹ the following analysis will examine two key Bush texts, establishing their generically opaque nature. It concludes that if the Aristotelian genres are to retain their value in the study of public address, a reconceptualization of their practical application is essential.

I have already explored some of Murphy's broader claims, so they will not be reiterated here. And while this analysis grapples with a number of his assertions, it should be understood that this disagreement is but a small dispute in what is an otherwise overwhelming concurrence between his views and my own. We agree that the Bush rhetoric relied on manipulative tactics to achieve its end; our difference pertains merely to how we characterize the rhetorical means by which that end was sought. In outlining these differences, I proceed in the same manner as Murphy, addressing, chronologically, Bush's remarks on September 14th and September 20th, 2001.⁷²

⁷¹ Murphy, 610.

⁷² See George W. Bush, *President's Remarks at National Day of Prayer and Remembrance*, September 14, 2001, Speech presented at The National Cathedral, Washington, D.C.: <http://www.opm.gov/guidance/09-14-01gwb.htm> (accessed June 18, 2009); *Address to a Joint Session of Congress and the American People*, September 20, 2001, Speech presented at United States Capitol, Washington, D.C., <http://avalon.law.yale.edu/sept11/president025.asp>. (accessed June 18, 2009).

Remarks at the National Day of Prayer and Remembrance Service

Bush's September 14th speech opens with quintessentially epideictic rhetoric. It utilizes religious topoi ("we come before God to pray") as well as eulogistic themes (suffering loss, feeling sorrow, missing the dead) to define and express the nation's collective anguish. As Murphy points out, "the president shaped our understanding of an inexplicable event, taking as his goal to explain, to express, to comfort."⁷³ Working to this end, Bush evocatively recounts the events of the morning of 9/11, solemnly describing "images of fire and ashes and bent steel." A few paragraphs in, the president nearly acknowledges his own epideictic function in defining the attacks, remarking that, "Just three days removed from these events, Americans do not yet have the distance of history."⁷⁴ Then his tone shifts: "But our responsibility to history is already clear: To answer these attacks and rid the world of evil."⁷⁵ Here, he is no longer defining the situation, nor is he praising Americans or blaming enemies. Rather, he is addressing an issue of American foreign policy (i.e., U.S. response to the terror attacks) and suggesting what course of action we ought to take (i.e., that we must rid the world of the evil responsible for it). This sentence is an explicit deviation from the epideictic themes exemplified in neighboring passages, abandoning praise and blame speech for something much closer to deliberative rhetoric.

It is valid and worthwhile to note that the appeal is not wholly deliberative in the traditional sense. It does not, for instance, address what "ridding the world of evil" would specifically entail, nor does it outwardly invite audience debate; some rhetorical critics would consider these criteria essential to the genre. Still, this does not negate the fact that the statement speaks to an issue of policy debate, suggesting which course among a presumably infinite number of alternatives should be taken. Furthermore, to rule the passage out as deliberative would not be to confirm it as epideictic; indeed, while it may fall short of epitomizing the former it remains a far cry from the latter.

The passage's temporal orientation further confirms its generic tendency. Deliberative rhetoric, as we know, speaks to the expediency of action regarding future events.⁷⁶ That is, it is future-oriented. Epideictic rhetoric, conversely, is

⁷³ Ibid., 611.

⁷⁴ Bush, *President's Remarks at National Day of Prayer and Remembrance*.

⁷⁵ Ibid.

⁷⁶ Aristotle and Kennedy, 1358b/1359a.

present-oriented, focused on defining and understanding the now. Between these two orientations, this passage is clearly rooted in the former, speaking not to what we are doing, but to what we “must” (or rather should) do in the future: “But our responsibility [that is, an as-yet-unfulfilled obligation] to history is clear: To answer these attacks [which have not yet been answered] and rid the world of evil [which we have yet to rid it of].”

What’s more, the epideictic rhetoric preceding and following this passage constitute significant appeals to pathos, functioning to simultaneously inflame communal grief and justify retributive action. Consider the following passage:

They are the names of men and women who began their day at a desk or in an airport, busy with life. They are the names of people who faced death and in their last moments called home to say, "Be brave," and, "I love you." They are the names of passengers who defied their murderers and prevented the murder of others on the ground. They are the names of men and women who wore the uniform of the United States and died at their posts. They are the names of rescuers, the ones whom death found running up the stairs and into the fires to help others. We will read all these names. We will linger over them and learn their stories, and many Americans will weep.⁷⁷

Each story, each reference to a life lost on 9/11 stands as an argument for action; an appeal articulated through eulogy to build and defend a mounting case for war. By combining these pathos-heavy, eulogistic anecdotes with subtle policy proposals, Bush was able to assert the expediency of his desired course of action without being overly obvious.

Concluding the first section of the speech, the discourse then transitions back to what might be considered classically epideictic rhetoric, expounding the virtues of dead Americans while steering clear of deliberative matters. It is not until the end that policy is hinted at again, this time taking the form of Puritan covenant renewal:

America is a nation full of good fortune, with so much to be grateful for. But we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America because we are freedom's home and defender. And the commitment of our fathers is now the calling of our time.⁷⁸

⁷⁷ Bush, *President's Remarks at National Day of Prayer and Remembrance*.

⁷⁸ *Ibid.*

Here, the appeal to action is subtly implied, alluding to the distant past to inform what course of action we ought now to take: Like our parents and grandparents who in their lifetimes confronted enemies of freedom, the passage suggests, so too must we. Quite cleverly, it circumvents policy argumentation by instead urging Americans to follow in the righteous footsteps of their elders by upholding the “commitment of our fathers” in presumably the same way past generations have: by meeting our enemies on the field of battle. And why shouldn't we? The speech has to this point conveyed an eloquent epideictic narrative in which America is supremely good and her enemies are unassailably evil. In defining the situation, the President has provided the audience with no information which might contradict his case for war. Indeed, it is no coincidence that his orations are absent any sense of moral ambiguity—what better way for him to frame his argument?

By challenging his audience's ideological leanings and portraying a pitch-perfectly expedient version of reality, Bush effectively borrows from his Puritan antecedents. One key difference between the two, though, is that while the Puritan tradition increased adherence to pre-existing values, Bush aimed to create adherence outright. That is, he advocated for, justified and defended, however subtly, events which had yet to come to pass, events which he had yet to even establish a rhetorical precedent for (e.g., U.S. military action in Afghanistan). His discourse cannot thusly be viewed as an attempt to bolster extant public sentiment. Rather, it created and shaped sentiments preemptively by means of an epideictic narrative fused inconspicuously with anticipatory arguments. As such, the rhetoric is hybrid, consisting of both epideictic and deliberative elements fused nearly to the point of indistinction.

Address Before a Joint Session of Congress on the U.S Response to 9/11

Bush's speech before a Joint Session of Congress on September 20 is interesting as well. The first several paragraphs focus primarily on national praise (“We have seen the State of our Union in the endurance of rescuers, working past exhaustion”), thanking individuals for their help and leadership (“Speaker Hastert...and Senator Lott, I thank you for your friendship, for your leadership, and for your service to our country”), and acknowledging the support of our foreign allies (“America will never forget the sounds of our national

anthem playing at Buckingham Palace”).⁷⁹ Moving beyond this extended introduction, enemies are defined, just as they were on September 14. So too is the present state of affairs, which is compared to Pearl Harbor: “Americans have known wars, but...they have been wars on foreign soil, except for one Sunday in 1941.”⁸⁰

This comparison is significant, alluding by extension to the United States’ intervention in the Second World War—a move many Americans believe was wholly justified. In comparing the post-9/11 scenario to this moment of relative moral clarity in American history, it is likely that Bush’s goal was to confer his own assertions (e.g., that “Our war on terror begins with Al Qaida”) with the same clarity; to make the case that the evil of our enemies absolutely necessitated American redress through military action. By aligning our current national juncture with the moments following Pearl Harbor, the President succeeded tremendously at both defining the situation and imparting his take on a deliberative matter. Making an argument by example, he claimed that, just as the Japanese attack on Pearl Harbor necessitated military retribution, so did the attacks on New York and Washington, D.C. He strove in this way toward simultaneously epideictic and deliberative ends, offering arguments for courses of action while —and by — defining the situation at hand.

Despite this frame, though, military action was not America’s only available means of response. Previous terror acts on U.S. soil had resulted in criminal prosecution rather than armed conflict. Much like the 1995 Oklahoma City Bombing, perpetrated by American citizen Timothy McVeigh, responsibility for 9/11 did not lay with a foreign state. Indeed, Al Qaida and other “terror groups,” just like the extremist militias with whom McVeigh acted in ideological accord, are largely indefinite entities. They are stateless and infrastructurally ambiguous, incapable of being waged war against in a traditional sense. As such, to conclude that war was America’s only conceivable response to 9/11 would be not only to abandon logic, but to contradict precedent.⁸¹ In this way, to acknowledge Bush’s rhetorical propensity toward military action given the then-potentiality of either a) reacting militarily, or b) not reacting militarily to 9/11, is to accept that the President served to advocate for one choice over another. This is not to categorically equate Bush’s rhetoric with the deliberative genre, but rather to highlight his discourse’s generically compounded nature.

⁷⁹ Bush, *Address to a Joint Session of Congress and the American People*.

⁸⁰ *Ibid.*

⁸¹ Noam Chomsky, *9-11*, An Open Media book (New York: Seven Stories Press, 2001), 24, 26.

This echoes back to Perelman's and Olbrechts-Tyteca's assertion that to praise or blame can be to advocate or to urge.⁸² Indeed, while it is true that the traditional audience of epideictic rhetoric is not asked or expected to judge expediency arguments, this in no way precludes such arguments from being implicitly imparted upon them. Consider the following example:

Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists.⁸³

While policy is not addressed here in an explicit sense, it is difficult to ignore the passage's overtly deliberative undertones: Quite plainly, it suggests that those who refuse support for Administration policy will be regarded as enemies, terrorists even. Considering the largely epideictic context in which the passage was spoken, it comes as little surprise that some might overlook its advocatory nature. What motive other than advocacy can be attributed to the passage though, a passage that clearly calls for a deliberative decision? *Join us, or pay the price*, it suggests, making a narrative statement while subtly offering a proposition and supporting argument at the same time. Indeed, the President seems adept at fusing epideictic and deliberative elements, and he does not stop here.

When he declares that "Our war on terror begins with Al Qaida," he appears to make a purely definitional statement. So too when he continues, saying, "[The terrorists] want to overthrow existing governments in many Muslim countries... They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa."⁸⁴ However, by simply detailing this barrage of threats, he implicitly strengthens arguments for action against Al Qaida. In this way, his first statement ("Our war on terror begins with Al Qaida") can be seen to function as a proposition, while the succeeding blame statements function as expediency arguments supportive of that proposition.

Still, it could be argued that Bush's declaration ("Our war on terror begins with Al Qaida") was merely intended to highlight inevitability; to define the situation at hand by calling attention to the inalterability of our course toward war with Al Qaida. If true, this would preclude a textual interpretation in which both epideictic and deliberative tactics were at work. After all, when "[concerning]

⁸² Perelman and Olbrechts-Tyteca, 49-50.

⁸³ Bush, *Address to a Joint Session of Congress and the American People*.

⁸⁴ *Ibid.*

what necessarily exists or will exist or is impossible to be or to have come about...there is no deliberation.”⁸⁵ This position would be difficult to defend, though. Indeed, as hindsight has revealed, the Bush Administration had plans to invade Afghanistan as early as September 9th, 2001.⁸⁶ Military action could not then have been an inevitability set into motion by 9/11; it was a decision which Bush made before the terror attacks even happened. By accentuating our enemies’ evil, the President sought not only to define the situation at hand, but also to justify the potentiality of war and argue preemptively a case for its necessity. This goal, largely deliberative in nature, his rhetoric is perfectly suited to accomplish.

Certain anaphoric markers and the presence of prolepsis within the speech strengthen this interpretation. Repeatedly, the President takes it upon himself to “answer” questions which, as he would have us believe, the American people “are asking.” For instance:

Americans are asking, how will we fight and win this war? We will direct every resource at our command, every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war, to the disruption and to the defeat of the global terror network .⁸⁷

In this example, as well as others like it, Bush assumes an epideictic role (i.e., defining the situation) to achieve a deliberative effect. Specifically, he poses a question regarding a matter of policy (“...how will we fight and win this war?”). Then, taking advantage of the opportunity he has just afforded himself, he answers the question by providing a detailed list of tactics and strategies for winning the war. Quite creatively, he has engaged the public in a preemptive bout of deliberation, assuming both sides of the debate and thus controlling its outcome.

Some would likely argue that this sort of debate is contrived and thus not genuinely deliberative. While defensible, this position does not diminish the probability that debate would have been encouraged in actuality. Indeed, in having merely addressed the topic of how “we will fight and win this war,” the

⁸⁵ Aristotle and Kennedy, 1359a/1359b.

⁸⁶ D. Johnson, “Wealthy Saudi exile is a terrorist mastermind,” *Information Please Database*, <http://www.infoplease.com/spot/osamabinladen.html> (accessed May 30, 2009).

⁸⁷ Bush, *Address to a Joint Session of Congress and the American People*.

President undoubtedly makes public deliberation on the matter more likely. This is yet another example of the epideictic-deliberative tightrope that is walked so effectively in this speech: The President has in the same breath made his case for war and amplified the collective voice of the nation who, unbeknownst to them, have been either swayed or unswayed by his arguments.

At this point, it deserves mention that Murphy did in fact allow that one of Bush's questions—"how will we fight and win this war?"—concerned policy and had the potential to utilize deliberative rhetoric. However, he holds that, "None [of the reasons given were] justified in the traditional sense. No arguments were presented as to their practicality."⁸⁸ In short, because Bush did not present arguments as to the practicality of war, Murphy contends that the rhetoric was not deliberative. In the strictest sense, it is quite true that Bush's arguments lacked details about the strategies he proposed. But still, while the rhetoric cannot rightfully be said to belong exclusively and unambiguously to the deliberative genre, this does not disqualify its generic participation, nor negate its capacity to influence deliberation.

Murphy acknowledges the potential for deliberative rhetoric in another instance, as well:

Bush returned quickly to an attack on al-Qaeda. The audience then received the only hint of pragmatism to color al-Qaeda's motivation: "They stand against us because we stand in their way."⁸⁹

Murphy quickly follows this by arguing that the "extravagant descriptions of their aims" preceding the statement under question killed its pragmatic potential: "Any idea that Al-Qaeda acted out of expediency died under this framing barrage: They were crazed murderers," and, "Terrorists did what they did because character...drove them. They could not be reasoned with or rehabilitated. They attacked us because that was what rabid murderers did."⁹⁰ Indeed, Bush's description was extreme: "These terrorists kill not merely to end lives but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends."⁹¹ Could it not be just as easily said, though, that these exaggerated descriptions of our enemies'

⁸⁸ Murphy, 616.

⁸⁹ Murphy, 615.

⁹⁰ *Ibid.*, 615-16.

⁹¹ Bush, *Address to a Joint Session of Congress and the American People*.

inherent evil made the deliberative case for military action against them seem all the more compelling?

Certainly, it would be far more advantageous—necessary, even—for us to act with immediacy and force against an enemy as diabolical and bloodthirsty as the one Bush describes. As Murphy notes, Bush compares Al Qaida to “all the murderous ideologies of the 20th century”: they are “heirs” who “follow in the path of fascism and Nazism and totalitarianism.”⁹² Would Murphy argue then that depiction of the inherent evil of Adolf Hitler would preclude arguments for the expediency of action against him, too? This is highly doubtful. In truth, Bush never espouses outright the inherence of Al Qaida’s evil; he merely lists their deeds and aims, presumably as justifications for action against them.

This creates a significant problem for Murphy’s explanation, which in this instance seems to deemphasize the President’s actual words, focusing instead on what might be inferred from them. A more defensible position would arise from contemplation of the language itself, which quite plainly establishes a precedent for war by alluding to Nazism. Functioning toward this end, then, the statement, “They stand against us, because we stand in their way,” can further illustrate the way in which a question-and-answer formula might be used to establish a framework for advocacy. Here, just as before, the President imparts his take on why “they stand against us” as part of the answer to a previously-posed question (“why do they hate us?”). Specifically, he outlines and defends his position by way of parrying a public concern—one which he himself has raised and which he himself will now assuage. In so doing, he builds a case for action against “they” by detailing why, specifically, “they” hate us. While not framed as one side of a deliberation with an equal and fair-minded citizen adversary, this maneuver is deliberative insofar as it serves to confuse the boundary between definition and argumentation: while Bush’s appeals to expediency are not presented in a simple list, they are present in both the wording and architecture of his discourse.

This tactic is recurrent, such as when Bush later says, “Americans are asking, what is expected of us?”⁹³ While this “seemed likely to address policy,” it did not, really, according to Murphy: Instead, it asked citizens to remain passive—“an epideictic act because it solicited performance of national principles.”⁹⁴ While

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Murphy, 616.

true unto itself, this view dismisses the policy relevance implicit to post-9/11 citizen inaction—a behavior the President evidently desired:

Americans are asking, what is expected of us? I ask you to live your lives and hug your children. I know many citizens have fears tonight, and I ask you to be calm and resolute, even in the face of a continuing threat.⁹⁵

While these requests did indeed involve the performance of national principles (e.g., resoluteness, courage), they can still be seen as calls to action: specifically, to inaction.

At this pivotal moment in history, most Americans wanted to do something, anything to help their county; they wanted to transform conviction into action and to demonstrate their collective “can-do” American spirit. That the President called for them to do nothing, then, is entirely curious. Surely, the public could have been asked to take some sort of direct role in the situation: to volunteer in recovery efforts, to donate money to relief funds, or simply to join the military. These are indeed the sorts of things previous generations of Americans had been asked to do in times of crisis, so why were these requests not made anew?

Representing such a notable deviation from precedent, Bush's call for domestic disengagement automatically became a position that he needed to rebrand. By tying this performance to certain national values (e.g., family), he was able to divert attention away from the fact that he was ignoring certain other values (e.g., political engagement)—values which, far more relevant to the situation at hand, would have served to undermine his ideal policy. So, made to appear basically non-argumentative, the passage instead utilized epideictic language (e.g., “...I ask you to be calm and resolute, even in the face of a continuing threat.”) to acknowledge a deliberative crossroads (i.e., the role of the U.S. citizenry, post-9/11), quickly identifying and promoting a preferred path.

Bush's preference for citizen inaction is made clear in his unusual decision to portray political disengagement (an otherwise undemocratic attribute, here pitched as “hugging your children”) as somehow part of American quintessence. The unlikelihood of this bit's actual stake in epideictic participation suggests that it, like so much else of what Bush said in the early Fall of 2001, might be better understood as an attempt at subtle advocacy: The world is changed, the

⁹⁵ Bush, September 20, 2001.

President seemed to say, and the American people can most expediently deal with it by sitting back and letting the government handle matters.

Conclusion

This paper has sought to better understand the concept of “genre” as a means of rhetorical classification. Moreover, it has sought to scrutinize two of President George W. Bush’s most important rhetorical artifacts, questioning the extent to which each participated in the epideictic and deliberative genres. In striving toward this end, my supreme ambition has been to contribute in some small way to the vast body of enlightened research that has preceded this study.

In reviewing Bush’s speeches, I have observed tendencies toward generic hybridization similar to those noted in previous studies.⁹⁶ In particular, I have expounded upon Bush’s tendency to employ supposedly contradictory generic elements in simultaneity. George W. Bush’s rhetoric frequently utilized epideictic language as a means toward deliberative ends, such as advocacy, rather than as a vehicle for praise or blame speech. As such, I have determined that overarching generic descriptions are often incomplete to account for rhetorical situation-types in their totality. Thusly, as Bush’s discourse appears to display both epideictic and deliberative characteristics, I believe that it might be best understood as a two-pronged effort to both impart subtle arguments for future action and to provide understanding in a troubling situation.

Does, then, genre remain the useful means of categorization that is has been regarded as since antiquity? I believe that it does. While the categorical application of a single genre to an entire text may not be entirely efficacious, I do not believe that this diminishes genre’s capacity to meaningfully describe elements within a discourse, nor negate its ability to influence academic thought. Not withstanding its limitations, these reasons alone certify genre’s enduring worth.

There should be no question as to the usefulness of generic classifications: they are indeed useful. Whether or not these distinctions can or should be used definitively, though, seems a far more dubious question. The debate surrounding Bush’s rhetorical intentions would indicate that they cannot. Indeed, this study seems supportive of the notion that contemporary political rhetoric has

⁹⁶ See, for example, Smith, “A Reinterpretation of Aristotle’s Notion of Rhetorical Form”.

transcended generic distinctions so comprehensive as “epideictic” or “deliberative.” But perhaps definitive categorization is not the prize best suited to genre’s application; on the contrary, perhaps genre’s greatest use lies in accenting nuance and promoting contemplation, rather than urging decisiveness. In this manner of recon-ceptualization, I believe that genre’s practical relevance is not only retained, but invigorated anew. If rhetorical critics are accepting of this adjustment, perhaps more sophisticated understandings of the potential for generic collaboration will follow.

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ABSTRACT

Within many traditional Jewish texts, women's bodies are portrayed as fertile vessels through which they can birth children and fulfill their nation-building roles. When Zionism arose as a prominent Jewish movement in the mid-1800s, Theodore Herzl envisioned this nationalist movement as an alternative to religious Judaism. Nevertheless, he accessed the Jewish narratives of female fertility as a means of enabling Jewish survival and of contrasting the newly masculinized Jews. Women's natural, passive fertility became a fundamental part of the nation-building endeavor and a necessity to Jewish survival. Women's reproduction became not only a physical necessity but also a social role and a means of her political enfranchisement. Although the pronatalism in the early era of Israel's statehood maintained loose tethers between the reproductive policies and religious narratives, the recent and nearly unilateral support for modern fertility treatments tightened those connections and galvanized the religious subtexts within Israeli society. These treatments, particularly in vitro fertilization, facilitate women's national duty to bear children, appealing to a complex narrative of nationalism which affirms the reproductive role of the female body.

http://depts.washington.edu/chid/intersections_Spring_2009/Elena_Bloomfield_The_Jewish_Female_Body_in_Israeli_Reproductive_Practice.pdf

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Conceiving Motherhood

The Jewish Female Body in Israeli Reproductive Practices

By Elana Bloomfield
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Introduction

The doctor said to me, “Look, everyone’s being killed in this country. People are being killed so you should probably want more babies.” I must say, at that moment, she had made a point.

Pninah¹

Pninah had already birthed two children with the assistance of fertility treatments when she approached her gynecologist with a request for contraception. She was emotionally and physically exhausted and she sought assurance that her body could recover from the stress of the procedures. In the midst of the Second Intifada, however, her doctor was acutely aware of the implications that Pninah’s choice held for the collective Jewish population and she urged Pninah to consider her decision in connection to its political ramifications. Pninah found her body written into the collective narrative of national survival, recognizing her responsibility to support the nation through her reproductive role. Her fertility had become both a private experience and a public resource. Pninah, like generations of women before her, acknowledged the legitimacy of her doctor’s message and chose not to use contraception, aligning her physical experience with the collective, national needs.

Pninah’s experience reflects the contemporary incarnation of a cultural narrative that originated in the biblical stories of the Jewish matriarchs. Within many traditional Jewish texts, women’s bodies are portrayed as fertile vessels through which they can birth children and fulfill their nation-building roles. When Zionism arose as a prominent Jewish movement in the mid-1800s, Theodore Herzl envisioned this nationalist movement as an alternative to religious

¹ The subjects interviewed are profiled in the appendix.

Judaism.² Nevertheless, he accessed the Jewish narratives of female fertility as a means of enabling Jewish survival and of contrasting the newly masculinized Jews. Women's natural, passive fertility became a fundamental part of the nation-building endeavor and a necessity to Jewish survival. Reproduction became not only a physical need but also a social role and a means of her political enfranchisement. Although the pronatalism in the early era of Israel's statehood maintained loose tethers between the reproductive policies and religious narratives, the recent and nearly unilateral support for modern fertility treatments tightened those connections and galvanized the religious subtexts within Israeli society. These treatments are perhaps the most unnatural means for achieving natural pregnancy, but they appeal to a complex narrative of nationalism which affirms the reproductive role of the female body and they facilitate women's national duty to bear children.

This paper exists in a contained and finished form but the narratives held within this work are inevitably organic and evolving. Through ethnographic material, primary histories, and secondary analyses, I have sought to understand the contemporary reproductive experiences of Israeli women as a narrative of religious evolution, but I am certain that many women understand their experiences differently. The interviews are the means by which I can contextualize the scholarly discourse; I realize that any step away from women's voices presents risks of inadvertently compromising the integrity of the religious and cultural messages that Israeli women find truly meaningful. No less importantly, the women's presence within the paper serves as a testimony to the reverberant subtexts inherent to Israeli society. In the end, I hope I have constructed a work which is both analytically critical and ideologically sensitive to the complex and emotionally charged experiences of Israeli motherhood and reproduction.

I first examine the religious narratives of Jewish female identity which underlie the politicized reproductive policies within Israel. Using biblical passages and midrashic interpretation,³ I explore how important streams of rabbinic Judaism sought to make sense of the creation stories within Genesis and subsequently came to develop a discourse surrounding gender identity. This religious view of the body evolved further in the late 1800s when aspects of Zionist ideology incorporated this fertile yet passive female role into its nationalist endeavor. Although Zionist leaders Theodore Herzl, Max Nordau, and Aaron Gordon sought to create a different Jewish experience,⁴ they accessed the Jewish

² Arthur Hertzberg, *The Zionist idea: a historical analysis and reader* (Philadelphia: Jewish Publication Society, 1997), 204-05.

³ A Midrash is a commentary on the Hebrew Bible that initially existed in oral form. Midrashim (the plural for Midrash) have since been written down in textual form.

⁴ Hertzberg, 200-203; 232-234; 368-370.

paradigm of nation-building which centered on female fertility. Moreover, because much of early Zionism was a reaction to European anti-Semitism which targeted the “emasculated”⁵ Jewish male, Herzl, Nordau, and Gordon found a means of enhancing men’s masculinity by opposing the religiously-imagined fertile female.

I then consider how the Jewish narratives of women’s fertility entered into the modern State of Israel without the overt connections to religion. Israel instituted profoundly pronatalist policies which created social roles for mothers; legislation such as maternal awards, labor laws, and reproductive policies defined what a good woman should be and what a good woman should not be. Subsequently, I will turn to governmental policy, health publications, and women’s narratives to consider the methods by which the social role of motherhood expanded this cultural lexicon beyond a level of bodily fertility. These sources demonstrate how the public sphere placed women within a framework of maternity which, in turn, privileged her womb as the means by which she could fulfill her duty to the nation. The newly politicized motherhood subsumed the religious narratives and built them into resonant pillars of Israeli society.

Finally, I address the nationally subsidized fertility treatments, particularly in-vitro fertilization (IVF), which have developed as a part of the political legislation of motherhood. These treatments exemplify the pronatalism that Israel has consistently practiced and they add a new dimension to the reproductive policies by permitting a concrete link between social and communal Israeli interests and women’s bodies. Discourse surrounding these treatments poses an opportunity to dissect the ways in which the government and women become dynamic actors in the internalization of fertility narratives. The treatments are the result of a linear development of politicized motherhood, but they are also directly linked to religious narratives of female reproductive identities through the language and imagery of women’s chambered, passive bodies. IVF affirms the physical images of women’s embodied wombs and enters into Israeli society as an end result of those internalized female narratives and as a galvanizing link back to religious narratives.

⁵ Otto Weininger, *Sex and character* (New York: Howard Fertig Press, 2003).

Imagining Women: The Natural Body and the Nature of Reproduction

Women are created, by the nature of our creation, we were created to nurture and to have families. Today, it's a little distorted because women feel like, what if I choose not to? Well, you do have a choice not to. But you can't take away from what we were created to do as people.

Bat-El

Is motherhood a choice? Of course it's a choice. But we're going back to our culture, so what do we really choose in life?

Michal

Much of the discourse that exists within Israeli reproductive legislation today has lost its overtly religious tones, replaced instead by a call for a Jewish demographic presence and a concern for women who desire motherhood. These issues have become a part of Israeli culture but they have roots which extend back into the earliest narratives of human creation. The construction of women in Israeli society, which began as a religious endeavor, flowed into the national culture and has come to influence the choices women make for their own bodies. Much of the continuity stems from the ongoing importance of Jewish nation-building and survival. The modern concerns are remarkably parallel to the verses in Genesis when God commands Adam to “fill the earth and master it,” (Gen. 1:28)⁶ and tells Abraham that, “I will make you exceedingly fruitful; and I will make nations of you” (Gen. 17:6). National survival necessitated specific gender roles in the past and present, for Jewish continuity depended on reproduction. Within Jewish biblical stories and later exegesis, reproduction became an essentially female role and women's creation became explicitly tied to their procreative bodies. The shape of a woman's body prepared her for bearing children and entered into modern Israeli society through pronatalist reproductive policies.

“The Mother of All Living”: Eve and the Maternal Woman

The language of reproduction and fertility in modern Israel originates in the creation of Eve. The Hebrew Bible offers a powerful account of her origin which has evolved within rabbinic discourse. Although there is no unilateral interpretation of female creation and her subsequent role in society, there are certain streams which have profoundly informed the lasting narratives of women.

⁶ Harold W. Attridge, Wayne A. Meeks, and Jouette M. Bassler, *The HarperCollins study Bible: new revised standard version, including the Apocryphal/Deuterocanonical books* (San Francisco, Calif: Harper San Francisco, 2006). All future biblical passages will be taken from this translation and the chapters and verses will be noted in the text.

Among the various discourses is one which has conceptualized women's social identities in direct connection to their reproductive bodies. The discourse continually affirms women's roles and duties as they are manifested in their all-important wombs. Women's ability to bear children has become their externalized signifier, and the place that they have come to occupy within society is derived from their wombs. These accounts have offered rich and lasting capital for social identities as they are created through social institutions and political forums.

Although women's societal identities have developed out of their reproductive roles, general consensus among rabbis suggests that women are not commanded to procreate as men are. Among several explanations, there is a common view that only men are responsible for the biblical injunction "to be fruitful and multiply" due to the correlate commandment to "fill the earth and subdue it" (Gen. 1:28). Certain felt that the inherent aggressiveness was contrary to women's dispositions and thus presumed that only men were held accountable for procreation.⁷ Although women do not carry the same responsibility as men to procreate, the pressure for women to bear children is just as forceful. Some rabbis have even suggested that women were not commanded to procreate because such a commandment would be redundant given woman's natural desires to bear children.⁸ Hodaya, an Orthodox Jewish woman with whom I met, shared this opinion, telling me: "It is so natural for a woman to want to reproduce that it does not need to be commanded." The religious discourse imagines women as incomplete without a male partner and so marriage becomes a tacit requirement. Hodaya explained that upon marriage, women "are obligated to help their husband fulfill his commandment." Several Midrashim firmly encourage women to marry so that women's fertility, though unofficial, is implicitly commanded.

Tracing the discourse surrounding woman's creation from the biblical stories into the present reveals the powerful imagery that has inscribed her reproductive body. There are two creation stories within Genesis which later Midrashic texts have sought to reconcile. The first creation story describes God's creation of man and woman as a single event: "So God created humankind in his image, in the image of God he created them; male and female he created them" (Gen. 1:27). In the second, Eve is formed from Adam's rib: "And the rib that the Lord God had taken from the man he made into a woman and brought her to the man"

⁷ Rochelle L. Millen, *Women, birth, and death in Jewish law and practice*, Brandeis series on Jewish women (Hanover, NH: Brandeis University Press, 2004), 20-21.

⁸ Millen, 20-21.

(Gen. 2:22). In order to reconcile the two stories, certain interpretations of human creation suggest that the original person formed by God was actually androgynous, encompassing male and female in one body. Eve became a separate person from Adam when God realized Adam needed a partner. Subsequently, each retained certain pieces of the original body. The way in which Eve and Adam received their individual identities stemmed largely from the reproductive roles they assumed; woman gained the womb while men retained the penis. As Leslie Hazelton explores within her work, there exists a powerful linguistic relationship between the Hebrew word for each reproductive organ and the qualities that they imply; the word for womb (*rechem*) also means mercy and compassion while the word for penis (*zayin*) also means weapon.⁹ Men and women's personal identities correlated with their internal organs.

At the very outset of creation, Eve's name secures her identity: "The man named his wife Eve, because she was the mother of all living" (Gen. 3:20). The linguistic connection between her creation and her reproductive role has been lost in English but it remains tightly connected in the Hebrew, in which the name Eve (*Chavah*) comes from the Hebrew word for life (*chai*).¹⁰ Through this connection, Eve's name has become a perpetual symbol of her biological role and this role has secured her social identity. God creates Eve's body so that she is the mother of all living beings and Adam receives the authority to assign her a name. In both contexts, Eve is a passive figure whose body is formed and named by masculine figures. Eve's womb becomes de-fining of her internal creation and later extends outward as its connotations shape her communal role. Rabbi Hisda wrote about women's physical creation in *Genesis Rabbah* 18.3: "He [God] built more chambers in her than in a man, fashioning her broad below and narrow at the top, so that she could receive child."¹¹ Women's bodies retain a distinct emptiness for the purpose of carrying a child. A woman's body is ready to "receive child" but not to create a child; she has no agency in forming a child creatively and instead exists in the correct conformation for holding the child. Woman entered into the world as a chamber and only through the man can she find fulfillment.

Man's fulfillment of a woman comes not merely in filling her chambers, which he does, but also in correctly forming the chambers. The male partner introduces

⁹ Lesley Hazelton, *Israeli women: the reality behind the myths* (New York: Simon and Schuster, 1977), 95-96.

¹⁰ Millen, 26.

¹¹ Ruth Baskin, *Midrashic women: formations of the feminine in Rabbinic literature*, Brandeis series on Jewish women (Hanover, NH: Brandeis University Press, 2002), 21.

a number of necessary and tangible factors in permitting women's reproductive roles. Chief among these is a conformational change within women's bodies to permit conception. Samuel b. Unya wrote about the transformation women undergo upon partnership with men in B. Sanhedrin: "Before marriage a woman is a shapeless lump. It is her husband who transforms her into a useful vessel."¹² Marriage permits women to take the shape that their creation presupposed; prior to marriage, when she has no reproductive function, she is useless. This form returns to the imagery that Rabbi Hisda used in his comment about women's many chambers. A woman's fertility centralizes her identity, but it also requires some correct conformation via a secondary actor. The concept of shape proves important in modern-day fertility treatments, in which invasive medical procedures seek to overcome the "deformed" shape of women's reproductive chambers.

During much of the time when the relevant Midrash were written, popular conceptions of reproduction conjectured that men's semen was the primary life material; women accepted men's "seed" and nurtured it in their wombs.¹³ As a result, within the context of reproduction, women occupied a dialectical tension in which they existed for the purpose of bearing children but they were the passive partner in this act of creation. This passivity stemmed largely from the sentiment within B. Niddah 31b that women entered the world completely dependent upon man for survival:

When a male comes into the world his provisions come with him, [the Hebrew for] "male" (zakhar) [being composed of the consonants for the words for], "this is provision (zeh khar)," for it is written, "And be prepared a great provision (kherah) for them" (2 Kings 6:23). [Conversely] a female has nothing with her, [the Hebrew for] "female" (n' qevah) implying "she comes with nothing" (n' qiyah ba'ah).¹⁴

This partnership brings women into a relationship which necessitates fertility and demonstrates women's non-substantive contribution to procreation. Women's wombs receive but do not create; they can produce only out of the building blocks that man provides to them. Women may not be commanded to procreate but their creation presupposed a pairing that would make up for their incompleteness.

¹² Ibid., 99.

¹³ Michel Gold, *Does God belong in the bedroom?* (Philadelphia: Jewish Publication Society, 1992), 107.

¹⁴ Baskin, 14.

The view that women's bodies are built through marriage and procreation remains strong within female society today. I visited Rebbetzin Steiner at a religious girls' school where she teaches Jewish family law. She used the same imagery of construction to describe the way in which reproduction creates a structural transformation within the individual:

The word for son is *ben* which is related to the word *banyan* which is building. The word for daughter is *bat* which is related to the word *bayit* which is home. So the idea is that children provide parents with a means of building themselves a home. A person without a child—a man or a woman—is very much un-built.

Rebbetzin Steiner accesses the same type of physical imagery that rabbinical figures such as Rabbi Hisda used in speaking of women's many chambers. Here, she takes the physicality of reproduction and brings it into the social realm; that is, a woman is built internally through reproduction but ultimately, the resulting home stands as a physical construction that exists on the communal level. Similarly to Jewish tradition, the womb is an internal structure but the results of its correct use are outwardly manifested. Within Jewish narrative, women's social inclusion rests on the fulfillment of their creative purpose of reproduction, a purpose which can only be fulfilled through secondary activation.

The primacy of fertility, perhaps ironically, is epitomized by the biblical stories of infertility. These instances exemplify the pivotal role that fertility played both in the self-fulfillment of the women and in the fulfillment of their positions in society. Perhaps the most resonant example of the travails of biblical infertility occurred with Leah and Rachel.¹⁵ For each woman, her ability to bear Jacob children became a reflection of her value. As a Midrash in *Genesis Rabbah* 71.2 explains, Leah bears Jacob many children and this redeems her within the eyes of her family:

“The Lord supports all who stumble” (Ps. 145.14): this refers to childless women who fall [i.e.] are disgraced] in their own homes; “And makes all who are bent stand straight” (Ps. 145.14): As soon as God visits them with children, they are raised up. The proof is that Leah was unloved in her house, yet when the Holy One, blessed be He, visited her, she was able to stand straight.¹⁶

¹⁵ There are several relevant biblical passages that address God's intervention in the matriarchs' infertility; regarding Leah: “When the Lord saw that Leah was unloved, he opened her womb” (Gen. 29:31); regarding Rachel: “Then God remembered Rachel, and God heeded her and opened her womb” (Gen. 30:22).

¹⁶ Baskin, 131.

Leah gains favor in her house because she fulfills her purpose. Moreover, Leah's physical transformation upon giving birth reflects the earlier Midrash that reproduction introduces a conformational change. God grants Leah children, enabling her to achieve her designed purpose, and this action returns Leah to her natural, physical form.

Rachel's infertility offers another example of the profound partnership between woman and God in conceiving a child. After failing to conceive a child, she painfully chastises Jacob: "Give me children or else I shall die" (Gen. 30.1). Jacob responds indignantly, "Can I take the place of God, who has denied you fruit of the womb?" (Gen. 30. 2). Rachel finds no value in her life if she fails to bear children and yet she finds herself powerless to change her situation. Within these accounts of infertility, God becomes the crucial partner in reproduction, for he enables conception. Rachel's ability to bear children depends upon God's attention to her need. As many religious Jews believe today, reproduction depends on three partners: man, woman, and God. Many women continue to understand their fertility as a blessing from God and they view fertility treatments as God's active engagement with them, just as God intervened with Leah and Rachel. In this way, having a child, even with the help of reproductive technology, is not merely a human choice but a divine blessing.

The urgency with which Rachel and Leah appealed for children demonstrates the direct social and ideological implications that their reproduction held for the Jewish people. When they bore a child, they were fulfilled because they contributed to the building of the Jewish nation. Biblical women set a precedent for modern women that the righteous, good woman will be "like a fruitful vine within the sides of your house."¹⁷ She should produce prolifically and endlessly, until that "house" of Jews is filled with her children. This fertility connects to nationalism and the religious traditions of today. A formal model of childbirth exists even within the marriage ceremonies in which many brides are blessed with the same words that blessed the matriarch Rebecca: "May you be a mother of thousands of myriads."¹⁸ As with the early narratives of female bodies, the bride's body will undergo its activation in partnership with the male and, with her body in its correct form, she can then help to fill the earth.

The relationship between women's fertility and national survival exists throughout religious texts, for the two are intimately connected in Jewish

¹⁷ Baskin, 112. Ps. 128.3, from Midrash collection *Tanhuma*, (*Vayishlah* 36, f. 55).

¹⁸ Susan Sered, *What makes women sick?: maternity, modesty, and militarism in Israeli society*, Brandeis series on Jewish women (Hanover, NH: Brandeis University Press, 2000), 47.

tradition. I spoke with Rachel during my trip and she explained the she finds this association exceedingly clear throughout Jewish history. She suggests that Jewish women are genetically hardwired to bear children for the interest of the Jewish nation. Rachel finds support for this in the stories of biblical women who understood that their communal roles depended on their childbearing responsibilities:

I think there's something called cultural genetics. I really believe that just like the matriarchs — whatever happened in the Chumash — the stories of the matriarchs you see their intense desire to build the Jewish nation. That's what it's all about, those stories. And you also have the story of the women in Egypt. At the same time when there was a decree that the children were being killed and the husbands said, "It's better that we divorce because we can't continue to conceive children, what's the point?" And the women said, "No. We'll have the girls. Somehow things will be good." And they continued to bear children. It's like spiritual genetics. This drive to build families. You can't snuff it out...It's genetics. We're warriors like that.

Armed with their fertile wombs, women's reproduction constitutes their battle for national survival. Women can offer their bodies to the Jewish mission and this becomes their primary source of identity. In this way, women's identities develop social and political elements from the physical dimensions of their wombs; the biological functions of reproduction inform their existence and they secure Jewish survival by serving as reproductive vessels for the collective interest.

Jewish discourse, while affirming the great importance of women in nation building, predicated her contribution on her reproductive body. Eve's role in the stories of creation emphasizes the centrality of the womb to female identity. Her physical form reflects her duty to procreate and she is empty in expectation of partnership with a man who can enable this purpose. She is the vessel that must be filled, the being who can produce the nation if she is given something with which to work. Her duty to the Jewish people depends on her chambered body and its physical, fertile structure. This emphasis on woman's shape in conception carries through to modern fertility treatments, as does the sense that a woman is the secondary actor within reproduction. Before entering into modern Israeli society, however, the religious narratives underwent an important evolution. These narratives were incorporated into the nationalism espoused by many

leaders of Zionism and their religious origins blended into the ideological constructions of gender and nation-building.

Manly Men and Fertile Females: Secularizing Religious Constructions of Women

The centrality of Jewish survival to Judaism gained a new meaning as Zionism arose in Jewish-European consciousness. Although Zionism developed through a variety of people and held different and often conflicting meanings, it was, at the most general level, a movement that sought to procure a Jewish homeland in then-Palestine.¹⁹ Theodore Herzl, who many consider to be the “father of the Jewish State,” envisioned Zionism as an alternative to Judaism.²⁰ Early Zionist thinkers such as Theodore Herzl and Aaron Gordon brought into their ideological configuration of Zionism many vestiges of Jewish narratives. Despite many of the leaders’ protestations against Jewish religiosity, their Zionism retained an intimate link to the religious foundations. This link arose, in part, out of the inevitable reality that Jewish religion served as a cultural link among Jews of the decentralized Diaspora. But more than finding them convenient for religious imagery, many Zionists found religious narratives of women’s fertility to be particularly important in constructing the rhetoric and imagery of their modern nationalism.

Zionism arose in an environment of anti-Semitism that accused Jewish men of being feminine, weak, and emasculated figures. This context propelled Herzl, among many later Zionists, to return to the religious narratives of Jewish survival which centered around the passively reproductive female. These narratives provided not only a practical means for a newly galvanized Jewish nationalism but also a means of strengthening the masculinity of men by enhancing the fertility and passivity of women. Although the gender discussion within this section will begin by focusing on male constructions of masculinity, women’s gender identities were deeply inscribed in connection to the narratives of masculinity. Women’s fertility, which came to parallel the fertility of the land, offered men a means of achieving a masculine, Jewish revival.

The centrality of women’s identity to the Zionist movement arose largely out of the historical context surrounding its ideological development. In large part, the Enlightenment movement within Europe served as the direct precursor to

¹⁹ Shlomo Avineri, *The making of modern Zionism: intellectual origins of the Jewish state* (New York: Basic Books, 1981), 3.

²⁰ Daniel Boyarin, *Unheroic conduct: the rise of homosexuality and the invention of the Jewish man*, *Contraversions*, 8 (Berkeley, CA: University of California Press, 1997), 278.

Zionism. The Enlightenment began in the late 1700s with the purpose of bringing a new intellectualism to Europe.²¹ Although the Enlightenment invoked lofty goals of equality and justice, the movement did not fulfill its promises in connection to the Jews. While the Enlightenment philosophers no longer called on theological doctrine as the source of anti-Semitism, they placed anti-Semitism within the context of pseudo-intellectualism. Within this new intellectual framework, the justification for the persistent persecution of the Jews assumed supposedly rational explanations. German and Austrian scholars, in particular, began to use new theories within psychology and philosophy to justify the inherent differences and inferiority of Jews relative to gentile Europeans.²² Thus, by the time Zionism arose as a significant movement within Jewish-European populations, anti-Semitism existed pervasively throughout European society, among gentiles and Jews.

Chief among this new wave of post-Enlightenment scholars was Otto Weininger, an Austrian Jew.²³ Weininger wrote a work entitled *Sex and character*, in which he suggested that the Jewish male had become a thoroughly emasculated figure, equivalent to what he deemed to be the weak female. The idea of the Jewish male as a feminine being was not unique to Weininger, though his work epitomized this pervasive trend. Weininger based his observations on supposedly empirical truths about gender identities in combination with his conception of human psychology. On the subject of gender within Jewish identity, Weininger wrote, “Judaism is saturated with femininity, with precisely those qualities the essence of which I have shown to be in the strongest opposition to the male nature.”²⁴ In further sections of the article, he describes that women’s primary qualities center on their complete disinterest in property, their weakness, and general inferiority.²⁵ Weininger presupposes a universal male nature that fully opposes femininity. In declaring Judaism and the Jewish community as feminine, Weininger denotes Jews’ aversion to citizenship, physicality, and landownership: “Zionism is the negation of Judaism”²⁶ He views Zionism as antithetical to Judaism because it appeals to citizenship and nationhood, qualities which Weininger considers to be uniquely European and non-Jewish.

²¹ Amos Elon, *The pity of it all: a portrait of the German-Jewish Epoch, 1743-1933* (New York, N.Y.: Picador, Metropolitan Books, 2002), 61-62.

²² *Ibid.* For specific examples, see also Karl Marx (1843), “On ‘The Jewish Question’”; Richard Wagner (1850), “Judaism in Music.”

²³ *Ibid.*, 236.

²⁴ Weininger, 306

²⁵ *Ibid.*

²⁶ *Ibid.*, 307.

Herzl envisioned Zionism as a means of becoming a part of the gentile people. He desired recognition by the surrounding culture but he found himself excluded: "I am a German-speaking Jew from Hungary and can never be anything but a German. At present I am not recognized as a German. But that will come once we are over there."²⁷ He crafted his writing and nationalist efforts as a means of addressing the emasculating anti-Semitism which Weininger epitomized. Rather than react against these narratives, however, Herzl formed his ideology as a means of responding in the affirmative to Weininger: "Through Zionism Jews will again be able to love this Germany to which, despite everything, our hearts have clung."²⁸ Zionism gave Jews the skills and abilities to participate within non-Jewish society. As such, Herzl envisioned changes within Jews that would transform them into a people who would appeal to the respected, masculine characteristics so valued by Europeans.

The criticisms of feminized Judaism became a fundamental challenge for Herzl, who sought to recreate Jewish society to reflect the qualities prized by European culture. Herzl constructed much of his Zionist ideology around a desire to redefine Jewish identity. Arthur Hertzberg notes how Jews sought to transform their identities in order to align themselves with European society: "Since the Emancipation, Jewish thought has been attempting to rebuild a definition of Jewish identity, even with some—or many—bricks borrowed from the old building, but for a different need and from a different perspective: in order to make Jewish existence analogous to the categories by which western man has been defining himself."²⁹ Herzl's attempts at achieving this new Jewish existence rested on a reconfiguration of the masculine figure. As part of this project, he established connections to masculine characters in Jewish history such as Samson, the Maccabees, and Bar Kokhba, and devalued the intellectual, rabbinical institution that characterized modern Judaism.³⁰ Herzl imagined a transformation of the weak Jew into an empowered and virile Jew.

In his journal, Herzl wrote of his fellow European Jews, "They are Ghetto creatures, quiet, decent, timorous. Most of our people are like that. Will they understand the call to freedom and manliness?"³¹ Herzl feared that the vast numbers of these "Ghetto creatures" had become too deeply effeminized and so

²⁷ Boyarin, 278.

²⁸ Ibid.

²⁹ Hertzberg, 21.

³⁰ Boyarin, 274.

³¹ Tamar Mayer, "From Zero to Hero: Masculinity in Jewish Nationalism," *Israeli women's studies: a reader*, ed. Esther Fuchs (New Brunswick, NJ: Rutgers University Press, 2005), 99.

distanced from “manliness” that they would fail to understand what he was saying. The freedom that he envisioned through a return to the Holy Land might have little resonance for those Jews whose femininity had left them devoid of any sense of citizenship and without any interest in physical property, just as Weininger had written earlier. Herzl framed Zionism and the possibility of return to Israel as an exercise of masculinity that pandered to the emasculating narrative intrinsic to the European portrayal of Jewry.³²

Herzl offered another aspect of gendered narrative to his developing Zionism. As in the previous quote, Herzl feared that the men had become too emasculated to recognize and seek freedom. Freedom came with manliness—the attainment of freedom depended on a gendered, masculine identity. Herzl summoned the gender dichotomy so apparent in the earlier Jewish narratives and brought that version of masculinity into the present. Just as he had sought to connect the Jewish history to Samson and Judah Maccabee, Herzl began to align Jewish nationalism with the earlier history of Jews, before they had become “Ghetto creatures.” Before even reaching Palestine, Herzelian Zionism³³ internalized a fundamental gender paradigm based on European discourse. The emasculating, anti-Semitic ideas established a problematic framework in which the Jews leaving Europe felt the anti-Semitism not merely as a comment on their religious identities but on their gender identities, as well. They were not criticized merely for being Jewish but for the fact that Judaism had molded the men into feminine figures. Moving to Palestine, therefore, held meaning that transcended the historical legacy of the Holy Land; the move permitted the immigrant Jews an opportunity to counteract the gender stereotypes that dogged them in Europe. Much of the Zionist imagery that soon arose from this movement focused on the relationship between the Zionist pioneers, strong and muscular, and the female land, whose fertility held endless abundance.

The physical connection to the land became a fundamental point of self-transformation that Zionist writers Aaron Gordon and Max Nordau emphasized. As Nordau wrote, “Solid stomachs and hard muscles will allow Jews to overcome their stereotype...to compete in the world...and to recapture [their dignity].”³⁴ Nordau acknowledged the power of physical shape in metaphysical meaning; like earlier Jewish narratives which emphasized women’s specific reproductive conformation, Nordau enlisted men to change their bodies and thus gain

³² Boyarin, 277-304.

³³ Boyarin uses this term to specify Zionism as imagined by Herzl (295). I use this terminology in my paper to denote the same qualification.

³⁴ Mayer, 101.

fulfillment. Nordau's emphasis on the body changes the traditional Jewish physical experience centered on scholarly pursuits and also demonstrates the degree to which Zionist discourse operated in opposition to notions of emasculated Judaism. Nordau, like Herzl, wrote into Zionism the implicit qualification that the realization of a Jewish state must rest on conceiving the individual body differently.³⁵ While Nordau believed the male role must change to embody athleticism and muscularity, the opposing female role must return to her natural state, to embody the feminine that permits the man to stand separately.

Perhaps more central than Nordau in locating the space of Jewish transformation was Aaron Gordon, who saw nature as a means of initiating societal change.³⁶ Underlying Gordon's presumption was the idea that Jewish culture had drifted away from its natural state. In a similar way to Herzl, who had sought to reestablish connections to the heroic tradition within Jewish history, Gordon suggested that the Jews had lost their natural roles because they had been removed from the physical land throughout the modern era.³⁷ He invoked nature as a means of returning Jews to their original states and believed that an emphasis on physical labor would solidify the return of the Jew to his natural identity. In his essay, "Logic for the Future" (1910), Gordon explains:

And when, O Man, you will return to Nature—on that day your eyes will open, you will gaze straight into the eyes of Nature, and in its mirror you will see your own image. You will know that you have returned to yourself, that when you hid from Nature, you hid from yourself. When you return you will see that from you, from your hands and from your feet, from your body and from your soul, heavy, hard, oppressive fragments will fall and you will begin to stand erect.³⁸

Gordon's statement is essential not only for understanding the strong ideological relationship between man and the physical land, but also for its suggestion that there is a natural, fundamental Jewish identity to which the modern Jews can—and must—return. This conjures up images of a new creation, for just as Adam came from the land, so too must the Jews return to that early state of physicality

³⁵ Hertzberg, 232-242.

³⁶ *Ibid.*, 368-87.

³⁷ *Ibid.*, 371

³⁸ Hertzberg, 371.

and masculinity.³⁹ For women, this return to creation invokes her central womb and reproductive identity.

As with Weininger who placed the Jews outside of normative masculinity, Gordon engaged an image of nature that would revert Jews back to the state of natural existence that they had lost. This nature has lost its overtly religious connection but it implies the same imagery and gender identities. His vision entailed a sort of peeling away of the external layers of artificiality to reveal one's "own image." Much of the focus in self-transformation relates to men and a return to the physical masculinity. For men, this is the command to "fill the earth and master it," an imperative to masculinity that fits into the Jewish return and settlement of then-Palestine. This transformation in men, however, occurred largely in opposition to women and it invoked a space of transformation that held great significance for women. When men returned to nature through physical work, their forms returned to them and, they "will begin to stand erect." For women, muscled labor did not initiate a return to their original form; rather, for them, the implicit natural being was embodied in their reproductive nature. As Gordon suggested in his image of a Jewish return to the original creation, women must return to their procreative purposes. Man will stand straight through physical labor, whereas women, as with Leah, stand straight upon bearing children.⁴⁰

As Jews moved to Palestine, Zionism became not only a political movement but also a prominently social one. The communities that the social Zionists created, specifically the *moshavim* and *kibbutzim*,⁴¹ embodied the nationalist ideals that people had spoken of in their earlier rhetoric; they prized physical labor and productivity and set about making the land fertile and productive. It was within this relationship to the land that women entered most strongly into the actual Zionist rhetoric. This relationship was called upon by Martin Buber, a Socialist Zionist, philosopher, and theologian, who found meaning in the Hebrew words for man and land. In Hebrew, *adam* is both the name of the first man, Adam, and the Hebrew word for "man." *Adama*, however, does not mean woman, but rather "land." Thus, when Buber described Zionism as "the great marriage between *adam* and *adama*," he drew a parallel between man and land which was

³⁹ Sheila H. Katz, *Women and gender in early Jewish and Palestinian nationalism* (Gainesville, FL: University Press of Florida, 2003), 93.

⁴⁰ Baskin, 131.

⁴¹ *Moshavim* and *kibbutzim* were agricultural communities in which everything was shared—labor, food, and material goods. They were very important in creating the early settlements in pre-State Israel. See Hertzberg for further discussion of social Zionism and their communities.

both pragmatic and profoundly sexual.⁴² The parallel also brought women into the fold of masculinized Zionism. As Katz observes of the man-land imagery, “Like God’s creation of Adam from the dust of the earth in Genesis, Zionists created men from adama, the soil of Palestine.”⁴³ Men plowed the land and enabled its production but the land then created men, both in the physical labor of cultivation that transformed weak Jews into virile men and in the actual sense of bearing human fruit.

The language used by many proponents of physical labor as a means of self-transformation engaged a gendered imagery which deeply inscribed female roles. Sheila Katz observes how the land, which initially stood as a removed figure of the distant mother transformed into a lover for the male figures. The land became a possible source of access for the men in which they could activate her reproduction and till her soils in both the literal, agricultural way and, later, in the actively procreative way: “The motherland image turned the native land into a womb that brought forth new-born sons. But when Jews created a new reality of life and work in Palestine, the symbol shifted from mother to lover, as the emerging male hero reclaimed his lost bride, the land.”⁴⁴ Meir Yaari was a student of Gordon and actively promoted the agricultural basis of Zionist society within Palestine. He invoked the male-female opposition in his vision of his role as “the bridegroom who abandons himself in his bride’s bosom... thus we abandon ourselves to the motherly womb of the sanctifying earth.”⁴⁵ According to Yaari, the man rids himself of inhibitions and seeks connection to this feminized land. He becomes masculine by envisioning a bride; through the man’s pursuit, he engages with the motherly womb and presumably accesses her natural, creative powers. Like the vessel imagery common to many rabbinic sources, Yaari asserts that the land wants to produce if she can be filled. She is ready to assume her natural, motherly role, but she can only do that passively, if the men access her.

The parallel of the Jewish male pioneers’ marriage to the female land, as imagined by Buber and Yaari, inscribed the roles that Jewish women assumed within the new communities. Just as man’s tilling of the soil would ultimately yield fruit, so too would the man’s tilling of women yield human fruit; this Zionist rhetoric created a connection to the religious narratives of women’s bodies, for men could access women within the Jewish paradigm of women as

⁴² Katz, 87-88.

⁴³ Ibid., 93.

⁴⁴ Katz, 86.

⁴⁵ Hazelton, 93.

fertile vessels. This relationship perpetuated the imagery of women as natural, land-oriented figures and developed their physical reproductive roles into nurturing, social ones. When men accessed women to yield their bodily fruit, women produced and, in turn, nurtured men. This Zionist imagery characterized women's fertility as nurturing and loving, just as cultivated land offered sustenance to the pioneers. The same image of men's active plowing of female bodies exists very strongly in modern practices of reproductive technology, in which the physician and medical establishment tills the initially barren womb to create fruitful produce.

Women's identity as fertile soil maintained the fundamental role of childbearing and nurturing but within a newly non-religious paradigm. Many women left religious communities in Europe for the Zionist pioneer excitement that Jewish settlements in Palestine promised, only to find that their roles remained relatively consistent with that which they had left. Within these Zionist communities, both men and women were expected to contribute to the ideological and supremely practical nationalist endeavor through productive labor, considered to be work that benefited the community rather than the family-unit. As David Ben-Gurion proudly wrote of the communities, "All members of the *moshava* [colony] work. The men plow and plant their land. The women work in their garden and milk the cows. The children herd the geese on the farm and ride horses towards their fathers in the field."⁴⁶ Equal work did not mean equal opportunities, for women found themselves concentrated in jobs such as cooking, childcare, and gardening which maintained the traditional gender roles. The men plow "their" land — they become the masters of its productivity — while women work in nurturing capacities. Despite rhetoric of equality in Zionist writings, women were often denied work in the agricultural fields, work that was seen as the most productive and highly valued.

When women did work in agriculture, the assignments were often in vegetable gardens or other less "masculine" areas. As a result, the most tangible outlet for productivity was through reproduction, a contribution to society which not only reinforced women's natural, Jewish identities but which also reinforced the masculine identity as the active figure. Mayer explains that women's "fulfillment of their family roles was publicly valued not only as women's calling and obligation, but also as their contribution to the collective goal of nation-

⁴⁶ Mayer, 104.

building.”⁴⁷ While men contributed to the nation-building by plowing the physical soil, women contributed by serving as embodied wombs through which they could offer themselves to the community. Although the women could not plow the land as men could, they could be like the land and offer their fertility to the collective good.

Within the kibbutz society, women spoke of their dual roles as workers and mothers as two imperative dimensions of their societal contributions. Rachel Katznelson, a leading figure in the Women’s Workers Movement of the 1920s, spoke to fellow female workers about the challenging experience of needing to produce for the collective in tangible ways and to produce in maternal ways:

What is it to be a mother, a worker’s wife, and a mother? We must answer that a family must have more than one child. And if we remember that the worker’s wife should educate the children, care for the house and its upkeep, be in touch with doctors and educators, we may say once again: enough, there is strength for no more... This is the problem which faces the WWM, which faces every woman worker... We often forget that work and motherhood are the sources of life.⁴⁸

She acknowledges the challenge in fulfilling both roles and yet she firmly endorses women’s needs to be both mothers and workers. These two roles are the “sources of life,” the sustenance that constructs women’s beings. They must work *with* their bodies and *through* their bodies in order to fulfill their duty to the collective. Moreover, the two dimensions of work that they must contribute to the community are the very things which form their lives, the “sources of life.” In this way, women’s production and procreation fuel their identities.

During the pre-State period, secular Jewish society formed into non-religious communities, yet these communities still existed within the framework of religious narratives. The physical transformation of men, which became central to much of Zionism, brought with it the religiously imagined female. Herzelian Zionism, and later pioneers who envisioned a natural physicality, internalized the earlier religious narratives of female fertility and brought Zionism in sync with religious, female narratives. Both argued for the physical bearing of children as

⁴⁷ Deborah S. Bernstein, “Daughters of the Nation: Between the Public and Private Spheres in Pre-State Israel,” *Israeli women’s studies: a reader*, ed. Esther Fuchs (New Brunswick, NJ: Rutgers University Press, 2005), 83.

⁴⁸ *Ibid.*, 84.

the primary female role. The image of the vessel as an embodiment of the female role of endless fertility seeped into Zionist interpretations of the land. Just as a vessel cannot be used up, neither can the land; a woman's inner womb reflects her universal role. When Israel gained statehood, much of the policy that addressed women founded it on the biological narratives of female bodies. As these threads were pulled into the public, however, they created an expansive social role of motherhood that the narratives fueled.

Politicizing Women: Motherhood as a Social Identity

You walk in the street on a windy day and your baby's not wearing a hat and a stranger will stop you and say, "mah pitom," put the baby's hat on! On the bus, you'll see when a lady has a stroller and she has to open the baggage, a stranger will go up and take the baby. They just hand the baby to you and get their things... They know what you're trying to do so they'll lend a hand and support you.

Rachel

It's very hard to defend your position if you're going to say, "Hey, I don't have to have kids. I'm a woman and I have a career, I went to school, I have a house, I might have a husband, or I'm an artist. I travel or I write." But, you're going to be looked at, like that in Israel. It's not common in here. Society won't let you feel like you're a full woman if you don't have kids.

Shira

Jewish religious narratives created a scaffolding for Israeli society that informed the national consciousness of both religious and non-religious Israelis. An important stream of Zionism appropriated the religious narratives of gender and transformed them into secular ones. Underneath this superficial change, the same narratives of female identity and creation, along with women's overtly reproductive roles, remained intact. This flowed into the gender imagery which informed the nation of Israel. These streams of thought brought the female narratives into its national legislation. In the aftermath of the Holocaust, and in response to the perpetual conflicts with Israel's non-Jewish, Arab neighbors, Israel appropriated these narratives of fertility with a newly galvanized interest in nation-building.⁴⁹ Jewish survival, now national survival, depended upon women's reproduction and fertility. As Rachel and Shira describe in their experiences, Israeli society paints childbearing as the essential female role.

⁴⁹ Jacqueline Portuguese, *Fertility policy in Israel: the politics of religion, gender, and nation* (Westport, CT: Praeger Publishers, 1998), 73, 82; See also Rhoda Ann Kanaaneh, *Birthing the nation: strategies of Palestinian women in Israel*, California series in public anthropology (Berkeley, CA: University of California Press, 2002), 45.

Families are the units of commonality among people on the streets and everyone “know[s] what you’re trying to do.” But this national endeavor requires a specific construction of women, to which Shira refers, and this centralizes her reproduction as her pathway into modern society.

Israel’s official declaration of independence in 1948 precipitated a war between the fledgling nation and its Arab neighbors.⁵⁰ The war served as a defining event, for not only did it set a precedent for future diplomatic challenges, but it framed the period during which social legislation first began. In all corners of society, people began to speak of the situation within the paradigm of Jewish national survival, a focus of Jewish consciousness since the earliest forefathers and foremothers.⁵¹ This translated into rhetoric and policies which carried the earlier religious and Zionist narratives of female fertility into the present. Israel literally became “the Promised Land,” and not just in language rife with lofty symbolism. Diaspora Jews, who immigrated to Israel as well as Jews who had already settled in the land during the pre-State period began the project of constructing the new nation with an outlook toward overcoming their historical vulnerability.

For all the emphasis on national survival that entered into the Israeli mentality, the implications of demographically building Israel fell to women. The governmental policies subsumed the Jewish and Zionist narratives of women’s fertility into their legislation and created a national role that necessitated reproductive women. Legislation implicitly defined the proper female role as one in which motherhood was the central characteristic. Nitza Berkovitch has studied the way in which women entered into the public realm: “The Jewish-Israeli female subject is constructed first and foremost, not as an individual or a citizen, but as a mother and a wife. The state, using rhetoric of equality, incorporates the Jewish-Israeli woman via these traditional roles and not through the universal characteristic of citizenship.”⁵² Women gained citizenship through their bodies and entered into the public through the private roles of reproduction. Although the state became a political entity, it internalized the earlier narratives that predated its establishment and created a continuous link between the past and the present.

⁵⁰ Howard M. Sachar, *A history of Israel: from the rise of Zionism to our time* (New York: Alfred A. Knopf, 2006), 315.

⁵¹ Portugese, 35-38.

⁵² Sered, 25.

“A Woman’s Duty”: Motherhood as National Service

In the midst of the 1948 war, much of the national rhetoric focused on the responsibility that women had to the nation through their ability to bear children. The men’s fight was on the battlefields but the women’s fight was different; it was a fight for the demographic welfare of the Jewish State.⁵³ Dr. Aharonova addressed this female fight in several governmentally-distributed parenting manuals that he wrote during the war:

Every family should include at least three children: two, [equal to] the number of parents, and another one to build the family and the race...For our safety in the future we need to have a large population. These periods of war have taken valuable people from us. Our human reservoir in the Diaspora has de-clined, and if childbearing is always a crucial national necessity, it is now even more crucial...A woman’s duty is different from a man’s in this war.⁵⁴

Underlying Dr. Aharonova’s comment were several preexisting assumptions about female identity and national needs. Just as in biblical times, when women’s reproduction fulfilled God’s commandment of Abraham to be a great nation of multitudes, women returned to this role within the nationalist context of Israel. Dr. Aharonova acknowledges that as in previous centuries of Jewish history, “childbearing is always a crucial national necessity,” but that the present reflects an even higher pinnacle which Jewish women must strive to achieve. Women must reconnect to their fertility in order to assure national survival.

Beginning soon after Israel’s founding, the government launched social campaigns to increase the Jewish birth rate. This occurred in part because of the demographic concerns for Jewish population levels, but it also occurred as policymakers came to realize that Israel must serve as the locus of Jewish life.⁵⁵ In the 1920s and 1930s, when Jewish Palestine served as a symbolic satellite of Jewish global life, several massive waves of Jewish immigration boosted the population. This immigration declined during the period of time surrounding Israel’s establishment so that the Israeli population could no longer rely on foreign influxes; facilitating a native-born Israeli population became a pressing

⁵³ Kanaaneh, 65-68.

⁵⁴ Sachlav Stoler-Liss, “‘Mothers Birth the Nation’: The Social Construction of Zionist Motherhood in Wartime in Israeli Parents’ Manuals,” *Nashim: A Journal of Jewish Women’s Studies & Gender Issues* 6, no. 1 (2003): 114.

⁵⁵ Nira Yuval-Davis, “Woman/Nation/State: The Demographic Race and National Reproduction in Israel,” *Radical American* 38 (1987): 37-59.

national issue, and one that factored prominently into policy decisions.⁵⁶ The need for a renewed Jewish population following the demographic catastrophes of the Holocaust and the risk of the Arab-Israeli tension paralleled the biblical motif of Jewish perseverance. As such, the government encouraged reproduction by appealing to the natural role of the female body; the policies connected to the physical construction of her body and to the role that she played in Jewish continuity.

Perhaps the strongest public proponent of motherhood in the early years of Israel was Prime Minister David Ben-Gurion.⁵⁷ He created a precedent in which the political sphere absorbed the social role of motherhood. Ben-Gurion had been a prominent Zionist leader prior to Israel's founding, and his leadership of the national agenda created a conducive environment for pulling ideological gender constructions into the national context. Much of his language centralized the symbolic role that women had to the nation and he later institutionalized these images within specific legislative policies. Fitting with his general view towards motherhood was a comment Ben-Gurion made of his own mother during a Knesset discussion: "I will talk about my mother, but refer to all mothers. Mother is the most precious person to everyone...my mother died when I was ten...but I still know that she was the symbol of purity, love, devotion, and nobility."⁵⁸ Women become symbols, not agents. In the same way that women had become static vessels in earlier narratives, women enter into political discussions as constant symbols of nurturance. Ben-Gurion's mother is every mother; she has reproduced, thus filling her role, and she joins the ranks of all other women who completed their maternal duties.

The tenor of discussion became increasingly focused towards institutionalizing women's roles to bear children. Just as Dr. Aharonova had called upon women to serve the nation by birthing children, Ben-Gurion began to use similar rhetoric within the Israeli government. Ben-Gurion defined women's national responsibilities within their reproductive potential, creating an overt definition of a good woman: "A Jewish woman who does not bring at least four children into the world...is defrauding the Jewish mission."⁵⁹ Women's reproduction defines her existence. The Jewish mission rests on her body and on her complicity with its needs. Ben-Gurion lays out the role a woman must assume and implicitly paints those women who do not bear the proper number of children as traitors who actively neglect and harm their people. Women gain a sort of enfranchisement within Israeli society through their fertility and yet that

⁵⁶ Ibid.

⁵⁷ Portugese, 49-50.

⁵⁸ Sered, 23.

⁵⁹ Hazleton, 72.

inclusion rests on their ability to fit themselves into the reproductive paradigm internalized within society.

Language transformed into policy as Ben-Gurion began to establish numerous pronatalist programs during his time in office. He brought motherhood into the public sphere of political life. In 1949, he introduced his “Heroine Mothers” initiative.⁶⁰ A woman received this award upon giving birth to her tenth child. The program gained considerable publicity and gave rise to the popular saying:

In honor of the motherland
Ten boys to be born
With grandeur we receive
Ben-Gurion’s prize.⁶¹

Women were not only mothers but they were protectors of the “motherland” through the boys that they bore—no doubt future soldiers. The verse becomes a play on words, for the women bear these children in honor of their motherland (Israel) and, at the same time, they are honored *as* the motherland. Israel is at once the women’s motherland just as the women are themselves the motherland to their children and to the future Israeli society.

Women’s inclusion within the political realm rests on the same requirements that entail her social inclusion. Israeli politics have absorbed and promoted the same fertility narratives that have saturated the national consciousness. They have given womanhood and motherhood a unilateral meaning and in so doing, have conflated these two pieces into a single role. Although Ben-Gurion’s language and complementary initiatives serve as the earliest examples of the widespread governmental endorsement of motherhood, the beliefs have lasted. Geula Cohen, a female Knesset Member during the 1970s and 1980s, expressed her own views of women’s roles as mothers within the national context:

The Israeli woman is an organic part of the family of the Jewish people and the female constitutes a practical symbol of that. But she is a wife and a mother in Israel, and therefore it is of her nature to be a soldier, a wife of a soldier, a sister of a soldier, a grandmother of a soldier. This is her reserve service. She is continually in military service.⁶²

⁶⁰ Portugese, 93.

⁶¹ Ibid.

⁶² Yuval-Davis, 55.

Although Cohen speaks many decades after Ben-Gurion, she retains the same imagery and concept that he so forcefully utilized. Women are symbols and their symbolism rests on their reproductive contribution to the nation. Just as in Gordon's vision of the natural roles that people will return to upon successful transformations, Cohen speaks to a constancy of identity for both genders that endorses that same sort of fundamentality. Men are physical (soldiers). Women are bearers (family members). Cohen points out the dividing line between genders and reaffirms the nature-based discourse that existed so prominently within religious and Zionist narratives.

The presumption that women satisfy their national duty through motherhood continues to inform the reproductive decisions that many women make. Aviva shared with me the general consensus among women that most feel obligated to have three children. She told me that this was consistent among women on the kibbutz and in the city, because it was a strategic number:

Not many people would tell you that but the general accepted feeling in Israel is that you must have three children because you might lose one to the army. To the army, to the terrorist actions. Never have one because you might lose it, two is not enough... Most mothers and parents would go the extra mile to have a third child although it's heavier on the budget. Just in case.

Women bear children for a political purpose that goes beyond their own personal fulfillment. As Aviva explains, she may have to sacrifice personal comforts for the ultimate goal of satisfying the national need. Her body is inextricably tied to the collective, even if she exerts official control over her fertility. The political messages are embedded in society in such a way so that the "general accepted feeling" exists in dialogue with the political expectations of motherhood.

The politicization of motherhood has gained additional dimensions even outside of the purview of social legislation. The Knesset passed an expansive legislation in 1954 which brought labor laws in line with the existing societal beliefs. The Women's Work Law openly limited women's employment based on concerns for her reproductive health:

[The law] prohibits a woman from working during the period of her maternity leave in order to safeguard her health, grants her the right to absent herself from work for reasons connected with

pregnancy, miscarriage or breastfeeding, etc., and to a period of leave for adopting a child. It also forbids the employment of women in certain jobs...that may be injurious to her health. The law also limits the possibility of dismissing a pregnant woman and prohibits entirely the dismissal of a woman during maternity leave.⁶³

As a part of this law, women were forbidden to work in “plants manufacturing acids, various other chemical products, or poisonous paints, or to work in contact with lead, lest these be injurious to their health or impair their ability to have children.”⁶⁴ A woman’s ability to contribute publically depended upon her vulnerable womb;⁶⁵ her most important public role was to bear children and in no way could she risk her fertility on account of labor. The labor law affirmed the precedent of gender relations and expanded the realm in which women’s motherhood defined their participation in Israeli society. Men gained affirmation that they were the true laborers and the ones who could define women’s work. The law made no mention that the same workplaces that could harm women’s fertility could also harm men’s fertility. Instead, women’s fertility was fragile and vulnerable. Her fertility could be compromised, just as the imagined vessel could be deformed, and it was the responsibility of society to ensure that its shape — and wellbeing — remained intact.

Although many of the maternal and labor-related laws were enacted in the early decades of Israel’s establishment, the ideas continue to resonate within female society today. For Michal, the persistent disparities between men’s and women’s salary levels and public leadership merely reflect the inherent differences between genders:

You know there is this theory that says that the men are the hunters and the women are the gatherers. We are not equal because they can only hunt and we can only gather. And, if we’re getting paid less for that, I don’t care. We do what we like to do and they do what they like to do and it’s fine because we’re completing one another.

Men and women are engaged in a partnership that divides at the level of their creation. Women are meant to be mothers and this fact permits the differences

⁶³ Portugese, 93.

⁶⁴ Hazelton, 89.

⁶⁵ Sered, 22-25, 61-62.

in material life, what Michal sees as peripheral parts of women's lives. Women can only gather — they are mothers, nurturers — and this role originates from their private bodies and extends into their public participation. Women's acceptance of their central, reproductive roles requires that they also accept the complementary social identities.

Abortion and the Unhealthy Woman: Framing Good Mothers by Naming the Other

At the same time that Israel promoted motherhood through policies which inscribed a maternal, social role, attention also began to shift toward inscribing the good Israeli woman through legislation of the opposite. The most weighty of these issues was abortion and it serves as a primary locus of internalized motherhood narratives. When abortion came under government analysis in the 1960s and 1970s, Israel approached it from a perspective which maintained the primacy of motherhood as the social and political female identity. Prior to 1977, when the government officially legalized the practice, women had easy, though illegal, access to safe abortions; the government turned a blind eye to the practice unless there was malpractice.⁶⁶ However, in a move to appease political and religious interests concerned about unregulated abortion, the secular-dominated government passed the new abortion law and brought the practice under the official domain of the government. Abortion became a problematic subject, for it presented a possible “contestation of the notion of committed motherhood.”⁶⁷ Therefore, much of the legislation surrounding abortion laws and the way many women view abortion now reaffirms women's reproductive role. Structures around its regulation privilege the women who do not have abortions and alienate those women who do undergo the procedure.

Unlike the United States where the debate over abortion has centered around women's rights over their bodies, the debate within Israel has focused on the impact that legalizing abortion would have on women's health and later fertility.⁶⁸ A study conducted by Amir and Benjamin explored the reasons why women sought abortions and found that women most often do so out of financial pressures or out of emotional pressures of having so many children.⁶⁹ Many women cited inadequate money to raise a child, health concerns, or social concerns if they were not married or, alternatively, if the child was conceived

⁶⁶ Portugese, 138.

⁶⁷ Delila Amir and Orly Benjamin. “Defining Encounters: Who Are the Women Entitled to Join the Israeli Collective?” *Women's Studies International Forum* 20, no. 5/6 (1997): 648.

⁶⁸ Portugese, 136-151.

⁶⁹ Amir and Benjamin, 639-650.

within the context of an affair.⁷⁰ The fight to legalize abortion, therefore, was not a fight to challenge the centrality of motherhood but a fight to promote healthy mothers.

Many prominent figures entered into the abortion debate on the grounds of protecting maternal health. Supporters of legalized abortion, along with opponents, rationalized their arguments by basing their decision on what would most positively promote fertility. Menahem Yedid, a Likud member of the Knesset, voted in favor of legalizing abortion on the basis that “only a healthy mother can function and run a household and educate her children as is fitting and suitable for a mother in Israel.”⁷¹ Yedid acknowledges that women should have the ability to choose an abortion but a woman’s choice should revolve around her ability to be a good mother. Bearing children has social implications, as well, so that a woman must accept both her physical reproduction and the social and political dimensions that motherhood requires. Yedid contextualizes abortion so that a woman’s choice to have an abortion affirms her present state as unhealthy but her persistent desire to be a “healthy mother.”

On the other side of the debate, opponents to legalized abortion invoked language that was remarkably parallel to that used by Yedid. Efrat is a prominent right-to-life organization that identifies as religious-Zionist and it has become a major voice in the abortion debate.⁷² The organization’s leader, Dr. Eli Schussheim, justified his view against legalizing abortion on the grounds that bearing many children makes women healthy:

The happiness that comes from having children strengthens the emotional health of the person and has a positive influence on physical health. The absence of these elements, because of failure to fulfill the natural function of the family, can result in absence of satisfaction, in stress and tension that harm the emotional health of the person and so have a bad influence on the physical health as well. There are those who are concerned that bearing many children causes damage to the woman. But reality proves that the opposite is true. The facts prove that mothers of many children, who run their lives according to the biological nature of bearing children, are emotionally healthy and physically strong.⁷³

⁷⁰ Ibid.

⁷¹ Sered, 31.

⁷² Portugese, 143

⁷³ Sered, 38.

For Dr. Schussheim, children bring happiness upon women because it is a woman's "biological nature" to bear children; only through the utility of her nature, will she become "emotionally healthy and physically strong." Moreover, in a similar parallel to Yedid, Schussheim portrays women who do not wish to bear children as unhealthy and unnatural. He centralizes the function that reproduction plays in women's holistic wellbeing and implicitly calls upon the government to take a role in ensuring that women make decisions that protect their health.

Israeli legislators eventually chose to establish a committee structure to monitor abortion procedures within individual hospital settings. During the early deliberations on what these committees should do, Haim Sadan, the adviser to the Minister of Health, proposed that they should "force every woman considering abortion to watch a slide show which would include... pictures of dead children in Nazi concentration camps."⁷⁴ Though never instituted, Sadan's proposal demonstrated the government's attempts to create an abortion policy that would alienate women who did not fulfill their national obligation to the Jewish people. The suggestion that a woman should be forced to see such grotesque pictures from the genocidal campaign against the Jewish people places the individual woman outside of the innocent Jewish community; the woman would become a sort of accomplice to the genocide.

When abortion did finally become legal in 1977,⁷⁵ it came under the supervision of institutionalized abortion committees. The committees include a gynecologist and two social workers and have the authority to permit or prohibit a woman's abortion.⁷⁶ More than actually regulate abortions, the committees become cultural-political entities. Amir and Benjamin recorded the deliberations within these structures and they found that committees approved more than 95 percent of women's requests.⁷⁷ Although the committees permit most requests, they offer the medical and political establishment entry into the reproductive lives of women, and in women they seek a reaffirmed commitment to the role of motherhood that they occupy within society. As a result, the government generally allows abortions within a formal structure of disapproval. The

⁷⁴ Kanaaneh, 46.

⁷⁵ Portugese, 138.

⁷⁶ There are four reasons that a woman can qualify to receive an abortion: 1. the pregnant woman is under 17 or over 40 years old; 2. the pregnancy is a result of incest, rape, or an out-of-wedlock relationship; 3. the woman's physical or mental health is jeopardized by the pregnancy; 4. the fetus has developmental abnormalities. See Amir and Benjamin (642).

⁷⁷ Amir and Benjamin, 644.

legislation of abortion reaffirms motherhood and permits the government some control in enforcing women's national identities.

Ironically, abortion does not become a contestation of motherhood within Israel for many of the women who undergo the procedure.⁷⁸ Although women assert some amount of choice in seeking an abortion, most are not choosing against the idea of being a mother. Abortion enters into their reproductive pictures when they feel that they cannot function in the way that a "healthy woman" should. During my interview with Pninah, she brought up a story about her neighbor who underwent three abortions during the course of her fertile years: "My neighbor had three abortions and until today she feels very guilty. She's an orthodox woman, and she has twelve children and they were very poor. But she feels very guilty. So you have to see how conflicting these issues are." Pninah's neighbor found herself caught between her social circumstances and her ideological commitment to motherhood. Women's guilt and shame over the procedure is affirmed and compounded by much of the literature surrounding abortion. Efrat distributes a pamphlet called "The Price for an Instant" which contains stories from women who cannot conceive children as a result of an earlier abortion:

When I finally told my secret to the doctor, I heard from him that there is a direct connection between the abortion I had and my condition. I finally understood that because I had not stood up for myself and been strong enough, I endangered my future as a mother forever...I saw the suffering of women who had undergone an abortion and now are willing to undergo seven hells in order to hear the great news that they are pregnant. They are desperate to hug a child in their arms, but there isn't one.⁷⁹

Having an abortion means a woman is weak; strong women, healthy women understand that abortions risk their fertility in the present and future.

A significant thrust within the abortion committee structures has emphasized educating women of the risk abortions present to their future fertility. Through all of these measures, it is clear that the dominant concern which contributes to the legislation of abortion is a concern for fertility and not for the surrounding circumstances. Although a woman is permitted access to a legal abortion, her choice to undergo the procedure carries with it profound implications for her

⁷⁸ Ibid., 639-50.

⁷⁹ Sered, 38.

positive contribution to Israeli society and for her personal identity as a healthy woman.

As the government began to legislate policies which ascribed specific meanings to women's reproductive decisions, the Israeli government situated rabbinic Jewish and Zionist narratives of female motherhood within the body of Israeli women. These narratives entered into the culture through practical legislation that brought women's private lives into the public; their fertility and reproduction became a national resource. Policies subsumed the religious narratives into the political and social cultures. Motherhood held a cache for social inclusion and its qualifications centered on physically bearing children. A mother was supposed to birth children and then function in society as a reflection of her biological role. For those women who experienced infertility, however, this social prerequisite posed profound challenges. Since the 1980s, the government has entered into fertility directly with its national subsidization of in-vitro fertility treatments. These treatments have come to occupy a crucial space in considering the religious and Zionist narratives of fertility, for the government becomes an actor in fertility. Although the treatment comes out of political interests, it ultimately reveals the foundational religious narratives because it enforces the ideology that a woman's natural role is to bear children and that her bodily shape must be properly formed for conception. IVF becomes a link between political pronatalism and religious conceptions of the female body; the legislated policy comes into direct contact with the physical construction of women's bodies and enforces the presence of religious narratives by institutionalizing specific images of the body.

Enabling Women: "Fixing" Infertility through Reproductive Technology

It is important for people to get a message from the government that they value life and that they care about the people.

Chani

If you speak to Dr. Laufer, who is the chief of OB/GYN at Hadassah [Hospital], [subsidizing fertility treatments] is a clear and conscious decision on behalf of the people of Israel and the Israeli state to sponsor fertility treatments because we need more babies, because we need more people.

Pninah

Over the course of Israel's political history, narratives of female fertility entered into the legislated, public sphere. By the time fertility treatments entered into mainstream society, imperative motherhood resonated in nearly

every dimension of life so that women came to exist in a society in which religious traditions, political traditions, and cultural traditions all pointed toward her reproductive responsibility. This emphasis on motherhood became part of a social and political narrative and, in so doing, lost its overt religious connections. Governmental and social institutions inscribed motherhood upon women by incorporating the religious narratives into their foundations. They were able to encourage motherhood by rewarding good women, as with Ben-Gurion's "Heroine Mother" prizes, and by defining what a good woman should not do, as with abortion. Beginning in the 1980s, however, fertility treatments became available within Israel and they have offered a revolutionary means to actively enable pregnancy. The treatments have since been fully subsidized by national health care for all women⁸⁰ and they become expressions of the earliest religious narratives of female reproduction within the paradigm of politicized motherhood. They permit women and governmental structures to become active partners in fulfilling women's physical and national purpose and reveal the strong religious narratives that exist directly below the surface of Israeli society.

The government incorporated fertility treatments as a part of its historically pronatalist health policies. In June of 1986, the Minister of Health gathered leading gynecologists to discuss ways that the country could "improve fertility."⁸¹ The collective recommendation focused on expanding access to fertility treatments, which legislators saw as a means of addressing the country's interests and in appealing to what had become the needs of Israeli society. Fertility treatments entered into the national consciousness as a part of political interests and gained a profoundly social meaning as they fulfilled women's desires for children. The governmental support for these treatments came, in large part, from the great promise the technology posed for enabling increased fertility rates among women who would then contribute to the birth rate. Throughout this discussion, I will directly address in-vitro fertilization (IVF), though the cultural implications of IVF are consistent with other types of therapies in which female reproduction exists within a medical space.

Underneath the political ends of IVF lay the reasons why the treatment became so popular, reasons which appealed to a common narrative of motherhood. IVF treatments are not trivial procedures; they require profound physical and emotional commitments from the women who undergo the therapy and a costly

⁸⁰ For a full discussion of IVF legislation, see Susan Martha Kahn, *Reproducing Jews: a cultural account of assisted conception in Israel*, Body, commodity, text (Durham, NC: Duke University Press, 2000).

⁸¹ Daphna Birenbaum-Carmeli, "'Cheaper than a newcomer': on the social production of IVF policy in Israel," *Sociology of Health and Illness* 26, no. 7 (2004): 905.

investment of resources on the part of the financial and medical providers. IVF is only successful, therefore, because it has come to fulfill the political interests of the nation while appealing to the bodily narratives of female reproduction. Within Israel, IVF's presence is intimately linked to its relationship with the religious narratives that informed the female body. IVF arose from the government which had, in turn, derived its policies from the fertility narratives that preceded their establishment.

It is worth turning to some statistics to appreciate the scope of IVF's influence. In 2004, there were twenty-six infertility centers in Israel, giving it the world record ratio of one center to every 230,000 women. In 1990, there were 1,800 IVF cycles per million Israeli women in comparison to 416 in the United Kingdom and 240 in the United States. Further, in 1996, 2.1 percent of the 2,562 births in Israel were born through the use of IVF.⁸² The numbers are no doubt significantly higher today as technology has improved and additional legislation has passed to support women going through these procedures. The prevalence of this technology is astounding, for it demonstrates the very real influence it has on the lives of thousands of Israeli women and children. That fertility treatments contribute to so many women's experiences brings it into the normalized realm of Jewish reproduction.

IVF's legislation within Israel has been relatively easy, for it has gained the support of both non-religious and religious institutions. The non-religious community voiced few objections to IVF, while the religious institutions have gone to great lengths — successfully — to reconcile IVF with the possible halakhic problems that it presents.⁸³ With the introduction of several specific provisions, nearly every rabbi in Israel approved the practice and IVF has become a halakhically valid way to conceive a child.⁸⁴ Within the secular legal realm, the procedure also gained rapid approval when the High Committee of Medical Experiments in Human Subjects approved the technology in the early 1980s, even before any long-term studies confirmed its safety among female subjects. In 1984, the Ministry of Health expanded IVF's use to include single women, as well, and since then the government has also expanded its use to include lesbian women.⁸⁵ As Daphna Birenbaum-Carmeli notes, "IVF was broadly accepted in

⁸² Ibid., 904.

⁸³ The concern focused on the possibility that a child born through IVF and donor sperm might later marry a half-sibling, resulting in a *mamzer*, a child who could not marry another Jew for ten generations. See Kahn, *Reproducing Jews*.

⁸⁴ Birenbaum-Carmeli, "Cheaper than a newcomer", 905.

⁸⁵ Ibid., 904.

Israel as morally and socially legitimate and has not been called into question in any significant way.”⁸⁶ IVF fit into preexisting narratives of reproduction which influenced both women’s and Israeli society’s images of fertility.

Thus, beginning in the late 1980s, Israel pushed to expand IVF and it entered into popular culture as a source of Israeli pride. Newspaper articles regularly reported on the technological developments: “World’s first: national delivery following IVF” and “World record: woman aged 60 gave birth to a girl.”⁸⁷ IVF offered a resounding call to the progress that Israel was making on the problems of infertility and it cultivated the perception that, beyond any other country, Israel could fix women’s bodies. Infertility entered into the public forum as a frontier that could—and must—be conquered. The discourse became two-sided, for just as the government emphasized the scientific developments that they achieved through this technology, women expressed their incredible gratitude for the treatment.

Throughout the process of instituting IVF treatments in governmental legislation, proposals to restrict the treatment to certain numbers of rounds or to more limited age groups occasionally arose for discussion. In the early 1990s, the Minister of Health attempted to limit the number of subsidized IVF cycles for each woman. Cries against these proposals rang out and fertility treatments began to assume an aspect of enabling women’s individual fulfillment; already IVF held a seemingly permanent status within society and attempts at limiting it were termed attacks on a woman’s right to motherhood. A woman quoted in *Yedioth Aharanoth*, the most widely read newspaper in Israel, ⁸⁸ passionately called against the proposed limitations: “No one in the world, including the Minister of Health, has the right to decide how many times I shall try. No one will take away from me the hope to become a mother, even if it takes twenty IVF treatments or more.”⁸⁹ Motherhood is this woman’s right and it is the duty of the government to enable her fertility. In spite of any economic and physical hardships, this woman wishes to sacrifice everything to bear a child. The woman calls on her right to receive unlimited treatment and defines IVF as a means by which the government must assist her in fulfilling her fundamental role.

The perception that motherhood is a right resonates in much of the legislation surrounding IVF. In 1994, the Aloni Commission released a report requested by

⁸⁶ Ibid.

⁸⁷ Ibid., 906.

⁸⁸ Ibid., 908.

⁸⁹ Ibid.

the government that disclosed its investigation into the social, religious, political, and cultural dimensions of modern reproductive technologies. More than merely reporting on the status of reproductive health policy, it sought to create a foundation for future Israeli health legislation that reflected the many intertwining factors of Israeli national life. The governmental beliefs espoused by the Commission's report did not reflect new perspectives on reproductive practices; rather, the Aloni Commission confirmed preexisting Israeli policies and influenced subsequent ones. Among the recommendations is one passage which stands as a symbolic endorsement of the long-standing emphasis on motherhood: "The Commission agreed that, as a matter of principles, there should be no interference with the right of access [to reproductive technologies]. In other words, the right to receive fertility treatment should be granted to every person."⁹⁰ This suggestion that fertility treatments are a *right* speaks not only to the entitlement of a woman to receive such treatments, but to the complex cultural narratives that underlay the government's presumption that every woman should be able to bear a child.

The Knesset Committee for the Advancement of Women's Status held a discussion in 1998 entitled, "Fertilization, pregnancy and pregnancy-related social rights in the National Health Insurance Law." The attendees came from the government, medical professions, women's organizations, and health funds.⁹¹ The purpose of the gathering was to consider the practice of IVF within the context of increasing accessibility and to understand how the structure of treatments could change to better appeal to the public needs. A senior gynecologist called upon the treatments as a sign of governmental benevolence to its citizens:

Our public is thirsty for children. In this country, gentlemen, a childless couple is a beaten couple, socially as well as personally. Each partner in this couple feels himself utterly disabled, unable to concentrate on his work. People do not realize their ability to contribute to society because they are so preoccupied with this difficulty and with their bodily defect. I have worked in the US and know American society. There, a couple may undergo one cycle or two but they will not destroy their normal lives. At the most, they will adopt a child, because treatment is very expensive. We are an enlightened state and allow unlimited treatment according to

⁹⁰ Kahn, 77.

⁹¹ Birenbaum-Carmeli, "Cheaper than a newcomer", 909-910.

medical indications, but in the US, a couple has to spend \$10-15,000, so how many cycles can they afford?⁹²

The doctor equates the experience of infertility to a social deficit that IVF can ameliorate. When an infertile couple is “beaten,” IVF helps them to overcome the stigma and bring them back into the mainstream of Israeli culture. The “thirst” for children, the childless couple as “disabled,” the “bodily defect”—these all inscribe the fundamental desperation for children that is normative in the national culture, as well as reify reproduction as imperative. Given these associated meanings of infertility, many Israelis see IVF as a treatment which offers the public a means for remedying societal alienation.

When IVF works, it can help women and couples fit into the child-focused Israeli society in a way that might have been impossible otherwise. At the same time, in its existence as a treatment in which people must actively seek the service, IVF allows fertility to be dictated by the narratives of the wider social environment. As I sat for several hours with an infertility-specialist in a public fertility clinic, the doctor explained to me that he is seeing a dramatic increase in “non-traditional” patients. More and more single women and lesbian couples were seeking sperm donation, male-female friend couples wanted to have a child without sexual intercourse, and gay men with surrogate mothers wanted to have a child. All of these couples, the doctor suggested, sought fertility treatments out of a desire for children and, at the same time, for the ability to be a part of society via their familial status. He believed that the patients’ intentions were not to challenge the traditional nuclear family but rather to find an entry into a society that implicitly mandates bearing children.

Fertility treatments in Israel have made an impact on the reproductive choices of heterosexual couples, as well. Because it provides a seemingly endless possibility for more children, the decision of how many children to bear and of when to stop treatments reveals many of the implicit societal pressures for having children. The government funds treatments until a woman has two children, but the treatments are not so prohibitively expensive as to prevent upper-class women from seeking additional services. As Pninah explained, she encountered an indirect sense of pressure to continue the treatment: “I used to sort of go through the infertility [treatments] and say, when should I stop? And they said, ‘Well, it’s up to you—as much as you want.’” The treatment becomes a panacea with endless hope for a child. Because the treatment is fully funded by the

⁹² Ibid.

government, the woman's choice of when to pursue treatment and when to stop rests entirely on her personal choice, a choice which is heavily influenced by the family-centric Israeli society. When a woman chooses to stop, it often becomes a surrender of sorts, as though she is neglecting her natural role to become a mother. As a result, although some women do choose to end treatments early in the process, many women go through IVF for extensive numbers of cycles out their intense desire for a coveted child—until they have a baby or until they can no longer handle the side-effects.⁹³

Nevertheless, the popularity of IVF exists not only from the procreative end result; if a child were the only important piece of the narrative, adoption would be an equally privileged option for enabling motherhood. During my interviews, women emphasized the advantages of IVF over adoption. I asked several women why IVF is more valued than adoption and received responses that brought the discussion back to the earliest narratives of motherhood. The physicality of pregnancy, the continuity of genetic material, and the sense of bodily purpose all remain in IVF-aided pregnancy. Rebbetzin Steiner, whose comment focused specifically on the relationship of adoption to halakhic procreation, mirrored the responses by secular women. She explained that although adoption is “considered spiritually equivalent” to natural pregnancy, “it’s not the same thing because it’s not the biological parent.” The parents can love their adopted child equally to natural children but it does not fulfill the same biological need for the couple nor the physical pregnancy for the woman who carries the child. IVF’s popularity stems from its appeal to the founding narrative of female identity. It enters into a society that values motherhood as a physical experience of the female body. Her womb, central to her societal enfranchisement, serves its “natural” purpose via fertility treatments.

The preference of fertility treatments above adoption exists not only informally within casual society but within the political realm, as well. According to Pninah, the government urges women on a list for a national adoption to continue receiving fertility treatments. She understood this to be a clear indication of the government’s preference that a woman bear her own child, in part because few children are available for adoption and in part because they acknowledge that a genetic baby is better than the alternative. Shira shared the opinion that the government should push IVF over adoption: “The advantage of IVF is that you get pregnancy, too... Every decent woman who is young and

⁹³ Daphna Birenbaum-Carmeli, (Forthcoming), “Policy on In Vitro Fertilisation in Israel and the Views of Women Having IVF Treatment: The More the Better?” in *Reproductive Health Matters*.

healthy, even if she has a problem and it's not her egg, in my opinion, should prefer to experience the pregnancy, the breastfeeding... The best babies are the mother's egg and the father's sperm." Shira acknowledged the importance of adoption and she felt that adoption should become more accessible than it is at present; nevertheless, she is fully supportive of IVF as a means of enabling a woman to experience the physical dimension of motherhood. The power of IVF is that it satisfies the construction of motherhood that is an explicit part of national and individual narratives.

IVF entered into the public realm as a scientific miracle, even as one article called it, a means of "Correcting God's mistakes."⁹⁴ The early discussion surrounding fertility treatments emphasized the primary role that the government and medical establishment had in fixing the problems. In the Jewish paradigm of woman as a reproductive vessel, the medical establishment and the looming government has become the redeemer of that failed body. The doctor-patient interactions thus came to embody the Jewish narrative of the transforming male to the deformed woman. The interpersonal dynamic within fertility treatments has often empowered the doctor and medical establishment in controlling the course of procedures. When women receive sperm donations, for example, the doctors and nurses have control over who the donor will be. The woman has the choice only of whether the man has a light or dark complexion, corresponding to his Ashkenazic or Sephardic descent.⁹⁵ Moreover, scholars have noted the way in which doctors have insufficiently discussed the side-effects and risks of fertility treatments so that women become passive consumers of a meaning-laden treatment.⁹⁶ Many women are unaware of the actual statistical probability that they will conceive a child on any given round, illustrating the passivity with which many of them approach the interaction.⁹⁷ In these cases, the women accessing IVF envision the doctors as the active partner in enabling conception, just as men are presumed to initiate physical changes in the woman's chambered body upon marriage. As Daphna Birenbaum-Carmeli explains, "In Israeli terms, this 'loyal,' 'considerate' collusion paradoxically confirmed the physician's status as the real reproductive partner."⁹⁸ The doctors, almost always male, actively draw out women's fertility. They administer medication, perform procedures,

⁹⁴ Birenbaum-Carmeli, "Cheaper than a newcomer", 906.

⁹⁵ Kahn, 32-39.

⁹⁶ Ibid.

⁹⁷ Birenbaum-Carmeli, "Policy on In Vitro Fertilisation in Israel", 5.

⁹⁸ Daphna Birenbaum-Carmeli, "Reproductive Partners: Doctor-Woman Relations in Israeli and Canadian IVF Contexts," in *Small wars: the cultural politics of childhood*, ed. Nancy Scheper-Hughes and Carolyn F. Sargent (Berkeley, CA: University of California Press, 1998).

and “experience” the treatment with the woman in such a way as to take the instrumental role in the process.

The male-female gender dynamic within the process of treatment reflects an additional aspect of fertility treatments which involves the responsibility for infertility. Larissa Remennick conducted an ethnographic study of Israeli women undergoing IVF treatment. She found that although 20 percent of the female participants were fertile (and that it was their partner who was infertile), many of these women explained the persistent childlessness as a result of their own infertility.⁹⁹ Among several women whom Remennick quotes, Maya explains that she accepts responsibility for her persistent childlessness even though it is her husband who is infertile:

My husband never asked me to withhold this information, but I chose myself to defend his self-esteem and male pride. Even to family members I am always telling that my tubes are blocked after infected appendicitis many years ago. For most men I know, it's too hard to admit this problem and try to deal with it in the open. Women take it easier for some reason.¹⁰⁰

By inventing her own physiological infertility, Maya appeals to the image of the vulnerable womb that so deeply founded Israeli society. Rather than risk emasculating her partner, Maya reinforces the perception that a woman's vessel can be misshapen and that it is the woman's responsibility to be the space in which a child can grow. Fertility treatments reenact the paradigm of religiously-imagined fertility in which men have the substance and women provide the shape. Even more profoundly, Maya calls upon the Zionist legacy as imagined by Herzl and Gordon in which men's masculinity must be enhanced and offset by a passive and weak female. That a man could be infertile inverts this construction and conflicts with the fundamental beliefs.

IVF traces the reproductive narratives back to the earliest religious origins of female bodily constructions, for the practice has distinct religious connotations. All of the women with whom I spoke understood IVF as an obvious method to overcome infertility and they readily shared anecdotes of couples they knew who had met great success after undergoing treatment. Within the Orthodox Jewish community, however, the implications of IVF have stepped outside of the physical childbearing and the act of bearing children for the political-national

⁹⁹ Larissa Remennick, “Childless in the Land of Imperative Motherhood: Stigma and Coping Among Infertile Israeli Women.” *Sex Roles* 43, no. 11 (2000): 821-841.

¹⁰⁰ Remennick, 832.

collective. Rather, IVF is saturated with a sense of religious purpose that interprets the treatments as a divine intervention.

For many religious women, IVF is the tool through which God can intervene in women's fertility within the contemporary era. In essence, IVF becomes the modern manifestation of what God did for Rachel and Leah in opening their wombs. Susan Kahn has conducted numerous studies on Jewish Israeli women and couples who undergo IVF treatment. Among her work is a particularly enlightening interchange between two women who seek to contextualize the practice within their religious beliefs. The first woman posted on an online discussion board about the dilemma she felt over the effort required by IVF treatments:

The key to children is one of the three keys that only Hashem [God—literally, “the name”] has; i.e. they come directly from Him. I understand this to mean, that not like *parnasah* [livelihood] where it is clear that we have to make *hishtadlus* [effort], children should not require extra unnatural and invasive *hishtadlus*. If so, where do all these treatments, procedures come in to the picture?

Among numerous responses was the following explanation by another woman undergoing treatment:

For some, the *ribono shel olam* [God—literally, “master of the world”] gives the *nisayon* [experience] of being unable to do *piryeh v'rivyeh* [procreate] the natural way. He wants them to make more efforts I guess...I am fine with all these procedures. This is what Hashem wants from me. Otherwise, He wouldn't challenge me with infertility. And otherwise IVF would not be available to me.¹⁰¹

Just as infertility challenged the matriarchs, modern women can understand their infertility within the same framework of maternal desire and divine intervention. The first woman is concerned that IVF is an unnatural means for conceiving a child and that it conflicts with the religious view that conception should not require extra effort. Because many women believe that conception should come out of the action of a man, a woman, and God, reproductive technologies raise the question of whether they are conflicting with the natural body.

Nevertheless, the second woman responds to the first woman's concern by placing IVF within the purview of God's divine tools. For her, IVF is not

¹⁰¹ Kahn, 473.

something that conflicts with a woman's natural motherhood but which provides her an alternate—if more “challeng[ing]”—means of achieving that role. God is “ribono shel olam” (“master of the world”), emphasizing God's instrumentality; she creates an implicit framework in which humans do not have the ultimate authority in the happenings of the world. IVF exists because God wants it to exist; and God wants it to exist because *piryeh v'riyeh* (procreation) is “the natural way.” In doing this, the second woman folds IVF into the framework of natural motherhood. This exchange affirms not only the sense that women should use fertility technology but that IVF fits into the overarching pronatalist image of the naturally maternal female, even when that female needs seemingly unnatural assistance.

The second explanation for IVF's role within the religious reproductive context came from Chani. She understands IVF not only as a means of bearing children, which in itself is a blessing in her view, but also as an active endeavor on God's part to enable larger plans. As she shared with me, she believes that God is using IVF as a means of speeding up the arrival of the messiah:

And they said it's because it's a sign that the moshiach [messiah] is coming. That as we get closer to the moshiach coming, every soul that has to come back, has to come back in a body...So, they say that as we get closer to the moshiach—they knew that when we lost the Temple that there would be this long gap—then things would start to speed up. And that's what's happening here, that we have to speed up the babies being born. This is God's message, this is God's way of saying, “we're bring you closer.” That we have this treatment, there is a religious aspect to this.

God uses women's bodies for a purpose that exists outside of the women themselves; through reproduction, women become instruments for a project that resonates for all living things. IVF returns to the earliest of narratives in which God becomes the active partner in reproduction; God now enlists women's physical reproduction as a means of precipitating the messiah's arrival.

The legislation of reproductive technologies occupies a complicated role within Israeli society. Although the presence of reproductive technologies stems in large part from their contribution to Jewish demographic concerns, it also arises from the continuous narratives of female fertility. The reproductive technology within the modern context reflects a nexus of Israel's demographic concerns and ideological foundations and from this, we can identify the ever-present religious narratives within pronatalist policies. Whereas earlier policies obscured the religious link between their outcomes and their foundations, IVF reaffirms the

connection by creating a direct relationship between Jewish-based social interests and women's physical identities. The collective affirmation of reproductive technologies reflects the deeply internalized religious narratives of women's bodies as they have come to exist within a nation-building framework.

Conclusion

As we trace the path of religious narratives surrounding the female body into present reproductive technologies, we can see how women have assumed a place in Israeli society that defines their roles within a maternal space. Religiously, their reproduction is a blessing; politically, they should reproduce for the demographic needs; socially, they should reproduce for their inclusion in Israel's family-oriented society. Israel's legislative policies incorporated the Jewish constructions of the female, maternal body. The narratives diffused throughout Israeli society and placed women within a space of imperative motherhood. Fertility treatments were originally legislated as a result of political and demographic interests but they also appeal to the maternal needs of Israeli women.

While the trajectory of religious narratives appears, on the one hand, to ascribe to women a powerless role in their own fertility, the women whom I met spoke of motherhood with a great sense of agency. They felt in control of their bodies and they passionately called upon the government to support their motherhood with fertility treatments and family-centric policies. While many critics of Israel's reproductive policies have understood the policies as making women "victims in a system of domination over which they have little or no control,"¹⁰² Michal understood those same policies as a "beautiful thing that we provide the technology and the ability for people to have children if they can't." There exists a profound dichotomy between the language used by scholars and the language used by women in understanding the significance that Israel's pronatalism poses for women. Israeli policies perpetuate a reproductive imperative but they also enable women's fulfillment of a role that they have come to expect of themselves.

While there is no definitive answer for the conflict between agency and passivity in understanding Israel's reproductive policies, it is worth questioning why such a dichotomy exists. Religious narratives of female identity have constructed a role for women which exists in a static form, one that has been carried through history on the path of Jewish nation-building. At the same time, although this paradigm has infused Israeli society with a specific role for women, the religious

¹⁰² Portugese, 13.

foundations of the overarching narrative have offered an incredible depth to the maternal role which women occupy. These narratives may inscribe a woman into a reproductive role, but she exists inside of that narrative and it is her choice to participate in what is an essential action for collective survival. Women act within a symbolic space that they may not have constructed but which they actively fill.

At the most critical level, we find reproductive legislation which enforces the government's interest in Jewish birth rates and which risks sacrificing women's bodily agency for a collective interest. But if we contextualize these policies and permit a new image of agency, we problematize the assumption that the present policies and technologies necessarily disenfranchise women in their public and private roles. Perhaps women do lose agency in acting within the socially imperative role of motherhood, but perhaps this also gives them a public power that their private bodies would otherwise not receive; the women's language certainly suggests that the answer is not so clear. As Shira noted of the pressure to bear children, "it's what people expect of you and it's what you expect of yourself." Women are affected by these narratives and they themselves perpetuate them. Nation-building depends on women and provides them with a specific role and yet every time she bears a child, she actively participates in that communal endeavor.

Elana Bloomfield graduated in 2008 from Haverford College, where she majored in religion. During her postgraduate year, she worked as a research assistant in the Department of Psychiatry at the University of Michigan Medical School. Elana has continued to research the intersection of religion and medicine, particularly as it applies to women's experiences of domestic violence and sexual assault. She is planning to attend medical school and pursuing her interests in a clinical setting.

Appendix: About the Subjects of this Study

Michal is a third-generation kibbutznic and works as an art teacher in the kibbutz school. She lives with her partner and their two children. She considers herself completely non-religious but culturally Jewish.

Shira grew up in an Israeli town but moved to the kibbutz when she married a member. She now works in a technology factory at a neighboring kibbutz. Although she is divorced from her husband, she continues to live on the kibbutz with her two children. She identifies as completely secular.

Aviva grew up on the kibbutz, as did her mother. She has two children of her own and two step-children. Aviva works as an English teacher in the kibbutz school. She considers herself non-religious but culturally Jewish.

Mayan is an anthropologist whose research focuses on reproductive issues within Israeli society. She has two children, one of whom was conceived through in vitro fertility treatments. She is religiously secular but has conducted much of her research among ultra-Orthodox women.

Pnina lives in Jerusalem and is a rabbi in a liberal Jewish movement. She has two children which she conceived through fertility treatments.

Rebbetzin Steiner lives in Jerusalem but comes originally from the United States. She has twelve children and teaches at a religious girls' school. She is ultra-Orthodox.

Bat-El lives in Jerusalem but comes from South Africa. She teaches classes about halakha and family life for women who are about to get married. She has eight children and is ultra-Orthodox.

Rachel lives in Beit Shemesh, a community just outside of Jerusalem, and has eight children. She comes from the United States but has spent much of her adult life in Israel. She is ultra-Orthodox.

Hodaya lives in Jerusalem and has seven children. She is from the United States and became religious during college. She now writes books about orthodox Judaism and goes on book tours throughout Israel and the United States.

Chani lives in Beit Shemesh with her four daughters. She is from the United States but has lived in Israel since she married an Israeli man. She works in a public relations firm and teaches history at a girl's school.

Deterritorialized Women in the Global City

An Analysis of Sex Trafficking in Dubai, Tokyo and New York

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Introduction

In the context of women as transnational migrants, “common to all is the desire and hope to find a decent means of improving their own and families living conditions.”¹ Sadly, the reality is that not all women safely migrate across borders; rather, some are forced across borders through the “recruitment, transportation, transfer, harboring or receipt of persons by force, abduction, fraud, or coercion for forced or coerced labor, servitude, slavery, or sexual exploitation.”² Like the transnational migrant, victims of sex trafficking are like Arendt’s *stateless man*, an “anomaly for whom there is no appropriate niche in the framework of the general law”.³ They are cast as “illegal migrants” in their destination countries, with no rights to remedy or recourse. Yet, unlike transnational migrants, victims of trafficking do not choose to move. They are coerced into migrating, only to find themselves in destinations that exploit their bodies. Threatening with violence, force, deportation, traffickers control their victims psychologically and physically to exploit and earn a profit by selling them as sexual commodities. As such, sex trafficking is modern day slavery, which involves the transaction of women as sexual objects all over the world. Sex trafficking is a form of modern day slavery that involves the transaction of women and capital.⁴ It is a global system of apartheid wherein women are subjugated to forced labor and sexual exploitation through the confiscation of travel documents, psychological and physical violence, as well as debt bondage.⁵

¹ Theresa Lawson, “Sending Countries and the Rights of Women Migrant Workers: The Case of Guatemala,” *Harvard Human Rights Journal* 18 (2005): 234.

² As defined by the United States’ Trafficking Victims Protection Act. Quoted in “Trafficking of Women: U.S. Policy and International Law,” http://feminist.org/global/wedo_factsheets/traffickingFS1.pdf (accessed March 10, 2009).

³ Hannah Arendt, *The origins of totalitarianism* (New York: Harcourt, Brace & World, 1996), 282.

⁴ Coalition Against Trafficking in Women, “Japan,” <http://www.catwinternational.org/factbook/Japan.php> (accessed March 12, 2009).

⁵ U.S. Department of State, *Trafficking in Persons Report* (Washington, D.C: Office of the Under Secretary for Democracy and Global Affairs; Bureau of Public Affairs, 2005), 12; <http://www.state.gov/g/tip/rls/tiprpt/2005/> (accessed March 6, 2009).

Because sex trafficking clearly violates the basic human rights of victims, there has been a growing international consensus to end sex trafficking by international organizations, local governments and numerous non-government organizations. Yet despite the proliferation of international organizations, treaties, and a growing international awareness about the horrors of sex trafficking, why is sex trafficking still a growing phenomenon in every part of the world? Who protects the rights of victims when there is “no appropriate niche” for them under the general law? While it is easy to assert that sex trafficking is a result of the lack political, legal and economic infrastructures in developing countries, how do we account for developed cities that serve as destination countries for similar rights violations?

To address these questions, I consider as case studies Dubai, Tokyo and New York City and analyze sex trafficking in each city. These case studies show, first, that sex trafficking is not a phenomenon unique to the developing world. Sex trafficking is a growing transnational process that takes place even in the most developed cities, facilitated by global processes today. Second, women are objectified and commoditized, deprived individual rights, and they are seen as an “anomaly” by the state, law, and society.⁶ Third, sex trafficking is still a growing trade because of the forces of demand and supply for women as sexual commodities. Women are dehumanized when sold and purchased.

Although sex trafficking also involves the exploitation of men and children, I focus on women, as they are disproportionately affected in the trade. According to the U.S State Department, 600,000 to 800,000 individuals are trafficked across international borders every year, 80 percent of which are women.⁷ There are two important distinctions that should be observed at the outset: the distinction between trafficking and smuggling, and the difference between a ‘sex slave’ and a prostitute. Sex trafficking is commonly associated with prostitution, which conflate the difference between a victim of trafficking and a prostitute. Trafficking, however, involves the intent to exploit an individual through coercion. Victims of trafficking do not choose to work in the sex industry; they are coerced or deceived instead.⁸ The distinction is significant because it affects the nature of rights protection for victims. If the law does not recognize women as victims of trafficking, but as prostitutes or illegal aliens, they will be subject to deportation or punishment. Without legal protection or a recognition of rights

⁶ Arendt, 282.

⁷ *Trafficking in Person Report*, 2005, 5.

⁸ *Ibid.*

victims will continue to be subjugated and under the control of their traffickers as they perceive themselves as being illegal ‘others’ in the eyes of the law.

The basis for choosing Dubai, Tokyo and New York as case studies is to demonstrate that sex trafficking does occur in the most developed global cities today. I also demonstrate that despite the existence of anti-trafficking laws, agents of trafficking are able to manipulate the legal and physical infrastructures of the global city to facilitate sex trafficking. The global city is the strategic site in which the transnational processes involved in sex trafficking converge and materialize. I first introduce the existing literature surrounding sex trafficking and then I provide a theoretical framework of the global city, to demonstrate how the internal dynamics and structures within the global city facilitate sex trafficking. Following a theoretical analysis, I analyze the nature of sex trafficking and victim protection in the global cities of Dubai, Tokyo and New York, and conclude with a discussion of the patterns and trends between the three cities.

Review of the Literature

The rhizome itself assumes very diverse forms, from ramified surface extension in all directions to concretion into bulbs and tubers. A rhizome ceaselessly establishes connections between semiotic chains, organizations of power and circumstances relative to the arts, sciences and social sciences.⁹

Deleuze & Guattari

Like the *rhizome*, sex trafficking is a multifaceted, dynamic process addressed by scholars in various academic fields. As such, it cannot be reduced to simple narratives and numbers, nor analyzed through the binary logic of ‘good’ and ‘bad’.¹⁰ To fully understand the global complexities that contribute to sex trafficking, we must treat it like the rhizome, as a process that constitutes linear multiplicities and spans multiple processes, actors, and spaces. The individual frameworks proposed by scholars from varying disciplines each represent different dimensions of sex trafficking. Although research surrounding sex trafficking stems from multiple disciplines, every scholar seeks to provide an answer as to why and how sex trafficking is still a growing phenomenon today. In addition, scholars have identified a significant correlation between the advent of globalization and the proliferation of sex trafficking.

⁹ Gilles Deleuze, Felix Guattari, and Brian Massumi, *A thousand plateaus: capitalism and schizophrenia* (London: Continuum, 1988), 7.

¹⁰ *Ibid.*, 5.

The different frameworks surrounding sex trafficking include socio-economic frameworks, human rights frameworks, business models, socio-legal analyses, and anthropological accounts. I seek to discuss here the various root causes of sex trafficking and demonstrate how each framework reveal certain aspects of the transnational phenomenon.

Sex Trafficking as a Component of Economic Globalization

Although cross border flows of capital, labor, goods and raw materials predate the modern, transnational capitalist economy, the striking difference between the past and the globalized present lies in the dramatic growth of the international economic system as a result of privatization, establishment of liberal economies, deregulation, and growing participation of national economic actors in global markets.¹¹ Expanding on this framework of economic globalization, scholars have identified how the global diffusion of neo-liberal economic ideologies has produced gendered effects of globalization in terms of impoverishment, inequality and marginalization.¹² The gendered effects of globalization create the conditions in which women are disadvantaged economically, and therefore vulnerable to being trafficked as sex slaves.

The socioeconomic devastation in developing countries associated with economic globalization creates gendered circuits that exploit women for profit or revenues.¹³ Sex trafficking, according to Sassen, is a global circuit that involves illegal traffickers, contractors, and women, which has emerged as a significant source of profit due to the structural economic inequalities created by globalization.¹⁴ These socio-economic and structural inequalities are produced

¹¹ Saskia Sassen, *The global city: New York, London, Tokyo* (Princeton, N.J.: Princeton University Press, 2001), xviii.

¹² Janie Chuang, "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy," *Indiana Journal of Global Legal Studies* 13, no. 1 (2006): 137; See also:

Obi N. Ignatius Ebbe and Dilip K. Das, *Global trafficking in women and children* (Boca Raton, FL: International Police Executive Symposium, 2008), 11.;

Siddharth Kara, *Sex trafficking: inside the business of modern slavery* (New York: Columbia University Press, 2009), 4;

Kamala Kempadoo, Jyoti Sanghera, and Bandana Pattanaik, *Trafficking and prostitution reconsidered: new perspectives on migration, sex work, and human rights*. (Boulder, Colo: Paradigm Publishers, 2005), 17;

Saskia Sassen, "Womens's Burden: Counter geographies of Globalization: The Feminization of Survival," *Journal of International Affairs* 53 (2000): 503-524.

Jean L. Pyle, "How Globalization Fosters Gendered Labor Networks and Trafficking," (Honolulu, HI: Globalization and Trafficking Conference, November 13-15, 2002), http://www.hawaii.edu/global/projects_activities/Trafficking/Pyle.doc (accessed December 8, 2008), 7.

¹³ Sassen, "Women's Burden", 503.

¹⁴ *Ibid.*, 27.

by four major trends that characterize today's phenomenon of economic globalization; the increased emphasis on the free market, a shift to export-oriented economies, the rise of multinational corporations, and the implementation of Structural Adjustment Programs by international lending institutions such as the IMF and World Bank.¹⁵ Pyle argues that these four key trends in economic globalization have created unsafe and harsh working conditions for women, a loss of jobs, and unequal economic opportunities.¹⁶ As Siddharth Kara asserts, sex trafficking is the "ugliest contemporary actualizations" of economic globalization that directly produces and reproduces inequalities such as the deepening of rural poverty, disenfranchisement of the poor, exploitation of wealth and resources from poorer economies to richer ones and the erosion of human rights throughout the developing world.¹⁷

The gendered effects of economic globalization heighten the economic vulnerability of women, providing an environment that fosters trafficking. Under social and economic constraints, women are easily deceived by traffickers who promise them decent jobs, such as factory work and waitressing, that later turns out to be sex work.¹⁸ In particular, two significant, widely discussed effects of globalization facilitate the recruitment of women in sex trafficking: poverty and migration. Ebbe and Das recount the situation of a woman representative of the realities that many women and children find themselves in, having fallen into the hands of traffickers:

Sherifat was sold by her parents to a trafficker in Nigeria, who promised them that she would be given a decent job in Italy. Upon arrival however, she was confronted with the reality of her situation; she had been trafficked for 'sex work', 'Ashawo' (prostitution) and was told she could not return until she paid her debt.¹⁹

Sherifat's fate is by and large a result of the debt trap created by the economic globalization of neo-liberal ideologies.²⁰ A significant component of economic globalization is the widespread diffusion of neo-liberal ideologies, such as the proliferation of Structural Adjustment Programs, which have created a debt crisis

¹⁵ Pyle, 4.

¹⁶ Ibid., 7.

¹⁷ Kara, 4.

¹⁸ Pyle, 7.

¹⁹ Ebbe and Das, 88.

²⁰ Saskia Sasssen, "Governance Hotspots: Challenges We Must Confront in the Post-September 11 World," *Theory, Culture & Society* 19, no. 4 (2002): 234.

in many of the countries in the global south.²¹ Structural Adjustment Programs have become the new norm for development — wherein states accept loans from the World Bank and the IMF to restructure previous debt, but must comply with strict domestic fiscal constraints and repayment schedules required by these institutions.²² To comply with the World Bank and the IMF, countries have compromised their social welfare policies, especially programs for women. This has created incentives for trafficking: poor working conditions, threats of unemployment, and the growth of informal sector work.²³

According to Sassen, 33 out of 41 highly indebted countries pay three U.S. dollars for every one dollar in development assistance, as well as between 20 and 25 percent of their export earnings toward debt service.²⁴ The debt trap compels governments to cut education, health and social budgets, which are necessary in empowering women to prevent them from being easily deceived by traffickers. This places women in extremely vulnerable situations, subject to procurers, employment agencies, artist agencies, marriage agencies and all other kinds of middlemen.²⁵ Africa, for example, has a debt-to-GNP ratio of 1.23 to 1. With the debt in Africa surpassing its national income, countries such as Nigeria, Kenya and Ethiopia are hot spots for recruiting victims of trafficking.²⁶ The vicious cycle of debt caused by the globalization of neo-liberal economic practices therefore creates the structural conditions that facilitate the recruitment of women by traffickers. By identifying poverty as a root cause of sex trafficking, scholars have advocated the expansion of job opportunities for women, the promotion of socioeconomic rights in developing countries as well as educational campaigns to raise an awareness of the dangers and risks that women may encounter.²⁷

²¹ Ibid., 238; Pyle, 8. See also Sassen, “Women’s Burden”, 504; 510.

²² Sassen, “Governance Hotspots”, 238.

²³ Kempadoo, Sanghera, and Pattanaik, 17.

²⁴ Sassen, “Women’s Burden”, 513. All dollar amounts stated in this article are in U.S. Dollars.

²⁵ Marjan Wijers, “Women, Labor and Migration: The Position of Trafficked Women and Strategies for Support, *Global sex workers: rights, resistance, and redefinition*, ed. Kamal Kempadoo and Jo Doezema (New York: Routledge, 1998), 71.

²⁶ Ebbe and Das, 82.

²⁷ Andrea Parrot and Nina Cummings, *Forsaken females: the global brutalization of women* (Lanham, Md: Rowman & Littlefield Publishers, 2006), 181.

The Human Toll of Globalization: Migration

My story begins in May of 1997 in Veracruz, Mexico, when I was approached by an acquaintance about some jobs in the United States. She told me that there were available jobs available in restaurants and that I would earn enough money to support my daughter and parents in Mexico. I accepted the offer and a coyote brought me to Texas. I was transported to Florida and there, one of the bosses told me that I would be working in a brothel as a prostitute.²⁸

The anonymous testimonial, provided to the U.S House of Representatives Committee on International Relations, introduces another hallmark of globalization that is correlated with sex trafficking: migration. With economic globalization in the global south, women are increasingly pressured to migrate in search of better economic opportunities.²⁹ Economic globalization is therefore increasingly characterized by a “feminization of migration”, comprised of women of ethnic minorities and other relatively powerless groups.³⁰ Due to the lack of opportunities in their own countries and more lucrative employment opportunities abroad, the numbers of women migrants have increased dramatically.³¹ With structural conditions creating economic burdens on women, women have the proclivity to migrate and are easily deceived by traffickers who promise to facilitate the migratory process and provide job offers abroad. Within the dislocation and movement of female migrants, traffickers offer false hopes by providing women with fraudulent contracts, fake documents and by facilitating illegal border crossings.³²

According to Chuang, sex trafficking is ‘labor migration’ gone wrong, and is a global migratory response to current globalizing socioeconomic trends.³³ Economic globalization thus creates push factors for migration, which allows traffickers to take advantage of in order to lure women into the international sex industry.³⁴ Coupled with economic push factors, established migration routes,

²⁸ The Protection Project, “Survivor Stories,” http://www.protectionproject.org/programs/us_training/survivor_maria.htm (accessed February 14, 2009).

²⁹ Sasssen, “Governance Hotspots”, 238; Chuang, 140; See also Richard Poulin, “Globalization and the sex trade: trafficking and the commodification of women and children,” *Canadian Woman Studies* 22, no. 3/4 (2003): 38.

³⁰ Poulin, 39.

³¹ Edward J. Schauer and Elizabeth M. Wheaton, “Sex Trafficking Into The United States: A Literature Review,” *Criminal Justice Review* 3, no. 2 (2006): 150; See also D. R. Hodge and C. A. Lietz, “The International Sexual Trafficking of Women and Children: A Review of the Literature,” *Affilia* 22, no. 2 (2007): 167.

³² Schauer and Wheaton, 152; Kempadoo, Sanghera, and Pattanaik, 18.

³³ Chuang, 139.

³⁴ Chuang, 141; Schauer and Wheaton, 153.

along with the active presence of recruiters willing to facilitate jobs or travel as well as the promise of higher salaries abroad act as pull factors that foster high hopes and expectations of women from poor, unskilled backgrounds and lead them into the clutches of traffickers.³⁵ The norm of migration acts as a cover for traffickers to transport women to and from different regions. In Guatemala, for example, women have fewer educational, economic and employment opportunities, and are mostly confined to working in Maquiladoras (factory assemblies set up by multinational companies).³⁶ Traffickers take advantage of the massive exodus of Guatemalan women seeking political or economic security, luring them with the pull factors of migration to entrap them in sex work.³⁷ The push and pull factors of migration allow traffickers to recruit women on false pretenses of job opportunities abroad and later exploit them for immense profits.

Sex Trafficking as a Development Policy: The 'Feminization of Survival'

While economic globalization creates the structural conditions that make women vulnerable to trafficking, it also drives the formation and strengthening of sex trafficking as a global circuit.³⁸ Sex trafficking, as a result, is an alternative economic circuit that relies on the exploitation of women to earn a living, reap profits and secure revenue.³⁹ Sex trafficking as a circuit is emblematic of an enterprise where traffickers (and to a certain extent governments) rely on the sale of women as sexual commodities for survival.⁴⁰ This explains the growth of shadow economies and transnational criminal networks through transnational linkages of migration, as well as the privatization and liberalization of markets.⁴¹ Sex trafficking circuits involve not only the supply of women but also *johns* who demand sexual services and agents of sex trafficking who demand profits.⁴² Sassen has described the proliferation of the transnational sex tourism industry as a "feminization of survival",⁴³ wherein the sex trade has become a strategic

³⁵ Chuang, 145.

³⁶ Lawson, 233.

³⁷ Ibid.

³⁸ Sassen, "Women's Burden", 523.

³⁹ Ibid., 23.

⁴⁰ Ibid. Kara has estimated that sex-trafficking as a whole generates more than one billion dollars annually (x).

⁴¹ Ibid. See also Donna M. Hughes, "The "Natasha" Trade: The Transnational Shadow Market of Trafficking in Women," <http://www.uri.edu/artsci/wms/hughes/natasha.htm> (accessed March 20, 2009).

⁴² Andrea M. Bertone, "Sexual trafficking in women: International political economy and the politics of sex," *Gender Issues* 18, no. 1 (1999): 7; See also Janice G. Raymond, Donna M. Hughes, and Carol J. Gomez, *Sex trafficking of women in the United States: international and domestic trends* (Kingston, R.I.: Coalition Against Trafficking in Women, 2001), 86.

⁴³ Sassen, "Women's Burden", 506.

development tool in impoverished countries.⁴⁴ Studies of sex tourism in places such as Thailand, Cambodia and Mexico demonstrate how governments rely on the eroticization and sexualization of women for profit. We see, again, the impact of neoliberal globalization at work; under obligations of debt repayment, countries in Asia, Latin America and African states were encouraged to develop their tourism and entertainment industries.⁴⁵ The development of these sectors led to the development of sex tourism as an industry that feeds on the commodification of women as sexual objects. Women, as commodities, are highly profitable, reusable and mobile.⁴⁶

Thailand is a commonly studied sex tourist industry that draws about 5.1 million sex tourists each year and reaps more than 100 million dollars each year.⁴⁷ Women from neighboring Burma, Cambodia and Vietnam, as well as within the rural areas of Thailand are constantly trafficked, sold and resold in the sex industry. Like Thailand, governments have developed sex tourism as a developmental strategy since the mid-1970s, which include live sex shows, sex shops and sex clubs to create 'one of the booming markets in the New World Order'.⁴⁸

The 'feminization of survival' is not just witnessed through the development of sex tourism as a national economic strategy, it is also seen through the proliferation of organized crime networks that traffic women for profit. These organized criminal networks can be small scale, medium scale, or large scale, working with hotel chains, airlines, escort services, pimps, etc. to transport and sell women.⁴⁹ One of the prominent trafficking networks is the Russian Mafia. The political and economic instability that followed the fall of the Soviet Union led to the growth of criminal networks such as the Mafia in Eastern Europe and Russia.⁵⁰ Similarly, the displacement of farm workers in the agricultural sector in Mexico following the institution of North Atlantic Free Trade Agreement (NAFTA) created ideal conditions for smuggling networks such as Los

⁴⁴ Saskia Sassen, "Global Cities and Survival Circuits," in *Global woman: nannies, maids, and sex workers in the new economy*, eds. Barbara Ehrenreich and Russel Hochschild (New York: Henry Holt and Company, 2002), 268.

⁴⁵ Poulin, 39.

⁴⁶ Ibid., x.

⁴⁷ Kara, 10.

⁴⁸ Kempadoo, Sanghera, and Pattanaik, 16.

⁴⁹ Phil Williams, *Illegal immigration and commercial sex: the new slave trade* (London: Frank Cass, 1999), 1; Bertone, 8.

⁵⁰ Hughes, "The "Natasha" Trade".

Lenones.⁵¹ Los Lenones lures Mexican migrant workers to embark on perilous journeys across the desert, and later sells them as sex slaves in the United States.⁵²

Analyzing sex trafficking as a development strategy, profitable industry, and as a response to socioeconomic devastation tells us about the supply of women as commodities in the global sex trade, but neglects an emphasis on a significant driving force: demand. Additionally, the focus upon the supply side of sex trafficking does not reveal the flaws in anti-trafficking legislation. To better understand the magnitude of sex trafficking, I focus here on the bodies of literature that analyze the demand for sex trafficking, and the successes and limitations of international, legislative efforts to contain its growth, prosecute the perpetrators, and penalize consumers.

Demand for Bodies

The socioeconomic analyses of sex trafficking contextualizes the globalized circuit of trafficking in terms of the commodification of women and the opportunistic nature of traffickers without analyzing a significant catalyst of the trade: consumer demand for sexual services. The demand side of sex trafficking is made up of four components; the consumers of commercial sex acts (who are predominantly men), the financiers, who earn profits from the sale of sex, the states that are destination countries, and the social environments that tolerate or promotes sexual exploitation.⁵³ It is the demand from *johns* — male customers for sexual services and sexual objects — that creates opportunity for traffickers.⁵⁴ Without johns willing and able to pay for commercial sex, sex trafficking would not be the billion-dollar industry it is today. In addition, by failing to recognize the significance of johns in global sex trafficking circuits, anti-trafficking legislations and policies focus on criminalizing the traffickers, while ignoring the fact that johns perpetuate and drive the global exploitation of women.⁵⁵

⁵¹ Marta Chiappe and Emma Martelo, “Sustainability of Rural Communities in a Global Perspective: Limitations and Opportunities,” in *Unpacking globalization: markets, gender, and work*, ed. Linda E. Lucas (Lanham: Lexington Books, 2007), 81.

⁵² *Ibid.*

⁵³ Donna M. Hughes, “The Demand for Victims of Sex Trafficking,” (2005), 5, http://www.uri.edu/artsci/wms/hughes/demand_for_victims.pdf (Accessed March 10, 2009).

⁵⁴ Raymond and Hughes, 26; Raymond, 1157; See also Iris Yen, “Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand Through Educational Programs and Abolitionist Legislation,” *The Journal of Criminal Law & Criminology* 98, no. 2 (2008): 656.

⁵⁵ Raymond, 1160.

The dominant, and recent, medium where the demand side of sex trafficking is expressed is the Internet, which globalizes and normalizes sex trafficking. With the availability of online information, the upsurge in online market places and integration of communication networks, the Internet is now a globalized information superhighway used to engage the buying and selling of women.⁵⁶ The demand for sex services is normalized through the online information made available about sex tourism along with newsgroups and forums that have been established to post information. In addition, the Internet serves as an online marketplace for johns to interact with traffickers and pimps who sell sexual services by women.⁵⁷ The real identities of johns and traffickers are masked in the virtual world and their transactions are made private through online payment systems.⁵⁸ The Internet thus normalizes the victimization and exploitation of women for sex and allows traffickers to continue recruiting women to meet the demands of consumers.⁵⁹ With the Internet establishing itself as an online forum for men to express and pursue their sexual desires, agents of trafficking are kept in business, and therefore constantly in need of recruiting women into the sex industry.

Legal Efforts to Constrain Demand

Despite global forces perpetuating the demand side of sex trafficking, no international law has addressed or penalized the demand from men for sex.⁶⁰ Sweden has received widespread attention and praise for enacting anti-trafficking legislation that criminalizes the act of purchasing sexual services from women. Sweden also prosecutes Swedish citizens who engage in 'sex tourism'.⁶¹ Sweden passed the Act Prohibiting the Purchase of Sexual Services in 1998, which defines prostitution as a form of male sexual violence. These regulatory efforts are correlated with a significant decrease in both the number of women who engage in street prostitution and a decrease in the number of men who purchase sexual services.⁶²

⁵⁶ Hughes, "The Demand for Victims of Sex Trafficking", 8; See also Ian Taylor and Ruth Jamieson, "Sex trafficking and the mainstream of market culture: Challenges to organised crime analysis," *Crime, Law, and Social Change* 32, no. 3 (1999): 265.

⁵⁷ Ibid.; Taylor and Jamieson, 294.

⁵⁸ Raymond and Hughes, 83.

⁵⁹ Taylor and Jamieson, 265.

⁶⁰ Yen, 663; Hodge and Lietz, 169.

⁶¹ Hodge and Lietz, 170.

⁶² Hughes, 32.

Conversely, anti-trafficking laws enacted by the United Nations and the United States, such as the U.N. Palermo Protocol⁶³ and the U.S. Victims of Trafficking and Violence Protection Act of 2000 (TVPA) construct an enforcement framework that emphasizes criminalizing and penalizing traffickers.⁶⁴ The Palermo Protocol, established under the umbrella of the United Nations Convention Against Organized Transnational Crime, frames sex trafficking as an organized criminal activity and therefore links state efforts to emphasize punishing traffickers instead of johns.⁶⁵ Although the United States has taken the lead in assessing and policing itself and other countries in their efforts to combat trafficking, the TVPA similarly focuses on criminalizing “alien smuggling” and individuals who profit from sex trafficking.⁶⁶ It was only in 2005 that the United States Victims of Trafficking and Violence Protection Reauthorization Act added the End Demand for Trafficking Bill to arrest and punish men who purchase commercial sex acts.

Scholars have critiqued certain anti-trafficking legislation for its overemphasis on law enforcement while neglecting a redress of the rights violations incurred by victims of trafficking. The positive facet of globalization is that it has allowed for an increase in international awareness, cooperation and the legislation of anti-trafficking laws. At the same time, the increase in anti-trafficking rhetoric and legislation has not correlated with a decrease in the magnitude of sex trafficking. As mentioned earlier, this is partly due to the fact that the demand side of sex trafficking has not been thoroughly enforced in anti-trafficking legislation. However, a wide range of literature identifies a significant flaw in anti-trafficking rhetoric; the lack of a rights-based, victim-centered approach.⁶⁷ The growing body of anti-trafficking legislation has prioritized crime, punishment and immigration control instead of concerns with social justice and human rights.⁶⁸ In the 1980s and 1990s, sex trafficking received widespread international attention, and governments worked toward developing a new anti-trafficking protocol to prevent trafficking, protect victims and promote international

⁶³ The ‘Palermo Protocol’ is shorthand for the “United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.”

⁶⁴ Yen, 663; Kempadoo, Sanghera, and Pattanaik, xv.

⁶⁵ Gallagher, 975; Chuang 152.

⁶⁶ Jennifer M. Chacon, “Misery and Myopia: Understanding the Failure of U.S. Efforts To Stop Human Trafficking,” *Fordham Law Review* 74 (2006): 7; See also Chuang, 151. And Anne Gallagher, “Human Rights and the new UN Protocol on Trafficking and Migrant Smuggling,” *Human Rights Quarterly* 23 (2004).

⁶⁷ Gallagher, 974, Kempadoo, Sanghera, and Pattanaik, x; See also Elizabeth Bruch, “Models Wanted: The Search for an Effective Response to Human Trafficking,” *Stanford Journal of International Law* (2004): 19.

⁶⁸ Kempadoo, Sanghera, and Pattanaik, xiv; Bruch, 12; Hodge and Lietz, 169.

cooperation among state parties.⁶⁹ The concern, however, was expressed in the language of ‘national security’ in relation to implications of labor migration and transnational crime, hence the Palermo Protocol came into force in 2003 under the United Nations Convention Against Transnational Organized Crime (UNCTC) and is meant to be interpreted together with the Crime Convention.⁷⁰ The language of the Palermo Protocol indicates the prioritization of law enforcement, which obligates states to adopt legislative measures to ‘establish as criminal offences’⁷¹ the actions of traffickers on one hand, and on the other hand, to simply ‘consider’, ‘endeavor’ measures to protect victims.⁷² The trend in anti-trafficking legislation, therefore, greatly emphasizes the criminalization of traffickers and organized crime, instead of a rights based approach to extend protections to victims of trafficking.⁷³ As Ratna Kapur states, “the fact that the Palermo Protocol was negotiated within the framework of the UNCTC and outside the human rights system highlights the criminal justice and security approach and states’ interests in maintaining border integrity.”⁷⁴

While the Palermo Protocol has been ratified by 124 countries, the United States government has assumed a global policing role, and itself assesses the efforts of other countries to combat trafficking.⁷⁵ On October 28, 2000, the United States Congress passed the TVPA that emphasizes a three-pronged approach that mirrors the Palermo Protocol: the prevention of trafficking, prosecution of traffickers and the protection of victims.⁷⁶ The prevention of trafficking is in the form of economic, educational and public awareness programs domestically and abroad; protection is in the form of reintegration programs, immigration relief and victim assistant programs; prosecution assisted by a redefinition of what constitutes a crime, and stricter penalties for those that are successfully prosecuted.⁷⁷ The annual *Trafficking in Persons Report* (TIP) is potentially a powerful tool to hold countries accountable for their efforts to combat

⁶⁹ Chuang, 147; Gallagher 976. See the text of the Palermo Protocol [United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (2000)], http://www.osce.org/documents/odihr/2000/11/1718_en.pdf (accessed June 25, 2009).

⁷⁰ Chuang, 147; Gallagher, 977; Palermo Protocol.

⁷¹ See Palermo Protocol, Article 5.

⁷² Ibid. See Articles 6, 7, and 10.

⁷³ Bruch, 194; Chuang, 148; Gallagher, 977; See Also Ratna Kapur, "Travel Plans: Border Crossings and the Rights of Transnational Migrants," *Harvard Human Rights Journal* 18 (2005): 116.

⁷⁴ Kapur, 119.

⁷⁵ Chacon, 6; Schauer and Wheaton, 159; See also Jennifer Wetmore, "The New T Visa: Is the Higher Extreme Hardship Standard Too High for Bona Fide Trafficking Victims?" *The New England Journal of International and Comparative Law* 9, no. 1 (2002): 163.

⁷⁶ Yen, 663.

⁷⁷ Chacon, 7; Wetmore, 167.

trafficking. The report, issued by the State Department, ranks countries into tiers — Tier 1, Tier 2, Tier 3 — with Tier 1 the most effective government response to trafficking and Tier 3 the least.⁷⁸ The rankings are based on the number of successful prosecutions of traffickers each year, demonstrating the emphasis the report places on the ability of governments to enforce a criminal justice approach to trafficking.

The TIP has been widely criticized because of this emphasis. It is viewed as a ‘lost opportunity’ to render assistance to victims of trafficking by emphasizing and promoting a criminal justice approach abroad.⁷⁹ Similarly, there is widespread criticism that the TVPA fails to effectively provide relief to victims of trafficking in the United States and therefore fails to serve as an international role model for victim protection.⁸⁰ As part of its mandate to protect victims of trafficking, 5,000 temporary Visas are issued annually for victims of trafficking. The ‘T-Visa’ is a three-year visa that allows victims of trafficking to stay in the United States permanently and to bring their spouses and children with them.⁸¹ However, instead of advocating victim protection, the T-Visa reinforces the law enforcement approach by placing prerequisites and standards that victims have to meet before they can qualify for it.⁸²

Before victims can qualify for a T-visa, they have to identify their traffickers and serve as prosecution witnesses. The criteria that a trafficked victim must meet includes “being a victim of a severe form of trafficking in persons”, “is physically present in the United States”, “has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking” and that the victim “would suffer extreme hardship involving unusual and severe harm upon removal.”⁸³ The “extreme hardship” standard imposed by the United States strikingly mirrors the conditions a refugee must meet in claim of asylum, and like the refugee, victims of trafficking must shoulder the burden of proof prior to obtaining a T-visa. In addition, scholars and human rights activists have criticized the need for victims to serve as prosecution witnesses.⁸⁴ The need to serve as a prosecution witness obscures the trauma and psychological distress victims face

⁷⁸ Chacon 8; Wetmore, 167.

⁷⁹ Hughes, “The Demand for Victims of Sex Trafficking”, 6.

⁸⁰ Chacon, 1; Wetmore, 168; See Also, Wendy Chapkis, “Trafficking, Migration, and the Law,” *Gender & Society* 17, no. 6 (2003): 924.

⁸¹ Chacon, 14; Wetmore, 167.

⁸² *Ibid.*; Wetmore, 161.

⁸³ Department of Justice, “Department of Justice Issues T-Visa to Protect Women, Children and all Victims of Human Trafficking,” January 24, 2002, http://www.usdoj.gov/opa/pr/2002/January/02_crt_038.htm (accessed March 12, 2009).

⁸⁴ Chapkis, 926; Wetmore, 162.

and compels victims to relive their trauma.⁸⁵ Further, trafficking victims are often poorly equipped to serve as witnesses as they are unable to think clearly and unable to provide details due to their state of trauma.⁸⁶

Very few victims have been granted T-visas; in 2004, out of 520 T-visa applications, only 136 had been approved, 292 were denied, and 92 remained under consideration.⁸⁷ There is little doubt that the United States has taken a leadership role in monitoring trafficking through the TIP and implementing victim protections through the T-visa. However, with a focus on criminalizing traffickers, and setting standards for victims of trafficking to qualify for T-visas, the United States government clearly fails to set an effective international standard to enforce an all-encompassing anti-trafficking regime.

Like the rhizome, when sex trafficking is approached from a specific framework or approach, it will not solve the problem, rather, it will redirect and reshape patterns of trafficking. The literature demonstrates the complexity and magnitude of sex trafficking, and, like the rhizome, it is comprised of various dimensions and multiplicities that cannot be understood from a single focus. I turn here to a theoretical framework for this analysis which introduces the role of the global city within the complex of sex trafficking. This adds another dimension to the existing literature about sex trafficking, and shifts the focus from discussing sex trafficking as a phenomenon in the global south to analyzing the impact and influence of the global north.

Theoretical Framework(s)

As the literature has shown, sex trafficking is a global circuit that has proliferated in the shadows of economic globalization. The focus of most scholarly literature surrounding the effects of economic globalization, however, emphasizes the detrimental effects of economic globalization on countries in the global south and in doing so neglect an analysis of sex trafficking in the global north. As scholars have proposed, economic globalization perpetuates sex trafficking by exacerbating socioeconomic conditions such as poverty, migration and the proliferation of organized crime. However, focusing on the gendered effects of globalization in the global south does not account for the pervasive incidence of sex trafficking in developed countries in the global north. In order to fully conceptualize the vast scope of sex trafficking, it is crucial to also analyze how and why sex trafficking occurs in the global north, in particular, the most

⁸⁵ Chacon, 21; Chapkis, 925.

⁸⁶ Chacon, 21.

⁸⁷ *Ibid.*, 17.

developed, global cities of today. By conceptualizing sex trafficking in the framework of the global city we can add a new dimension of analysis to the growing salience of sex trafficking, and demonstrate the role of global cities in the global circuit of sex trafficking.⁸⁸ This reveals the range of activities and organizational arrangements within the global city that facilitate sex trafficking, and in particular the internal dynamics within the global city that create new spatialities and identities.⁸⁹ By drawing from the work of Sassen, Deleuze and Guattari, Agamben and Michel Foucault, I attempt to construct a theoretical framework that reveals the central role that the global city plays in the phenomena of sex trafficking.

As we have seen, Sassen depicts trafficking as the “feminization of survival”, whereby developing states and traffickers exploit and depend on women, as commodities, for profit.⁹⁰ This argument, however is confined to the realm of the global south, wherein Sassen demonstrates the disparate effects of economic globalization on the global south that give rise to trafficking as an alternate survival circuit for traffickers and governments.⁹¹ I do not contest Sassen’s depiction of trafficking within this specific scope, but instead I wish to reveal another dimension, (developed by Sassen among others) that relates sex trafficking to the functions and processes of globalization set within the context of the global city.⁹²

The global city is a specific place whose spaces, internal dynamics and spaces situate the key structures of the world economy.⁹³ It functions as a highly concentrated command point in the organization of the world economy and serves as the key locations for finance, specialized service firms, and sites of production. As the central market for the products and innovations produced, the global city is a site where global economic processes converge.⁹⁴ At the same time, sex trafficking is one of the networks, or circuits, that unfold in the global city, and it too is formed and strengthened by the structure of the global city. Sex trafficking operates outside, and in violation of specific laws and treaties, yet is associated with the key programs and conditions of the global economy. Sassen describes this as one of the “countergeographies of globalization”. Sex trafficking

⁸⁸ Saskia Sassen, “Whose City is it? Globalization and the Formation of New Claims,” *Public Culture* 8, no. 2 (1996): 208.

⁸⁹ *Ibid.*

⁹⁰ Sassen “Global Cities and Survival Circuits,” 265.

⁹¹ *Ibid.*, 263.

⁹² Sassen, “Whose City is it?” 209.

⁹³ Sassen, *The global city*, 4.

⁹⁴ *Ibid.*, 3.

operates as one of the countergeographies of globalization; a part of the shadow economy, but at the same time it is maintained and facilitated with the help of the urban institutional infrastructures, internal dynamics and social structures. I argue that the contradictory spaces generated by globalization are exemplified in the interaction between sex trafficking and the global city and that the global city creates the conditions in which sex trafficking successfully operates.⁹⁵

New Spatialities

In order to localize the growth of the global economy, the global city institutionally equipped to facilitate cross border flows of capital, labor and goods.⁹⁶ The global city is where resources for global economic activities are embedded in place to allow for the convergence of markets and information.⁹⁷ With integrated transport networks, a high concentration of capital and production of new information technologies, the global city produces the framework within which sex trafficking operates. As aforementioned, sex trafficking is driven by the demand for johns for sexual services coupled with the demand for profit by traffickers.⁹⁸ With the explosion of wealth and power in the global city, traffickers are able to profit off the sexual exploitation of women by selling them in urban centers.

Like the rhizome, sex trafficking operates upon multiple dimensions and actors that constantly engage in a process of deterritorialization and reterritorialization.⁹⁹ As Sassen argues, countergeographies such as sex trafficking are dynamic and changing in their locational features. They are part of the shadow economy but exist by adapting to the institutional infrastructures of the regular economy. Sex trafficking networks therefore establish the illegal market for sexual services by utilizing existing infrastructures in the global city through the deterritorialization and reterritorialization of virtual and physical spaces. This is part of the larger process of informalization in the global city,¹⁰⁰ which has emerged in relation to the expansion of high priced urban spaces.¹⁰¹ With the explosion of wealth, and concentration of capital in the urban centers of the global city, the informalization of an expanding range of activities allows firms to escape the costs and constraints of the regular economy by reterritorializing neighborhoods

⁹⁵ Ibid., 21.

⁹⁶ Ibid., 29.

⁹⁷ Sassen, "Global Cities and Survival Circuits", 256.

⁹⁸ Raymond and Hughes, 24; Raymond, 1157.

⁹⁹ Deleuze, Guattari and Massumi, 9.

¹⁰⁰ Sassen, "Global Cities and Survival Circuits", 259.

¹⁰¹ Ibid.

and households as sites for economic activity.¹⁰² Although Sassen does not mention trafficking in her analysis of informalization, we can draw on the same logic to understand how sex trafficking operates in relation to physical spaces in the global city. The theories of Deleuze and Guattari, and Agamben demonstrate how the global city produces new spatialities that facilitate sex trafficking.

The global city is a zone where new spatialities are produced and reproduced, by the inhabitation of multiple units.¹⁰³ As a function of the global network, the global city provides the structural institutions that connect activities and resources within a strategic space. In the context of sex trafficking, the global city is where the multiple agents, resources and activities of sex trafficking networks converge, where forces of demand and supply meet, where johns, traffickers, women and capital interact with spaces in the global city. As a result of this interaction, agents and spaces are deterritorialized and reterritorialized to assume new meanings and identities in the context of sex trafficking.

In the global city, digital networks serve as informal virtual spaces to protect the privacy and anonymity of buyers and sellers to evade the legal constraints that surround sex trafficking. Agents and spaces are deterritorialized and reterritorialized over the Internet to facilitate and mediate the transaction of women as sexual commodities. The deterritorialization and reterritorialization that occurs in virtual space perpetuates the demand side of sex trafficking by reterritorializing the Internet as an online marketplace for women.¹⁰⁴ As the literature has shown, the Internet acts as a site in which johns are able to express their demand, and traffickers able to market their women as commodities. When johns or traffickers interact on the Internet, they are reconstituted as subjects of the larger network of sex trafficking.¹⁰⁵ Johns are not *johns* until they are deterritorialized as men to become nameless — faceless virtual entities that are reterritorialized on the Internet and as “john” who purchase commercial sex acts.¹⁰⁶ Similarly, traffickers use the Internet as a marketplace whereby women are deterritorialized as women and is reterritorialized when she is held captive, sold and exploited in the physical space she is in.

In addition to the deterritorialization and reterritorialization that occurs in virtual space, physical spaces of the global city are deterritorialized and reterritorialized

¹⁰² Ibid.

¹⁰³ Sassen, *The global city*, 6.

¹⁰⁴ Deleuze, Guattari and Massumi, 9.

¹⁰⁵ Ibid., 10.

¹⁰⁶ Ibid.

through sex trafficking networks. To evade the legal constraints of the global city, physical spaces are reterritorialized to assume new meanings.¹⁰⁷ Private and public spaces such as apartments, massage parlors, residential houses and night-clubs that operate as legal spaces are reterritorialized as brothels or markets for sexual services when traffickers utilize these spaces as commercial sex establishments.¹⁰⁸ The process of deterritorialization and reterritorialization however, does not stop at the level of the physical spaces. In the global city, the woman's body is reterritorialized when she is held captive, sold and exploited in the physical space she is in. For example, when a woman first enters an apartment under the false impression of working abroad, she is deterritorialized when her identification and passport is taken away from her, and reterritorialized on multiple levels, she becomes a prostitute, a sex worker, an illegal migrant in the country she is in, and she becomes a victim of sex trafficking.¹⁰⁹

Expanding on the processes, Giorgio Agamben's theory of the camp as a spatial construction further demonstrates the subjectification of women within spaces in the global city. In *Homo sacer*, Agamben describes the camp as a spatial creation where individuals are reterritorialized into bare life.¹¹⁰ Under Nuremberg law, if a person entering the camp was a Jew, he or she had would be deprived of his rights as a citizen and entered a zone that legitimized and necessitated the domination and crimes committed within that space.¹¹¹ Although Agamben was primarily describing the use of concentration camps during the Nazi regime in his analysis, he invites us to consider the camp in broader terms as the creation of space where individuals are assimilated into *homininess sacri*— individuals stripped of every right by virtue of the fact that anyone can kill them without committing homicide.¹¹² Drawing upon Agamben's theory, one can see how ontological and material locations in the global city reterritorialize women, deprive them of their rights, and subject them to the dominion of their traffickers.

Spaces that facilitate sex trafficking symbolize a state of exception that exist outside the law, where the human body is separated from its normal political status and abandoned to the most extreme misfortunes.¹¹³ When traffickers or pimps confine women to spaces in the global city to work as sex slaves, they

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Giorgio Agamben, *Homo sacer. Sovereign power and bare life* (Stanford, Calif: Stanford University Press, 1998), 102.

¹¹¹ Ibid., 76.

¹¹² Ibid., 118.

¹¹³ Ibid., 102.

detrterritorialize women by stripping them of their identities and reterritorializing them as *homines sacri*.¹¹⁴ Through the confiscation of passports, violent abuses and threats, women are detrterritorialized from their original identities. In most cases of international trafficking, traffickers confiscate women's travel documents and passports in addition to holding them in debt bondage. Women are told they owe exorbitant amounts of money to traffickers for travel and job processing fees that they have to pay back through sex work. In this regard, women lose their national identities, and intents of working in decent jobs in the global city. The woman is detrterritorialized as a Russian national, and reterritorialized as an illegal migrant in New York. Further, when traffickers use debt bondage to coerce women to work in the sex industry, the woman is again reterritorialized as a sex worker. Ultimately, the woman is reterritorialized as the *homo sacer* in the space she is in because she has lost her identity, her citizenship, and through debt bondage, she is subject to violence from her pimp, trafficker or "john". The woman who is reterritorialized as the *homo sacer* is therefore reduced to bare life as she is deprived of her rights as a citizen and is subject to a state of violence.¹¹⁵ The spaces in which a woman is detrterritorialized and reterritorialized are therefore simultaneously detrterritorialized and reterritorialized as spaces in which the reterritorialization of individuals into bare life is legitimized and necessitated.¹¹⁶

Because women are reterritorialized, the spaces they are in become biopolitical spaces in which women's bodies are subjectively determined by their traffickers and pimps.¹¹⁷ Subsequently, the reterritorialization of a woman into *homo sacer* is a form of bio-power that mimics what Foucault defines as a mechanism used by nation-states to normalize and regulate society. Through technologies of domination, bio-power is exercised over members of a population through "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations."¹¹⁸ Bio-power produces governable subjects as individuals understand themselves as meaning-given selves in a social environment by internalizing one of three modes of objectification: the categorization of individuals, language, and subjectification through self-knowledge.¹¹⁹

¹¹⁴ Deleuze, Guattari and Massumi, 10.

¹¹⁵ Agamben, 102.

¹¹⁶ *Ibid.*, 79.

¹¹⁷ *Ibid.*, 110.

¹¹⁸ Michel Foucault and Colin Gordon, *Power/knowledge: selected interviews and other writings, 1972-1977* (New York: Pantheon Books, 1980), 140.

¹¹⁹ Michel Foucault, *The history of sexuality* (New York: Vintage Books, 1990), 58.

In the context of sex trafficking, a woman becomes vulnerable when she is reterritorialized as the sex worker in the global city. When the woman is forced to work in the sex industry, her role as a sex worker is constantly reinforced and internalized by the space she is in and the nature of her job. By being forced to service johns repeatedly under the threat of force and debt bondage, a woman gradually accepts and internalizes and accepts her identity as a sexual commodity.¹²⁰ In addition, traffickers create and reinforce their illegal status in the countries women are in through the confiscation of legal documents, passports, and identification cards. Without passports, or any form of documentation, victims of trafficking are reterritorialized as illegal, undocumented migrants, and therefore internalize a fear of being criminalized and prosecuted under immigration laws.¹²¹ By creating a regime of truth about victims being the *homo sacer*, traffickers subjectify victims to their control and manipulation, allowing them to earn a profit off the commodification of their bodies.

The reterritorialization of women has further implications for victims of sex trafficking in the context of rights protection. Instead of recognizing the need for legal remedy and recourse for victims of trafficking, there is a general proclivity for law enforcement to criminalize victims as illegal migrants. When traffickers confiscate women's travel documents, women are vulnerable to be treated as violators of entry and residence.¹²² The tendency to identify women as illegal migrants instead of victims of trafficking is largely due to the attempts by governments to address undocumented immigration.¹²³ In particular, global cities clamp down on undocumented immigration as they are strategic terrains for the transnational migration of people.¹²⁴ One of the key reasons for the disproportionate concentration of immigrants in the global city is because immigrants are needed to service the growing high-end service sector as well as the demands of the growing high-income lifestyles of those employed in the high-income sector.¹²⁵ With the increase in migration, immigration laws and policies have proliferated in an attempt to control the numbers and compositions of

¹²⁰ Ibid., 57.

¹²¹ Ibid.

¹²² Sassen, "Global Cities and Survival Circuits", 269.

¹²³ Ibid.

¹²⁴ Sassen, "Whose City is it?", 217.

¹²⁵ Sassen, *The global city*, 321.

migrants.¹²⁶ As a result of immigration laws, the dichotomy between citizens and non-citizens is reproduced and reinforced. Unlike a citizen, the non-citizen becomes the *homo sacer* whose existence is reduced to bare life stripped of every right.¹²⁷

According to Agamben, it is only because of the law that society can recognize the individual as *homo sacer*, and so the law that mandates the exclusion is also what gives the individual an identity.¹²⁸ In this regard, immigration laws create a dichotomy between bare life and political existence by reinforcing the identity of the non citizen.¹²⁹ However, when victims of sex trafficking are identified as non-citizens or illegal migrants, this impinges on their rights to legal remedies and ignores the fact that they have been coerced to work in the sex industry.¹³⁰ As Agamben asserts, "the so-called sacred and inalienable rights of man prove to be completely unprotected at the very moment it is no longer possible to characterize them as rights of the citizens of a state."¹³¹ When victims of sex trafficking are identified as illegal migrants, they are criminalized and often deported under immigration laws.¹³² In addition, victims internalize a fear of being an illegal migrant that subjects them to control by their traffickers. The dominance of immigration laws therefore increase the vulnerability of victims of sex trafficking as by reinforcing their fears of being criminalized as illegal migrants.

Sassen, Deleuze and Guattari, Agamben, and Foucault demonstrate the conditions that facilitate sex trafficking in the global city. Although sex trafficking is a part of the shadow economy, it is maintained and facilitated with the help of the institutional infrastructures and internal dynamics of the global city. Utilizing the existing physical spaces and legal infrastructures of the global city, the global city is a strategic site where johns, traffickers and women converge.¹³³ Sassen's theories of the global city conceptualize the significance of global cities in the world economy. The global city is a site where resources for global economic activities are embedded in place to allow for the convergence of markets and

¹²⁶ Rebecca Bohrman and Naomi Murakawa, "Remaking Big Government: Immigration and Crime Control in the United States," in *Global lockdown: race, gender, and the prison-industrial complex*, ed. Julia Sudbury (New York: Routledge, 2005), 112.

¹²⁷ Agamben, 118.

¹²⁸ *Ibid.*, 8.

¹²⁹ *Ibid.*, 8, 14.

¹³⁰ Bruch, 18.

¹³¹ Agamben, 82.

¹³² Bruch, 18.

¹³³ Sassen, *The global city*, 321.

information.¹³⁴ The global city therefore produces the conditions for the operation coordination and control of the sex trafficking industry. When agents of sex trafficking interact with spaces within the global city, processes of deterritorialization and reterritorialization produce new meanings and identities for both spaces and individuals.¹³⁵ These new meanings and identities allow sex trafficking to circumvent the legal and political prohibitions of the global city and operate under the veil of legality. Drawing on the theories of Giorgio Agamben, spaces in the global city are reterritorialized to become biopolitical spaces that reterritorialize women.¹³⁶ When women internalize their identities as *homines sacri* in the global city, they become subjects of control by traffickers.¹³⁷ Further reinforcing a woman's internalization of being the homo sacer is the existence of immigration laws that create a dichotomy between citizens and non-citizens. Unlike a citizen, the non-citizen becomes the homo sacer whose existence is reduced to bare life stripped of every right.¹³⁸ To provide context to these theories, the following section will demonstrate how the global cities of New York, Tokyo and Dubai serve as strategic sites whose infrastructure and internal dynamics allow for the operation, coordination and control of the sex trafficking industry.

New York, New York

New York is undoubtedly the archetypal global city of the past, present and future. Ever since the first Dutch settlers arrived, New York City has served as a major financial and commercial center in the world.¹³⁹ Serving as a transterritorial marketplace, New York City represents a strategic space where global processes materialize in national territories, and where cross border circuits run through or converge.¹⁴⁰ In the 2008 Global City Index, New York emerged as the number one global city in the world.¹⁴¹ As a global city, New York City leads the world across multiple dimensions in having a free press, open markets, easy access to information and technology, low trade barriers and a

¹³⁴ Sassen, "Global Cities and Survival Circuits", 256.

¹³⁵ Deleuze, Guattari and Massumi, 10.

¹³⁶ Agamben, 79.

¹³⁷ Foucault, *Power/knowledge*, 56.

¹³⁸ Agamben, 118.

¹³⁹ Margaret Crahan, "New York's Global Future," in *The city and the world: New York's global future*, eds. Margaret E. Crahan and Alberto Vourvoulias-Bush (New York: The Council on Foreign Relations, 1997), x.

¹⁴⁰ Sassen, *The global city*, 347.

¹⁴¹ *Foreign Policy*, "Foreign Policy: The 2008 Global Cities Index," November-December 2008, http://www.foreignpolicy.com/story/cms.php?story_id=4509 (accessed March 17, 2009).

melting pot of different cultures.¹⁴² Indeed, New York embodies the hallmarks of globalization; the city integrates multitudes of transport networks, information networks, cultural networks and capital networks. One of the cross-border circuits that operates and becomes activated in New York is that of sex trafficking.¹⁴³ As such, New York is not just integrated into the legal global economy, but also increasingly into its clandestine side.¹⁴⁴

Informalization

As a global city, New York City is marked by its economic geography of centrality, where large scale, high cost luxury office and residential complexes converge in its urban center.¹⁴⁵ However, accompanying the economic centralization of New York's urban industry is the expansion of the structural pattern of informalization that involves the emergence of neighborhoods and households as sites of economic activity.¹⁴⁶ Informalization can be described as a developing "opportunity" structure that avoids or compensates for the constraints of the regular economy, such as regulations and high market prices.¹⁴⁷ The sex trafficking industry has developed along these lines, proliferating in less visible venues to avoid legal and political constraints against the sex industry. Although the Giuliani administration attempted to close down sex industries around Times Square, sex establishments exist where warehouses, apartment buildings, massage parlors, restaurants, bars, salons, and after hours clubs are converted to brothels.¹⁴⁸

In 2002, NYPD raided a house on West Front Street after neighbors called to complain about the noise and discovered dozens of underage girls and young women without documentation who were forced to service men multiple times a day.¹⁴⁹ Similarly, infamous Corey "Magnificent" Davis, a 36 year old Queens resident, was arrested for holding 20 young girls captive in his apartment and

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Peter Andreas, "Policing the Clandestine Side of Economic Integration," in *The city and the world: New York's global future*, eds. Crahan, Margaret E. Crahan and Alberto Vourvoulias-Bush (New York: The Council on Foreign Relations, 1997), 90.

¹⁴⁵ Sassen, *The global city*, 254.

¹⁴⁶ Ibid., 293.

¹⁴⁷ Ibid., 294.

¹⁴⁸ Raymond and Hughes, 32.

¹⁴⁹ Peter Landesman, "The Girls Next Door," *The New York Times*, January 25, 2004, 1, <http://www.nytimes.com/2004/01/25/magazine/25SEXTRAFFIC.html?scp=1&sq=sex%20trafficking&st=cse> (accessed March 17, 2009).

forcing them into erotic dancing or prostitution under the threat of violence.¹⁵⁰ Davis recruited victims by telling them he ran a modeling agency out of his apartment, or by responding to young girls who were looking for apartments, telling them that his apartment was available for rent.¹⁵¹ Once Davis was in contact with the victims, he would use violent measures such as sticking guns in victims' mouths, slashing their bodies with box cutters to force them into sexual servitude where he would earn up to \$5000 a night from his victims.¹⁵²

Just as the informalization of spaces evades legal detection, the legitimacy of regular spaces is used to trick and deceive women into the hands of traffickers such as Davis. As the sex industry is masked by the legitimacy and legality of industries that operate in the regular economy, local law enforcement officials in New York City find difficulty investigating and identifying the sex businesses.¹⁵³ The trend of informalization as such, perpetuates the problem of sex trafficking, as traffickers are able to evade the legal prohibitions around commercial sex in New York by utilizing existing infrastructures in the regular economy.

Migration

One of the defining feature of New York as a global city is its linkages with the rest of the world, serving as a destination point for more than 70,000 migrants each year.¹⁵⁴ Throughout history, migratory flows have shaped and defined New York, starting with the Dutch settlers who established the city as a financial and commercial hub.¹⁵⁵ Today, migrants from all over the world are drawn into the glitz and glamour of New York City, in hope of seeking economic opportunities. As Mayor Giuliani once said, "The people who came through Ellis Island had the same look in their eyes as the people that now come through Kennedy airport."¹⁵⁶ However, the reality is that not all migrants arrive in New York to fulfill their American dream. Instead, they are confronted with the nightmare of being trapped in sexual servitude. The two major points of entry into New York

¹⁵⁰ United States Department of Justice, "Leader of New York-Connecticut Sex-Trafficking Ring Pleads Guilty," March 14, 2008, http://www.usdoj.gov/opa/pr/2008/March/08_crt_208.html (accessed March 24, 2009).

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Raymond and Hughes, 32.

¹⁵⁴ Philip Kasinitz, John Mollenkopf and Mary C. Waters, "Becoming American/Becoming New Yorkers: The Second Generation in a Majority Minority City," Migration Information Source, October 2006, <http://www.migrationinformation.org/Feature/display.cfm?ID=440> (accessed March 27, 2009).

¹⁵⁵ Joseph J. Salvo and Arun P. Lobo, "Immigration and the Changing Demographic Profile of New York," *The city and the world: New York's global future*, eds. Margaret E. Crahan and Alberto Vourvoulias-Bush (New York, Council on Foreign Relations, 1997), 88.

¹⁵⁶ Ibid., 92.

are John F. Kennedy airport, which is the largest hub of cross-border trafficking in the United States,¹⁵⁷ and through Mexico as a transit point.

Victims of sex trafficking arrive from virtually all part of the world, including girls from all over the United States, who are either kidnapped or deceived into modeling contracts. In 2002, a network of stash houses were discovered in West Front Street, where dozens of underage girls and young women from all over the world were held captive and sold as sex objects to johns on a daily basis.¹⁵⁸ For the girls who arrive through JFK, most arrive on F1 student visas, or B1/B2 travel and tourist visas that are provided by traffickers.¹⁵⁹ These visa categories legitimize the status of women to immigration officials and to the victims themselves.

Two cases involving sex traffickers illustrate the methods that traffickers use to lure and entrap women. In the case of *United States v. Milan Lejhanec and Ladislav Ruc* (1998), Milan and Ladislav placed advertisements in a Czech newspaper to recruit women for work in the United States. However, upon arrival, the women were instead forced to work in strip clubs in New York.¹⁶⁰ Similarly, in the case of *United States v. Wattanasiri* (1995), a German national, Ludwig Janak, who operated a tour guide service, collaborated with Thai traffickers to recruit women, telling them they would be working in restaurants in New York.¹⁶¹ Once the women arrived in JFK, the Thai traffickers kept them under 24 hour surveillance in a brothel, forcing them to sleep with at least four to five hundred men to pay off their transportation fees.¹⁶² Through the guise of “tour groups” and job promises, women from all over the world arrive at JFK airport, only to end up serving as sex slaves in the big city.

However, with restrictive immigration laws and the inconvenience of obtaining (or creating) visas, traffickers are increasingly using Mexico as a transit point to enter the United States. This highlights the paradox of national immigration laws, and in particular Operation Gatekeeper. In an effort to restrict immigration by tightening border enforcement, Operation Gatekeeper was enacted in 1994 with the intention of deterring Mexican migrants and reducing migrant flows into the

¹⁵⁷ “Human Trafficking Into and Within the United States,” <http://www.nga.org/Files/pdf/0607traffickingclawsonpaper.pdf>. (accessed March 14, 2009).

¹⁵⁸ Landesman, 1.

¹⁵⁹ Kara, 189.

¹⁶⁰ Amy O’Neill Richard, “International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime,” (Center for the Study of Intelligence, 1999), 48.

¹⁶¹ *Ibid.*, 49.

¹⁶² *Ibid.*

United States.¹⁶³ The effort saw an marked increase in Border Patrol officers and surveillance mechanisms. The biggest paradox of Operation Gatekeeper is that instead of effectively reducing migrant flows to the United States, it has increased the number of illegal migrants entering the United States as they bypass the urban entry points and crossing the desert to enter the United States.¹⁶⁴ Due to the dangers and hazards involved in crossing the desert, migrants have resorted to paying smugglers known as coyotes that make elaborate arrangements to reduce the risk of apprehension.¹⁶⁵ With the proliferation of the smuggling industry, Mexico has become perceived to be an easy transit point, or gateway to the United States. This has also led to the mushrooming of traffickers who promise to smuggle women across the border, and end up selling them as sex slaves in the United States.¹⁶⁶ According to the United States Department Of Justice, 37 percent of trafficked victims are from Mexico.¹⁶⁷ One of the largest sex trafficking cases prosecuted under the TVPA was against the infamous Flores-Carreto family.¹⁶⁸ Operating between Queens, NY and Mexico, the family engaged in a melee of tactics such as seduction and false employment offers to convince women to migrate to the United States, where they would be forced into prostitution through beatings and threats against their families.¹⁶⁹ The Flores-Carreto family, along with the other established trafficking rings in Mexico demonstrate how the increased surveillance of the United States-Mexico border has indirectly facilitated sex trafficking.

However, it is not just traffickers from Mexico that organize to exploit Mexican women across the border. International sex trafficking rings such as the Chinese “snakeheads” and Russian Mafia use Mexico as an illegal entry point for their victims.¹⁷⁰ As such, the United States-Mexico border is not just a route for trafficking victims from Mexico, it is also a transit point for international victims, who are promised jobs in New York and are later sold as sex slaves. Like the Mexican traffickers, international traffickers convince their victims that they can enter the United States through Mexico, “I wanted to get out of Moscow, and

¹⁶³ Douglas S. Massey, *Backfire at the border: why enforcement without legalization cannot stop illegal immigration*, Trade policy analysis, no. 29 (Washington, D.C., Cato Institute, 2005), 4.

¹⁶⁴ *Ibid.*, 4.

¹⁶⁵ Ginger Thompson and Sandra Ochoa, “By a Back Door to the U.S.: A Migrant's Grim Sea Voyage,” *The New York Times*, June 13, 2004, <http://www.nytimes.com/2004/06/13/world/by-a-back-door-to-the-us-a-migrant-s-grim-sea-voyage.html> (accessed March 13, 2009).

¹⁶⁶ Kara, 189.

¹⁶⁷ U.S. Immigration and Customs Enforcement, “Mexican woman pleads guilty to sex trafficking,” July 23, 2008, <http://www.ice.gov/pi/nr/0807/080722brooklyn.htm> (accessed February 11, 2009).

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ Raymond and Hughes, 22.

they told me the Mexican border was like a freeway”, said Nicole from Russia, who was trafficked to New York via Mexico.¹⁷¹ By using Mexico as a transit point, sex trafficking to New York involves smuggling with coercion or fraud in the beginning of the process and exploitation at the end.

Demand

While the informalization of New York’s economy and the porousness of the United States-Mexico border demonstrate the physical infrastructures that facilitate sex trafficking into New York, a significant component of the industry that must not be neglected in any analysis is that of the demand. Without the demand from johns in New York for sexual services, the sex trafficking industry would not be able to survive and make a profit off the commodification of women. While it is hard to quantify demand, the largest indicator of the demand for sex is demonstrated by analyzing the role of the Internet as a large global brothel.

As a first amendment right, the freedom of expression and speech is inscribed in the United States Constitution, and is one of the guiding principles of the country.¹⁷² However, the sex trafficking industry has exploited this first amendment right by allowing for men to express their demand for sexual services on the Internet, and also by allowing traffickers to market and sell their victims as commodities. A MSNBC documentary, “MSNBC Undercover: Sex Slaves in America,” reveals how websites such as Craigslist are used to buy and sell people for sex by uploading information and pictures in the “Personals” section.¹⁷³ A poignant, example of men expressing their demand for sexual services is as such:

I REALLY DO, I LOVE BLACK BOOTY, I WORSHIP BLACK BOOTY,
I LOVE TO MAKE A WOMAN FEEL GOOD, I’M VERY ORAL &
VERY GOOD..I’M A NICE LOOKING WHITE GUY WITH BLUE
EYES, LIGHT BROWN HAIR & IN GOOD SHAPE WITH A VERY
NICE LONG TOUNGE...GET BACK YOU WILL NOT BE
DISSAPPOINTED.¹⁷⁴

¹⁷¹ Landesman, 3.

¹⁷² For a full-text version of the U.S. Constitution, see <http://www.usconstitution.net/const.txt>

¹⁷³ MSNBC, “MSNBC Undercover: Sex Slaves in America; Meredith Vieira examines human trafficking and prostitution in the U.S.,” <http://today.msnbc.msn.com/id/22056066/> (accessed March 5, 2009).

¹⁷⁴ *Craigslist*, 2009.

In a similar fashion, traffickers market their victims through the “Women Seeking Men” category in Craigslist, often using subtle codes to indicate that women are for sale. The following post demonstrates the blatant advertising of women:

HEY GUYS NIKKIS HERE OFFERING MY MA\$\$AGE ARE YOU STRESSED....SEEKING RELIEF....COME TO NIKKE.....MY ENDING ARE ALWAYS EXPLOSIVELY HAPPY.....AND IM GOOD WITH OTHER ROLE PLAY TOO.....I AM ITALIAM ,5”3,HAZEL EYES, LONG BR HAIR, CURVY, AND MY GIRLS ARE 40D NATURAL WITH A HOTT AZZ TO MATCH.....SO GUYS I GON”T GO IN FOR THE ENDLESS BACK AND FORTH EMAILS...HIT ME UP WITH WHEN YOU ARE LOOKING FOR AND WHAT YOU”D LIKE AND WE CAN WORK IT OUT AND EXCHANGE CONTACT INFO THEN.¹⁷⁵

In the post by “Nikke” the dollar signs are embedded into the word “Massage”; a subliminal sign that traffickers use to indicate that they have women for sale.¹⁷⁶ Ironically, the Chief Executive Officer of Craigslist, Jim Buckmaster, denies that Craigslist offers sex-related advertising, asserting, “I (he) would not describe any section of our site as ‘sex related’.”¹⁷⁷ Websites such as Craigslist, commonly used as online marketplace for household goods, vehicles and employment, are also used by the sex industry.

The internet is also used as an online forum for johns to share their knowledge and information about the sex industry. Websites such as The World Sex Guide, dexterhorn.com, whorist.com create an imagined community of men who normalize their behaviors by broadcasting their sexual escapades and experiences.¹⁷⁸ A content analysis of myredbook.com in the MSNBC documentary reveals how women are rated and discussed in painstaking detail by johns all over the United States.¹⁷⁹ While information about sex is made available in online forums and websites, at the same time, information is withheld, as johns become anonymous identities in virtual space. The internet normalizes the victimization and exploitation of women for sex, therefore allowing traffickers to continue recruiting women to meet the demands of men.

¹⁷⁵ Ibid.

¹⁷⁶ “MSNBC Undercover: Sex Slaves in America”.

¹⁷⁷ Megan Woolhouse, “Craigslist known as aid and enabler,” *The Boston Globe*, April 18, 2009, http://www.boston.com/news/local/massachusetts/articles/2009/04/22/craigslist_known_as_aid_and_enabler/ (accessed April 22, 2009).

¹⁷⁸ Raymond and Hughes, 67.

¹⁷⁹ “MSNBC Undercover: Sex Slaves in America”.

Legal Responses

The irony of the proliferation of sex trafficking in New York and the United States in general, is that the United States is a global leader in enforcing anti-trafficking laws through the TVPA. In addition, New York is equipped legally with a sound police force, and has a large civic space for the establishment of numerous anti-trafficking organizations such as National Organization for Women New York (NOW), the New York Anti-Trafficking Coalition, Equality Now, GEMS, My Sisters' Place, and Polaris Project to name a few.¹⁸⁰ Clearly, New York has the legal, social, and political capacity to combat trafficking. Based on the nature of sex trafficking in New York, there are obvious flaws in legislation and the criminal justice system in addressing sex trafficking. These flaws include the failure to address the demand side of sex trafficking, and the nature of victim protection.

Under the TVPA, numerous traffickers have been prosecuted and sentenced to prison. In 2005, the Carreto family from Mexico were charged for bringing women into New York from Mexico and selling them as sex slaves in their two-story home in Queens.¹⁸¹ In 2006, the FEDS and NYPD arrested a major sex trafficking ring run by Gina Kim and Geeho Chae as well as two corrupt officials who had pocketed over \$126,500 in bribes to protect the brothel.¹⁸² In 2008, 22-year-old Woodley Gaston was charged for holding a sixteen-year-old captive for two weeks, and forcing her to have sex with nearly 200 men. He was sentenced to 25 years in prison.¹⁸³ Clearly, the criminal justice system is working hard to investigate sex trafficking in New York, and is continuing to prosecute traffickers and pimps in the city. However, while New York increasingly arrests traffickers, there have been no cases filed against johns who purchase sexual services. With johns continuing to express their desires and demands for sexual services, there will always be a supply to meet that demand, as traffickers and pimps know that they can earn profit off the trade.

¹⁸⁰ "New York Anti-Trafficking Coalition." New York Anti-Trafficking Coalition, <http://www.stophumantraffickingny.org> (accessed March 22, 2009).

¹⁸¹ Ric Kahn, "Bound for misery; On the fast-moving circuit of international sex trafficking, say police, women regularly shuttle in and out of Boston," *The Boston Globe*, January 7, 2007, http://www.boston.com/news/local/massachusetts/articles/2007/01/07/bound_for_misery/ (accessed February 17, 2009).

¹⁸² U.S. Immigration and Customs Enforcement, "Two New York City Police Officers and the Operators of a Queens Brothel Charged in Bribery Scheme," March 8, 2006, <http://www.ice.gov/pi/news/newsreleases/articles/060308nyc.htm> (accessed March 3, 2009).

¹⁸³ Nicole Bode, "Pimp first to face Spitzer's law," *New York Daily News*, June 18, 2008, http://www.nydailynews.com/news/ny_crime/2008/06/18/2008-06-18_pimp_first_to_face_spitzers_law.html (accessed March 8, 2009).

Another problem with enforcing anti-trafficking laws is that there are prerequisites to meet before a case can be confirmed as human trafficking.¹⁸⁴ This places a burden on victims of sex trafficking, as it enforces the law-enforcement approach, rather than a victim-centered approach to trafficking. In 2008, less than 10 percent of alleged cases were confirmed as human trafficking cases.¹⁸⁵ For a case to be confirmed as trafficking, the case must have led to an arrest, been confirmed by law enforcement, or the victims must have received a T-visa.¹⁸⁶ As aforementioned, the T-Visa is a special non-immigrant visa classification that allows victims of trafficking to stay in the United States permanently. However, the T-Visa is only granted if victims agree to identify their traffickers and serve as prosecution witnesses, and if they can prove that they would “suffer extreme hardship” if they are sent back to their own countries.¹⁸⁷ The need to serve as a prosecution witness obscures the trauma and psychological distress victims face and compels victims to relive their trauma.¹⁸⁸ In addition, trafficking victims are often poorly equipped to serve as witnesses as they are unable to think clearly and unable to provide details due to their state of trauma.¹⁸⁹ In addition, only 5000 T-visas are issued annually across the country, which is a minute percentage of the overall scale of trafficking in the United States. Although the Office of Justice Programs (OJP) for Victims of Crime (OVC) awarded over \$9.5 million under the TVPA to help victims of trafficking, chances are they will end up being sent back to their own country due to the scarcity of visas, and the burden of proof they have to shoulder to qualify as a “victim”.¹⁹⁰ With the stringent prerequisites and standards that victims and cases have to meet before qualifying as a case of human trafficking, the criminal justice system not only fails to provide effective victim protection but also reduces the probability of prosecuting cases.

As the archetypal global city of the world, popular discourse features New York as the epitome of modernization. However, as a global city, New York is also a

¹⁸⁴ United States Department of Justice, “Department of Justice Issues T-Visa to Protect Women, Children and all Victims of Human Trafficking,” January 2, 2002, http://www.usdoj.gov/opa/pr/2002/January/02_crt_038.htm (accessed March 12, 2009).

¹⁸⁵ United States Department of Justice Bureau of Justice Statistics, “More than 1,200 Alleged Incidents of Human Trafficking Reported in the U.S.,” January 15, 2009, <http://www.ojp.usdoj.gov/bjs/pub/press/cshti08pr.htm> (accessed March 17, 2009).

¹⁸⁶ “Department of Justice Issues T-Visa to Protect Women”.

¹⁸⁷ Chacon, 14.

¹⁸⁸ *Ibid.*, 21.

¹⁸⁹ *Ibid.*

¹⁹⁰ Department of Justice Office of Justice Programs, “Justice Department Grants To Help Victims of Trafficking,” February 3, 2003, <http://www.ojp.gov/archives/pressreleases/2003/OVC03020.htm> (accessed March 12, 2009).

strategic site in which sex trafficking networks of demand and supply converge. As Sassen asserts, global cities such as New York are strategic nodes that provide the infrastructure for global economic processes to materialize.¹⁹¹ The physical infrastructure of New York, coupled with the limitations of the criminal justice system, demonstrate how and why sex trafficking is still an ongoing enterprise in the city. Until the TVPA recognizes the ridiculously high standards it sets for victims of trafficking, and the significance of prosecuting johns who fuel the industry, New York City will continue to be plagued by the global circuits of sex trafficking.

Tokyo, Japan

Soi was born in Chiang Rai province and was a seamstress in Bangkok. She was making 3000 baht (United States\$120) a month. Soi was twenty-four years old when she was recruited in 1990. A Thai friend whom she had known for two years asked her if she would be interested in going to Japan. As Soi recalled, “[My friend] didn't tell me what kind of work there was, but said I could make a lot of money. I was interested.”¹⁹²

Like Soi, thousands of women are trafficked into Tokyo every year through the ‘recruitment, transportation, transfer, harboring or receipt of persons by force, abduction, fraud, or coercion for forced or coerced labor, servitude, slavery, or sexual exploitation’.¹⁹³ Despite the promulgation of a Prostitution Prevention Law that has been in place since 1946, Tokyo is a major destination of trafficked women for sexual exploitation.¹⁹⁴ While sex trafficking clearly violates Japan’s Prostitution Prohibition Law, over 150,000 women trafficked into Tokyo every year for sexual exploitation.¹⁹⁵ The growth of Tokyo as a global city was accompanied by the growth of a 2 billion dollar informal sex industry that perpetuates the demand for the trafficking of women all over the world.

¹⁹¹ Sassen, *The global city*, 350.

¹⁹² Kinsey Dinan, *Owed justice: Thai women trafficked into debt bondage in Japan* (New York: Human Rights Watch, 2004).

¹⁹³ “Trafficking of Women: U.S. Policy and International Law”.

¹⁹⁴ “OAS Rapid Assessment Report: Trafficking in Persons from the Latin American and Caribbean Region to Japan,” 2005, <http://www.oas.org/atip/PDFs/Executive%20Summary.pdf> (accessed March 7, 2009).

¹⁹⁵ International Organization for Migration, “Shattered Dreams: Report on Trafficking in Persons in Azerbaijan,” 2002, http://iom.ramdisk.net/iom/images/uploads/Microsoft%20Word%20-%20200Cover_1071226703.pdf (accessed March 10, 2009).

Despite Japan's economic and political devastation following World War II, Japan experienced rapid post-war economic growth by re-centering its priorities on developing energy resources and an industrial base.¹⁹⁶ In order to achieve lower production costs, the Japanese shifted production to Southeast Asia, while retaining Tokyo at the center of its management functions.¹⁹⁷ The more globalized the Japanese economy became, the higher the agglomeration of central functions in Tokyo, establishing it as the global city it is today.¹⁹⁸ Since the 1980s, the Japanese government made plans for the Tokyo Metropolitan Region, to position Tokyo as a significant node in the global system.¹⁹⁹ As a global city, Tokyo's global linkages through business, telecommunications and politics have attracted an influx of migrants from all over the world. With the Tokyo Metropolitan Region housing 90 percent of all foreign businesses in the country, foreign firms and workers from all over the world have been migrating to Tokyo.²⁰⁰ However, due to the strict regulation of Japanese immigration and foreign residency, only 3 percent of Tokyo's registered inhabitants are foreigners. Yet, within Tokyo, thousands of women from all over the world are seen working in the commercial sex industry. Under the false premises of job offers in the global city, traffickers lure women from all over the world to migrate to Tokyo to end up being commodified as sex objects.

Entry

As a global city, Tokyo's Narita airport connects Tokyo to the rest of the world. Despite Tokyo's strict immigration controls at the airport, the Japanese government readily issues visas that are abused by traffickers to bring in the supply of women for Tokyo's sex industry. The availability of visas issued by the Japanese government has facilitated sex trafficking by serving as a modus operandi for traffickers to recruit women and bring them into the city.²⁰¹ By utilizing "entertainer visas" and "temporary visas", traffickers lure women into migrating, and to legalize the entry of women into Tokyo.²⁰² In particular, "entertainer visas" are abused by traffickers to bring in approximately 130,000 foreign women a year into Japan.²⁰³ Under the guise of entering Japan as an

¹⁹⁶ Masahiko Hanjo, "The growth of Tokyo as a world city," in *Globalization and the world of large cities*, eds. Fu-Chen Lo and Yue-Man Yeung (New York: United Nations University Press, 1998), 113.

¹⁹⁷ *Ibid.*, 120.

¹⁹⁸ Sassen, *The global city*, 5.

¹⁹⁹ *Ibid.*, 278.

²⁰⁰ Hanjo, 120.

²⁰¹ "OAS Rapid Assessment Report", 16.

²⁰² Vital Voices Global Partnership, "Human Rights; Japan Anti-trafficking Programs," http://www.vitalvoices.org/desktopdefault.aspx?page_id=218 (accessed November 20, 2008).

²⁰³ "OAS Rapid Assessment Report", 7.

“entertainer”, women from all over the world are tricked into believing they will be working in Tokyo as cultural performers, singers, dancers or musicians.²⁰⁴ Most of these women that enter on “entertainer visas” however, end up forced to work in Tokyo’s sex industry, entertaining male clients with sexual services. Similarly, the status of a “temporary visitor” is accorded to a foreign national whose purpose in Japan is mostly tourism, visiting, sightseeing or any related activity that requires him/her to stay in Japan for a short period of time.²⁰⁵ With easy access to temporary visas, traffickers are able to rope women into Tokyo, and sell them as commodities in the sex industry. In addition, temporary visas play a role in controlling and subjugating the women. As such, the availability of entertainer visas and temporary visas are used by traffickers to lure women into the process, and also provide a legal avenue to traffic women into Japan to work in the sex industry.

The Yakuza

One of the major characteristics of global cities is that they are not just sites for global capital, but also for the transnationalization of labor and formation of transnational identities.²⁰⁶ As such, global cities are also sites for new types of political operations.²⁰⁷ In Tokyo, the dominance and prevalence of the Yakuza exemplifies a new political operation that has capitalized on the transnationalization of labor and emerged as a transnational identity.²⁰⁸ Tokyo serves as the main command center for the transnational operations of the Yakuza. The nature of the Yakuza demonstrates the “feminization of survival” as they rely on the sale of women as sexual commodities for economic survival.²⁰⁹ Further, the Yakuza maintain an informal relationship with the criminal justice system by maintaining social order in their territories. As such, the emergence of Tokyo as a global city produced the economic conditions in the city that led to the rise of the Yakuza. The Yakuza generate approximately 83 billion dollars in profit a year, which contributes to the GNP of Japan.²¹⁰

Sex trafficking and prostitution are one of the many sources of income that the Yakuza depend on.²¹¹ In the aftermath of World War II, the Yakuza thrived on

²⁰⁴ Dinan, 114.

²⁰⁵ “OAS Rapid Assessment Report”, 14.

²⁰⁶ Sassen, *The global city*, 217.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ Sassen, “Women’s Burden”, 516.

²¹⁰ “OAS Rapid Assessment Report”, 5.

²¹¹ Peter B. E. Hill, *The Japanese mafia: Yakuza, law, and the state*. Oxford: Oxford University Press, 2003) 115.

the economic vulnerability of mothers who were desperate to sell their children for money.²¹² The Yakuza would purchase these children and sell them as prostitutes in Tokyo to earn a living.²¹³ Following World War II, while Tokyo was undergoing rapid industrialization, the Yakuza were simultaneously extending their networks globally to import women into Tokyo as sex slaves.²¹⁴ Using Tokyo as a command center, the Yakuza operate all over the world, trafficking women into Tokyo while establishing links with other criminal groups. While they control the women in the sex trade through violence and debt bondage, which will be examined later, they also render women extremely vulnerable due to their informal ties with the police, leaving women with no recourse or remedy.

The name “Yakuza” is derived from the sum of the numbers 8, 9, and 3, which add up to 20 — the worst possible score in a Japanese card game.²¹⁵ While this implies being “good for nothing” in Japanese, it is interpreted more commonly as being societal misfits that do not conform to the norms of society.²¹⁶ The Yakuza are, in fact, accepted into Japanese society and extend their influence all the way up to the political realm.²¹⁷ The Yakuza cooperate and work with the police forces, asserting sovereign control over their own territories. The police indifference and cooperation with the Yakuza therefore leaves victims of trafficking with little to no protection or recourse from the criminal justice system in Tokyo.²¹⁸ Not only do the police ignore the mob activities of the Yakuza, they also fail to protect victims by either sending them back to the Yakuza if they try to escape or arresting and deporting them as “illegal aliens”.²¹⁹ Due to the societal acceptance of Yakuza in Tokyo as well as the informal alliances between the Yakuza and the police, sex trafficking is facilitated by the absence of a proper law enforcement agency that prosecutes traffickers and protects victims of trafficking.

Tokyo's Sex Industry

²¹² Sarah Shannon, “Prostitution and the Mafia: The Involvement of Organized Crime in the Global Sex Trade,” in *Illegal immigration and commercial sex: the new slave trade*, ed. Phil Williams (London: Frank Cass, 1999), 129.

²¹³ *Ibid.*

²¹⁴ *Ibid.*, 130.

²¹⁵ David E. Kaplan and Alec Dubro, *Yakuza: Japan's criminal underworld* (Berkeley: University of California Press, 2003), 13.

²¹⁶ *Ibid.*, xviii.

²¹⁷ *Ibid.*, 115.

²¹⁸ “OAS Rapid Assessment Report”, 7.

²¹⁹ *Ibid.*

The rapid industrialization of Tokyo as a global city inadvertently created a new social order in which the Yakuza emerged as a transnational identity, and a significant economic and social agency in Tokyo. In addition, the increasing global presence of Tokyo as a global economic node also led to the need for Tokyo to appear socially progressive in the international community. As such, after World War II, licensed prostitution was abolished in Japan as prostitution was deemed to conflict and counter “democracy ideals”.²²⁰ The Japanese government therefore enacted the Prostitution Prohibition Law in 1956 that was intended to prohibit public prostitution.²²¹ However, because prostitution was a legal, significant component of the Japanese economy prior to WWII, the implementation of the law ended up informalizing prostitution. In the case of Tokyo, the emergence of the informal sex industry was a means of circumventing the prohibition of prostitution and commercial sex under the Prostitution Prohibition Law. Ironically, instead of abolishing prostitution as an industry, the law paved the way for the proliferation of a commercial sex industry that operates outside the legal confines of the law.

Under Japan’s Prostitution Prohibition Law, prostitution is comprised of three elements: “unspecificity”, money and sexual intercourse.²²² Enacted in 1956, Article 2 of the Prostitution Prohibition Law defines prostitution as “sexual intercourse with an unspecified other party for compensation or for a promise of compensation”, implying that prostitution has to involve the transaction of money, and sexual intercourse with an “unspecific”, anonymous partner.²²³ With a narrow definition of prostitution being confined to “sexual intercourse”, different commercial sex enterprises in Tokyo have emerged to sidestep the constraints of the Prostitution Prohibition Law.²²⁴ Today, in response to the Prostitution Prohibition Law, Tokyo has spawned a large and legitimate sex industry masked under the legality of bathhouses, bars, cafes, clubs, massage parlors and hotels that is largely controlled by the Yakuza.²²⁵

Tokyo’s thriving sex trade that operates outside the legal realm of the Prostitution Prohibition Law has made the country a haven for sex trafficking.

²²⁰ Haruhiko Higuchi, “Trafficking in Women and Children in Japan,” in *Global trafficking in women and children*, eds. Obi N. Ignatius, Ebbe and Dilip K Das and (Boca Raton, FL: International Police Executive Symposium, 2008), 90.

²²¹ Kikue Takahashi, “The State of Prostitution in Japan,” (1991), 1, http://www.doam.org/archiv/textea/begtag2007/takahashi_prostitutio_japan.pdf (accessed November 16, 2008).

²²² Higuchi, 88.

²²³ Hill, 114.

²²⁴ Takahashi, 1.

²²⁵ Hill, 114.

Women from the Philippines, Thailand, Russia, China, Korea, Latin America and other parts of the world are trafficked into Tokyo to serve as sex workers in these commercial sex establishments, such as Kabukicho district. Boasting over 600 square meters of shops, restaurants, bars and hotels, Kabukicho district is Tokyo's main shopping area and entertainment complex.²²⁶ In addition to serving as a main hub for shopping, by day, Kabukicho district turns into a bustling hub of "shopping and entertainment" by night, serving as Tokyo's infamous red light district. Kabukicho houses over 300 sex shops, over 200 clubs, 80 hotels, and hundreds of bars and restaurants.²²⁷

Because the Prostitution Prohibition Law prohibits direct sexual intercourse, these enterprises market and sell other forms of sexual services as they fall outside the provision of the law.²²⁸ In particular, the "soap land" industry has proliferated in the back streets of amusement quarters such as Kabukicho.²²⁹ "Soap land" shops are officially set up to provide bathing services in private rooms, in 2003, there were 1132 "soap land" shops all over Japan that account for 56.7 percent of the national revenue from the sex industry.²³⁰ However, in "soap land" shops, bathing services really involve "Sopujo" or "soap ladies" who bathe men in the nude, and include sexual intercourse as part of the service.²³¹ In addition to "soap land" shops, "fashion-health" massage parlors are as prevalent, providing customers with services such as hand jobs, and fellatio.²³² Further, the "Hotehoru" industry has gained widespread popularity, as it is a convenient service for customers. "Hotehoru" businesses dispatch prostitutes to their customers, delivering prostitutes to motels, hotels or homes, and are widely advertised in phone booths, through pamphlets and on the internet.²³³ "Soap land" shops, "Hotehoru" businesses and "fashion-health" massage parlors are a few of the countless commercial sex establishments that operate outside the legal constraints of the Prostitution Prevention Law; other establishments include karaoke bars, "snack places", peep shows, salons, call girls etc. With the proliferation of a large-scale sex industry that generates 2 billion dollars a year,

²²⁶ Mari Nicholson, "Kabukicho: Tokyo's Red Light District; Japan's Wildest Sex Clubs are Centred Around Shinjuku Station," suite101.com, January 2, 2009, http://japan-travel.suite101.com/article.cfm/kabukicho_tokyos_red_light_district (accessed March 11, 2009).

²²⁷ Ibid.

²²⁸ Momocco, Momocca. "Japanese Sex Workers: Encourage, Empower, Trust, and Love Yourself!" in *Global sex workers: rights, resistance, and redefinition*, eds. Kamala Kempadoo and Jo Doezema (New York: Routledge, 1998), 178.

²²⁹ Higuchi, 52.

²³⁰ Ibid.

²³¹ "OAS Rapid Assessment Report", 20.

²³² Hill, 114.

²³³ Higuchi, 52.

women from all over the world are trafficked to maintain the supply of sex workers in Tokyo.²³⁴

Debt Bondage and Demand

Once women arrive in Tokyo, they find themselves held in servitude through psychological and physical bondage. In order to keep trafficked victims in servitude, employers resort to coercive measures to prevent the escape of women. Debt bondage is a common means of coercion in Japan used to control trafficked victims and restrict their movement.²³⁵ Upon arrival at their work destination, women are told that they “owe” an exorbitant amount of money for work placement, food and lodging and transportation fees that they have to pay off through sex work.²³⁶ According to the ILO, trafficked victims are held in debt bondage for approximately \$26,000- \$43,000.²³⁷ In addition to debt bondage, traffickers confiscate women’s travel documents, threaten to harm the safety of the victim or victim’s family, or use drugs to subjugate victims.²³⁸ In addition, victims on temporary visas often overstay their visas and end up becoming illegal migrants under immigration law.²³⁹ As such, victims of sex trafficking are particularly vulnerable in Tokyo; they can easily be criminalized under the Prostitution Prohibition Law and without travel documents or valid visas, they are subject to arrest and deportation on the count of being an illegal migrant. Under the threats of violence, deportation and arrest, victims of sex trafficking end up trapped in a cycle of debt bondage, compelled to work by performing sex services to pay of their alleged debts.²⁴⁰

While it is evident that the Yakuza and traffickers traffic women all over the world to reap substantial profits off Tokyo’s sex industry, it is also important to note the demand for sexual services in Tokyo that allows the sex industry to continue to flourish. In Tokyo, the demand for sex is widely ingrained in the mainstream culture and media such that it is normalized in society. The

²³⁴ “Japan.” Coalition Against Trafficking in Women, “Japan; Trafficking,” <http://www.catwinternational.org/factbook/Japan.php> (accessed October 29, 2008).

²³⁵ U.S. Department of State, *Trafficking in Person Report*.

²³⁶ International Labor Organization, “Efforts Mount in Japan to counter human trafficking,” January 5, 2005, http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang-en/WCMS_075528/index.htm (accessed March 2, 2009).

²³⁷ humantrafficking.org, “Japan,” <http://www.humantrafficking.org/countries/japan> (accessed March 14, 2009).

²³⁸ Ibid.

²³⁹ “OAS Rapid Assessment Report”, 5.

²⁴⁰ Bertone, 9.

indicators of the demand for sexual services in Tokyo include, but are not limited to, the Internet, the popular media, and social groups.

On the internet, websites such as Tokyo Pink Guide provide comprehensive information on where to find sexual services, prices, ratings as well as reviews.²⁴¹ Tokyo Pink Guide also provides links and contact information to the places listed on their website as well as a discussion forum for johns to discuss their experiences, ask questions or find out more information. For example, in a question posed by an anonymous “john”, he asks “Does anybody have any recommendations/experiences with Korean girls? I'm looking for FS”.²⁴² His post has 22 replies recommending delivery services, websites, as well as providing directions and has been viewed by 1,920 people. All the responses and posts are labeled “anonymous”, preserving the anonymity and privacy of the johns involved. The availability and prevalence of websites such as the Tokyo Pink Guide allow johns to express their demands and share their experiences with the sex industry in Tokyo. As such, this not only helps promote the sex industry in Tokyo, it also serves as an impetus for traffickers to continually enslave women in the industry.

In addition to the internet, the demand for sexual services is also expressed through the proliferation of pornography that is a billion dollar industry in Japan.²⁴³ Pornography is not just expressed on the Internet or magazines, but also in conventions that attract johns from all over.²⁴⁴ One such example is the Comike (comic market) convention that is held annually in which cartoons of sexually abused children are sold to 400,000 buyers a year.²⁴⁵ In addition, with the advanced nature of technology in Japan, pornography is available even on phones.²⁴⁶ Ever since 3G networks were introduced to Japan in 2001, phone users are able to access videos on their phones and as such, access and download pornography.²⁴⁷ With the widespread availability and growth of Japan's pornography industry, the demand for sexual services is normalized and as such, propels the sex trafficking industry.

²⁴¹ See <http://tokyopinkguide.com/>.

²⁴² Ibid.

²⁴³ Toyama, Michiko Toyama, “Japan's Booming Sex Niche: Elder Porn,” *Time*, June 17, 2008, <http://www.time.com/time/world/article/0,8599,1815509,00.html> (accessed November 12, 2009).

²⁴⁴ Higuchi, 50.

²⁴⁵ Ibid.

²⁴⁶ Tim Larimer and Sachiko Sakamaki, “Internet A la I-Mode,” *Time*, March 5, 2001, <http://www.time.com/time/magazine/article/0,9171,999355,00.html> (accessed November 28, 2008).

²⁴⁷ Ibid.

Legal Constraints and Legal Protections

According to the 2008 Trafficking in Persons Report, Japan is ranked Tier 2, meaning that the Japanese government fails to fully comply with the ‘minimum standards’ but is making significant efforts to do so.²⁴⁸ To date, Japan has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, The Palermo Protocol, ICCPR and CEDAW.²⁴⁹ As such, Japan is obligated under international law to monitor and undertake efforts to prevent sex trafficking, prosecute offenders, and protect victims of human trafficking. Yet, sex trafficking is still prevalent in Japan, especially in Tokyo for the reasons mentioned above. This section will demonstrate the limitations and flaws that exist within the Japanese legal system as well as the criminal justice system.

Like most other countries, Japan clearly employs the law enforcement framework to handle trafficking. This is witnessed by the lack of victim protection coupled with Japan’s emphasis on the Immigration Control Act. According to the 2008 TIP report, law enforcement officials failed to systematically employ formal victim identification procedures and as such, failed to recognize many trafficking victims.²⁵⁰ Based on the situation in Tokyo, the lack of victim identification is not the only issue at hand, but also the lack of civic institutions and the criminalization of victims that the Japanese government needs to address.

Despite the widespread prevalence of sex trafficking in Tokyo, there is only one shelter, HELP, which assists victims of trafficking. In addition, HELP only has ten rooms and houses a maximum of fifteen people, compared to the thousands of women that are victims of sex trafficking and labor trafficking in Tokyo.²⁵¹ In addition, there have been no cases of legal assistance offered to victims or access

²⁴⁸ U.S. Department of State, *Trafficking in Persons Report* (Washington, D.C: Office of the Under Secretary for Democracy and Global Affairs; Bureau of Public Affairs, 2008), 149-152; <http://www.state.gov/g/tip/rls/tiprpt/2008/> (accessed March 6, 2009).

²⁴⁹ See *ibid.*, 281.

²⁵⁰ *Ibid.*, 151.

²⁵¹ humantrafficking.org.

to psychological help in victims' native languages.²⁵² Evidently, there is a dearth of rehabilitation services offered to victims in Tokyo, leaving them with few options for protection.

In addition to the lack of institutional structures available for victim protection, victims are criminalized rather than protected under the Prostitution Prohibition Law as well as the Immigration Control Act. As aforementioned, the Prostitution Prohibition Law that was promulgated in 1956 seeks to prohibit prostitution. However, under the law, women are criminalized by making prostitution a criminal act that subjects women to arrest and punishment.²⁵³ Yet, the Prostitution Prohibition Law is not commonly used to prosecute women or traffickers. Rather, the Immigration Control Act (ICA) is enforced more strongly than the Prostitution Prohibition Law.²⁵⁴ Under Article 24 of the ICA, foreigners who engage in activities involving prostitution are subject to immediate deportation.²⁵⁵ In addition, the nature of entry into Tokyo as trafficked victims render them vulnerable to being prosecuted under other violations of the ICA such as overstaying their visas and illegal entry.²⁵⁶ Further, the connections between the Yakuza and police leave victims of trafficking with no recourse, as the police will either return them to the Yakuza, or arrest and deport them. With the lack of institutional structures to provide shelter or recourse for victims, coupled with the criminalization of women under the ICA and Prostitution Prohibition Law, Tokyo clearly lacks an effective victim protection program as part of their anti-trafficking legislation.

While the Japanese Government employs the law enforcement approach in criminalizing victims of trafficking, little effort has been taken to criminalize traffickers and johns. According to the TIP report, only 11 cases of sex trafficking were prosecuted in 2007 with a mere 12 offenders convicted.²⁵⁷ Of the 12 convictions, seven offenders received prison sentences of two to four years while the remaining 5 received suspended sentences.²⁵⁸ Given the widespread involvement of the Yakuza in Tokyo's sex industry, it is obvious that the Japanese government and police are negligent in prosecuting trafficking offenders. Further, there are no reported cases of arresting johns who are patronize sex establishments. This contradicts the goals of the Prostitution

²⁵² *Trafficking in Persons Report*, 2008, 151.

²⁵³ "OAS Rapid Assessment Report", 22.

²⁵⁴ *Ibid.*, 24.

²⁵⁵ *Ibid.*

²⁵⁶ *Ibid.*, 5.

²⁵⁷ *Trafficking in Persons Report*, 2008, 150.

²⁵⁸ *Ibid.*

Prohibition Law, as prohibiting prostitution should extend to criminalizing and punishing the johns involved, and not just the women.

Although the TIP report commends the Japanese government for its efforts to raise awareness about sex trafficking by distributing 500,000 brochures on anti-trafficking efforts, this effort is neither practical nor significant given the normalization of the sex industry.²⁵⁹ Given Tokyo's bustling 2 billion dollar sex industry that exists within in most districts, coupled with the normalization of pornography, prevention cannot be confined to raising awareness alone.

Dubai, United Arab Emirates

Fifteen year old Valida, from the Jabraiyl district, was working as a waitress in a restaurant in Baku until a taxi driver she knew invited her to go to Dubai. He told her that she could earn more than United States\$1000 per week there. Valida agreed, as the money promised to her would help support her mother and two young brothers, aged five and ten. It later became clear that the driver sold her to a trafficker, who then took her to Dubai and resold her to a 'mama Rosa'.²⁶⁰

Women from all over the world are trafficked into Dubai, the world's largest port and the fastest growing city. Although prostitution is prohibited under Shari'a law that governs Dubai, sex workers serve in upscale hotels, "Western" bars and clubs, as well as illegal brothels. Despite that prostitution is *haram* (forbidden) under Shari'a law, how and why are women trafficked into Dubai for the purposes of sexual labor? What are the mechanisms that facilitate the transnational process of sex trafficking? The rapid modernization and economic growth of Dubai has drawn an influx of foreigners, creating legal and physical spaces for traffickers to operate. In addition, agents of trafficking are empowered through the criminalization of victims of trafficking and the lack of effective legal remedies to combat sex trafficking in Dubai.

Dubai, Dirhams and Development

Under the vision of Sheikh Mohammed al-Maktoum, Dubai has become the new global icon of urbanism.²⁶¹ Boasting the world's first seven star hotel, the world's largest shopping mall and the world's largest manmade port, Dubai has

²⁵⁹ Ibid., 151.

²⁶⁰ International Organization for Migration, 21.

²⁶¹ Mike Davis, "Fear and Money in Dubai," *New Left Review* 41 (2006): 50.

attracted people from all over the world.²⁶² 20 percent of Dubai's population comprises of United Arab Emirates citizens, the other 80 percent is a melee of different races and ethnicities.²⁶³ To date, Dubai ranks as one of the world's largest immigrant destination estimated to attract 15 million overseas visitors a year by 2010.²⁶⁴ With the massive influx of tourists, visitors and businessmen visiting Dubai every year, hotels, bars, restaurants and nightclubs resultantly demand a labor force to provide customer service in more ways than one.²⁶⁵ According to the TIP report, approximately 10,000 women from Asia, Eastern Europe, Africa and the Middle East are trafficked into Dubai every year.²⁶⁶ Recruiters promise women decent jobs prior to departure, but upon arrival in Dubai, women end up sold to *Mama Rosas* (pimps) who confiscate their passports and subject them to sexual servitude.²⁶⁷

While prostitution and drinking are explicitly haram according to Shari'a law, how then are women from all over the world trafficked into this global Islamic city to be sold as sex workers? As aforementioned, physical and legal spaces exist for agents of trafficking to manipulate and facilitate the global transfer of women. Through these spaces, agents manipulate immigration laws and policies as well as Islamic laws to transport women into Dubai and subject them to sexual servitude.

With the openness of Dubai in the world economy and massive influx of foreigners, traffickers are able to manipulate the availability of visas to bring and keep trafficked victims in Dubai. Unlike it's neighboring six Emirates in the U.A.E., Dubai is the only emirate that does not have a heavy reliance on the oil industry; oil revenues only account for 6 percent of Dubai's gross domestic product (GDP).²⁶⁸ Tourism, on the other hand, is the largest contributor to the U.A.E. GDP. Although the U.A.E government has attempted to manage illegal migration and trafficking, traffickers still find means to manipulate immigration laws. In particular, traffickers use the availability of visas issued by the U.A.E government to facilitate the trafficking process.

²⁶² Ibid., 49.

²⁶³ Library of Congress – Federal Research Division, "Country Profile: United Arab Emirates (UAE)," July 2007, 5, <http://memory.loc.gov/frd/cs/profiles/UAE.pdf> (accessed June 25, 2009).

²⁶⁴ Ibid., 13.

²⁶⁵ International Organization for Migration, 27.

²⁶⁶ U.S. Department of State, "United Arab Emirates," March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100608.htm> (accessed June 25, 2009).

²⁶⁷ International Organization for Migration, 22.

²⁶⁸ Central Intelligence Agency, "United Arab Emirates," The World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/AE.html> (accessed October 20, 2008).

As Dubai's airport is one of the world's busiest international hubs, free entry visas are distributed for shopping and tourism and as such, identifying women who are victims of trafficking is a difficult task.²⁶⁹ 96-hour transit visas, in particular, are often a tool used by traffickers to transport women into Dubai.²⁷⁰ These transit visas allow foreign visitors to enter Dubai for a maximum of 96 hours; traffickers bring women into Dubai on 96-hour transit visas, force them to work in the sex industry and create an illegal identity for these women once their visas expire. Further, visa changing is another mechanism employed by captivators of these women; women are sent on domestic flights and upon return, are presented new visas. Ras Al Khayman airport, 40 kilometers from Dubai, has three flights a week to and from Iran, Qatar and Oman; pimps and captivators of trafficked victims send victims on these flights without fear as failure to return would entail being stuck in another Islamic country.²⁷¹ In the IOM Azerbaijan report, an interview with a Mama Rosa at Ras Al Khayman reveals "They all come back, they stay with me, the girls obey me as I can ruin their life in a second and have them arrested and deported."²⁷²

In 1999, the U.A.E government attempted to stem the rise of female migrants engaging in prostitution by adopting a special decree that bans single women from NIS countries under the age of 35 from entering the country unless accompanied by male relatives or for business purposes confirmed by official documents.²⁷³ This led to the rise in trafficking, travel agencies and pimps recruiting men in NIS countries to assume the role of husband or brother or pay a UAE citizen to obtain papers documenting false marriages to allow women to enter the country.²⁷⁴

Ironically, the creation of legislations to enforce the haram nature of drinking and prostitution simultaneously creates a space for traffickers to operate. As the consumption of alcohol is haram according to Shari'a law, nightclubs, bars and discos that permit alcohol are located in international hotels such as the Green Desert, Imperial Suites, Sheraton, Dubai Park, Hyatt Regency and Ramada.²⁷⁵

²⁶⁹ International Organization for Migration, 29.

²⁷⁰ Al Tamimi & Company, "U.A.E Immigration Laws & Procedures in Dubai," <http://www.zu.ac.ae/library/html/UAEInfo/documents/UAEImmigrationLaw.pdf> (accessed November 12, 2008).

²⁷¹ International Organization for Migration, 29.

²⁷² *Ibid.*, 9.

²⁷³ *Ibid.*, 26.

²⁷⁴ *Ibid.*, 27.

²⁷⁵ *Ibid.*, 29.

These hotels are also popular destinations for the sale of women by their pimps; the IOM's 2005 report on Azerbaijan identified at least 300 prostitutes in these international arenas. Similarly, Ara Manoogian, an Armenian national, documented footage of trafficked women for sale outside Cyclone nightclub in Dubai; he describes it as a 'choosing and bargaining' process where pimps market women between \$500- \$1000 a night.²⁷⁶ By creating physical spaces that are exempt from the jurisdiction of Shari'a law, agents of trafficking are able to harbor and sell women in Dubai's clandestine sex industry.

Both men and traffickers manipulate Islamic law through the Islamic tradition of temporary marriages.²⁷⁷ Known as 'sighe' or 'Mutaa', these are literally temporary marriages that are permitted under Islam under the consent of the parties involved and as such, legitimizes both 'fornication' and prostitution that is haram under Shari'a law.²⁷⁸ By using temporary marriages to disguise or legitimize prostitution, this serves as an avenue for traffickers to sell their victims on the basis of a temporary marriage, and for men to justify their desires to purchase women for sex.²⁷⁹ As men hold the right to terminate these marriages at any time, this makes women vulnerable to sexual exploitation. Although this has been a highly controversial subject, this online post best exemplifies the use of temporary marriages to justify prostitution:

'Hi, I'm male 30, good looking, from middle east, White in complexion, I came to Dubai recently, and i want to protect my self from the sins, i no arabic english, urdu, pushto, hindko, looking 4 halal Lovemaking(sex). I'm searching 4 a female who is divorce or widow or even virgin who is willing 4 **temporary marriage**, and she doesn't want to commit zina ,So marriage of this sort is the best. I'm ready 4 all the rules u ask4. My aim is clean and I'm looking 4 halal solution'.²⁸⁰

As the online post demonstrates, men use temporary marriages as 'halal solutions'²⁸¹ for prostitution, paving the way for agents of trafficking to market

²⁷⁶ Onnik Krikorian, "One World Multimedia: Trafficking of Armenian Women to Dubai/UAE," One World Multimedia, <http://onnik.blogspot.com/2005/06/trafficking-of-armenian-women-to-dubai.html> (accessed November 11, 2009).

²⁷⁷ Mattar, Mohamed. "Trafficking in persons, Especially Women and Children in Countries Of the Middle East; The Scope of the Problem and the Appropriate Legislative Responses," *Fordham International Law Journal* 26, no. 3 (2003): 11.

²⁷⁸ *Ibid.*, 12

²⁷⁹ *Ibid.*

²⁸⁰ <http://www.justlanded.com/english/Dubai> (accessed March 10, 2009).

²⁸¹ *Halal* is that which is proper to use, as an object or food, or permissible to engage, as in a practice, in reference to the prohibitions of Shari'a law.

women using halal solutions as a justification. In addition, temporary marriages allow men to engage in adultery and sex work under Islamic law. The availability of visas along with the exploitation of temporary marriages are significant factors that facilitate sex trafficking into Dubai. Agents of trafficking manipulate immigration policies and Sharia law to fuel the demand and supply of women for sexual services.

Criminalization of women

In 1951, Hannah Arendt wrote that a stateless man is an “anomaly for whom there is no appropriate niche in the framework of the general law.”²⁸² Like the *stateless man*, victims of trafficking in Dubai are deprived legal rights as there is ‘no appropriate niche’ for them.²⁸³ Instead of being seen as victims of trafficking, women are not seen as victims, but as ‘prostitutes’ or illegal aliens under the law.²⁸⁴ This shifts the focus on sex trafficking to that of prostitution and ignores the fact that victims of trafficking are coerced into entering Dubai and do not engage in sex work by consent.²⁸⁵ The criminalization of women therefore produces two significant consequences; first, when trafficked victims are criminalized, they adopt a sense of fear for being an illegal alien in Dubai and for working in an industry that is haram and illegal and this subjects them to control by their traffickers. Second, by failing to recognize that victims of trafficking do not choose to be in their situations, legal enforcement for victims of trafficking is similar to that of smuggling or prostitution, which is usually detainment and deportation.²⁸⁶ In addition, by criminalizing victims, human rights and labor rights violations are ignored due to the lack of acknowledgement that the rights of victims are violated as sexual workers.

Through the transportation of women into Dubai to work as sex laborers, an identity of being illegal is created; these women have neither legitimate work permits nor visas to work in Dubai.²⁸⁷ Trafficking agents manipulate victims’ fears of being an illegal being, therefore subjecting victims to being trapped in bondage. Through physical and psychological bondage, women are ‘held in servitude’ and restricted in their ‘freedom to movement’.²⁸⁸ Debt bondage is a common means of coercion; victims of trafficking are promised decent jobs

²⁸² Arendt, 282.

²⁸³ *Ibid.*, 282.

²⁸⁴ Kapur, 119.

²⁸⁵ Bruch, 118.

²⁸⁶ Mattar, 13.

²⁸⁷ “U.A.E Immigration Laws & Procedures in Dubai”.

²⁸⁸ United Nations, “The Universal Declaration of Human Rights,” Article 2, <http://www.un.org/en/documents/udhr/index.shtml#a2> (accessed March 9, 2009).

overseas and consequently told they owe an exorbitant amount of money for work placement in Dubai. In addition to debt bondage, traffickers often confiscate their victims' travel documents, thereby enhancing the illegal nature of their presence in Dubai.²⁸⁹ Without travel documents, victims are unable to escape from their captivators and traffickers are therefore empowered by being able to threaten trafficked victims with deportation. In Ara Manoogian's documentary, he interviews 'Suzy' from Armenia who was tricked into working in Dubai. Although she was told she would be working in Greece, she found herself arriving at the Dubai airport and had her passport taken away. She was later told that she could not return to Armenia until she had paid her debt for transportation, food and lodging.²⁹⁰

Under the U.A.E Constitution, 'No person may be subjected to forced labor except in exceptional circumstances provided for by the law and in return for compensation', however, every right in the constitution is exclusive to 'every citizen' of the U.A.E..²⁹¹ Foreigners, on the other hand, are all 'guest workers' regardless of their economic status and are limited to few freedoms and legal protections.²⁹² Victims of sex trafficking therefore are extremely vulnerable; they are 'guest workers' in an industry that is haram, and coming from all over the world, most of them are unable to speak Arabic or English, therefore subjecting them to manipulation by their traffickers. According to the Trafficking in Persons report, the U.A.E government continues to detain and deport victims for unlawful acts committed as a result of being trafficked; in 2006, an estimated 4,300 prostitutes were deported.²⁹³

By failing to recognize that trafficked women are victims, and not criminals, anti-trafficking initiatives employ the law enforcement framework that only penalizes individual offenders, such as prostitutes and traffickers.²⁹⁴ This is evident in the treatment of victims of trafficking in Dubai. Prior to the promulgation of Federal Law 51, no laws existed to protect victims of sex trafficking; as such, victims of trafficking are seen as prostitutes or illegal aliens and are simply deported without compensation or legal remedies. Further, prior to 2006, City of Hope

²⁸⁹ International Labor Organization, 273.

²⁹⁰ Krikorian.

²⁹¹ "United Arab Emirates Constitution," Article 34, http://74.125.155.132/search?q=cache:-B7LGGHOREJ:www.worldstatesmen.org/uae_const.doc+united+arab+emirates+constitution&cd=2&hl=en&ct=clnk&gl=us (accessed March 11, 2009).

²⁹² International Organization for Migration.

²⁹³ *BBC News*, "Dubai authorities smash vice ring," December 5, 2007, http://news.bbc.co.uk/2/hi/middle_east/7128990.stm (accessed June 25, 2009).

²⁹⁴ Bruch, 10

was the only shelter that existed for victims of trafficking.²⁹⁵ Through the creation and enforcement of an identity of being an illegal ‘other’ upon victims of trafficking, they have ‘no appropriate niche’ in the eyes of the law.²⁹⁶ As such, these victims are vulnerable to their captivators and to the Dubai authorities.

Corruption and the Informal Economy

Although Dubai has made remarkable economic advancements, the legal enforcement system still lacks accountability and training with regard to trafficking. The informal monetary system of Hawala that exists and corrupt police officials facilitate the trafficking of women for sexual exploitation. Without a strong criminal justice system to efficiently identify and prosecute traffickers, victims of trafficking continue to be wrongfully criminalized and trafficking will continue to persist in Dubai.

Despite the ratification of the UN Convention against Transnational Organized Crime (2000) and the implementation of U.A.E’s first ever anti-trafficking law, Federal Law 51, copious reports have surfaced that demonstrate the negligence and involvement of police officers in sex trafficking. In a recent newspaper report, eight police officers were arrested for ‘abuse of power and immorality’ by collaborating with illegal Asian immigrants who ran brothels and liquor outlets.²⁹⁷ Further, in the IOM shadow report on Dubai, an interview with an officer from the Dubai City Police Department states that authorities are aware of the engagement of trafficked victims in prostitution (2005).²⁹⁸ This is confirmed by Ara Manoogian’s documented footage on trafficking in Dubai, whereby he noted police officials standing outside nightclubs, regulating the transaction of women.²⁹⁹ The presence of a corrupt police force coupled by the existence of an informal money transfer system to facilitate the revenues generated undermines legal obligations and legislations intended to combat sex trafficking. Traffickers are able to maneuver around the loopholes in the criminal justice system to continue fueling the market for women.

²⁹⁵ Robert F. Worth, “Voice for Abused Women Upsets Dubai Patriarchy.” *The New York Times*, March 23, 2008, http://www.nytimes.com/2008/03/23/world/middleeast/23dubai.html?pagewanted=1&_r=3 (accessed November 12, 2008).

²⁹⁶ Arendt, 252.

²⁹⁷ Anthony Sambidge, “Police Officers Face Corruption Charges,” *Arabian Business*, December 4, 2008, <http://www.arabianbusiness.com/540282-police-officers-face-corruption-charges> (accessed November 23, 2009).

²⁹⁸ International Organization for Migration.

²⁹⁹ Krikonian.

Legal Conventions and Compliance

The influence of international norms is evident in the measures Dubai has taken to combat trafficking, as seen in the promulgation of Federal Law 51 and its current 2008 ranking on Tier 2. This is a marked shift from being ranked on Tier 3 of the U.S. State Department's Trafficking in Persons Report.³⁰⁰ Tier 3 indicates that a country does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so.³⁰¹ Dubai still suffers, however, from a dearth of protections available to victims of trafficking and has yet to ratify the CMW. Further, the international press focuses on Sharla Musabih, who has fervently fought for the protection of rights of trafficked victims in Dubai. Has Dubai effectively enforced international laws and norms within its domestic sphere with regard to trafficking?

According to Harold Koh, the best means of enforcing international norms and laws is through vertical processes, which involve institutional interaction where global norms of international human rights are debated, interpreted and ultimately internalized by domestic legal systems.³⁰² Unlike horizontal processes that function at an inter-governmental level, vertical processes focus on legal processes that involve transnational norm entrepreneurs, governmental norm sponsors, transnational issue networks, interpretive communities and law declaring for a, bureaucratic compliance procedures and issue linkages among issue areas.³⁰³ As the TIP reports imply, Dubai is only accountable to the United States with regard to anti-trafficking issues, as the U.S State Department publishes yearly TIP reports that evaluate the U.A.E's anti-trafficking efforts. This shows that the lack of vertical processes of international rights implementation and the dominance of horizontal processes in the case of Dubai. In addition, the ranking system used by the U.S. State Department is questionable; in the June 2008 report, the U.A.E was ranked Tier 2 on the TIP report, commended for opening a shelter, the Foundation for Women and Children.³⁰⁴ However, since October 2007, Sharla Musabih has been attacked by

³⁰⁰ *Trafficking in Persons Report*, 2008, 253.

³⁰¹ *Ibid.*, 35.

³⁰² Harold Koh, "Why do nations obey international law?" *Yale Law Journal* 106 (1997): 96.

³⁰³ *Ibid.*, 97.

³⁰⁴ *Trafficking in Persons Report*, 2008, 254.

the local media in Dubai for revealing Dubai's actual state of trafficking and domestic violence and has been in exile since May 2008.³⁰⁵ This discrepancy demonstrates a lack of consistency with the U.A.E government and a lack of compliance with international laws. There is evidently a lack of civic space and tolerance for NGOs, thereby limiting the scope of vertical processes that enforce international norms.

Prior to the implementation of Federal Law 51, Dubai's stance on trafficking was based on the law enforcement framework that focuses on prosecuting those directly involved in trafficking. However, even though Federal Law 51 includes victim protection, there exist few legal remedies for trafficked victims. Although the Foundation for Women and Children was established in 2006 to provide recourse for trafficked victims, the City of Hope shelter for victims of domestic violence and trafficking that was established in 2001 is on the brink of closure.³⁰⁶ Further, the founder of City of Hope, Sharla Musabih is highly targeted for her criticisms of the new shelter Foundation for Women and Children; she revealed the suicide of a victim who was housed at the shelter and compared the shelter to 'an American low security prison'.³⁰⁷ With a lack of recursive measures for trafficked victims to seek protection, traffickers are continually empowered and able to perpetuate the vicious cycle of trafficking.

Conclusion(s)

The case studies of New York, Tokyo and Dubai demonstrate that sex trafficking is not a phenomenon unique to the developing world; rather, it operates even in the most developed global cities. Although the selected case studies fit the traditional framework of the global city as significant nodes in the global economy, the same framework can be applied to understand how sex trafficking is facilitated. Operating as one of the countergeographies of globalization, sex trafficking is a part of the shadow economy, but at the same time is maintained and facilitated with the help of the institutional infrastructures, internal dynamics and social structures of the global city.³⁰⁸

Global sex trafficking networks converge in global cities such as Dubai, New York and Tokyo through the use of existing infrastructures. In particular, these

³⁰⁵ Worth, 3.

³⁰⁶ Ibid., 1.

³⁰⁷ Ibid., 4.

³⁰⁸ Sassen, "Women's Burden", 506.

networks utilize established migratory routes to traffic women into the global cities. In all three case studies, the procurement of visas by traffickers allows them to legitimize the status of women to immigration officials and to the victims themselves. In Dubai and Tokyo, the ease of obtaining visas facilitates the entry of women into the cities. Tourist and transit visas are readily available upon arrival at the airport, which traffickers use to bring women into the city. In addition, the entertainer visa category in Tokyo is widely exploited to provide women with false pretenses of jobs, and to legitimize the trafficking of women into sex work.³⁰⁹ While traffickers use student and travel visas to traffic women into New York, the increase in immigration control coupled with the difficulty of obtaining visas has diverted trafficking routes toward using Mexico as a transit point.³¹⁰ Despite increased surveillance at the United States-Mexico border, traffickers make use of established migratory routes that circumvent border control.³¹¹ Instead of crossing the border at urban checkpoints, migrant flows are diverted to remote and hazardous regions of the border to circumvent border control. By utilizing established migratory routes, traffickers are able to facilitate the movement of women into the cities of New York, Dubai and Tokyo.

Common to all three case studies is the reterritorialization of spaces to avoid the legal prohibitions against sex trafficking and prostitution. According to Sassen, informalization is a growing trend that accompanies the growth of urban spaces in the global city. Informalization is a developing “opportunity” structure that avoids or compensates for the constraints of the regular economy, such as legal constraints and high market prices.³¹² Along the same pattern of informalization, sex trafficking industries proliferate in less visible venues to evade the legal constraints of the cities. In doing so, regular, legal spaces are reterritorialized as sex establishments that operate under the guise of legality. These spaces become biopolitical spaces where women are reduced to bare life, deprived of their rights and subject to violence by their traffickers.³¹³ In Dubai, the existence of Shari’a law that prohibits prostitution and drinking creates spaces outside Shari’a jurisdiction where women are commodified as sex objects and sold by their traffickers for profit.³¹⁴ In Tokyo, the Prostitution Prohibition Law of 1956 paradoxically paved the way for the proliferation of the commercial sex industry.³¹⁵ Because of the narrow definition of prostitution under the

³⁰⁹ “OAS Rapid Assessment Report”, 7.

³¹⁰ Thompson and Ochoa, 2.

³¹¹ Massey, 8.

³¹² Sassen, *The global city*, 294

³¹³ Agamben, 102.

³¹⁴ International Organization for Migration, 27.

³¹⁵ Takahashi, 2.

Prostitution Prohibition Law, commercial sex establishments advertise the sale of sex services except “sexual intercourse”, which is prohibited.³¹⁶ Although “sexual intercourse” is a service provided by these establishments, it is not advertised to evade the constraints of the Prostitution Prohibition Law. In addition to circumventing the law through marketing strategies, spaces such as bathhouses, restaurants and coffee shops are reterritorialized as commercial sex industries within the urban centers of Tokyo. Similarly, spaces in New York such as residential houses, apartments, and massage parlors are informalized to evade legal detection.³¹⁷

In addition to the reterritorialization of physical spaces, virtual spaces are reterritorialized to facilitate the demand for commercial sex by johns. The Internet allows johns and traffickers to assume anonymous identities in virtual space, and serves as a medium for the demand and supply of sexual services. In all three case studies, the internet serves as an information hub and forum for johns to share their knowledge on locating sex services in the cities. The internet allows traffickers to market their women as sexual objects that are available for purchase. While these online marketplaces and forums are more visible in the cases of Tokyo and New York, in Dubai, these sites are less transparent and hard to find. Most of the information about commercial sex in Dubai is derived from blogs or online forums such as Yahoo. In Tokyo and New York on the other hand, specific websites such as Tokyo Pink Guide and World Sex Guide openly provide access to information about purchasing commercial sex acts in the cities. With the internet establishing itself as an online forum for men to express and pursue their sexual desires, agents of trafficking are kept in business, and therefore constantly in need of recruiting women into the global cities.

In all three cities, anti-trafficking legislations have been enacted to address the problem of sex trafficking. However, despite the promulgation of anti-trafficking legislations, there is a discrepancy between legislation and enforcement, especially in Dubai and Tokyo. First, in all three cities, there are no reports on the prosecution of johns. Prosecutions always involve traffickers, pimps and owners of commercial sex establishments. The intent to address sex trafficking in Tokyo is particularly questionable as the sex industry constitutes 1 percent of Japan’s GDP.³¹⁸ In addition, the informal relationship between the Yakuza and law enforcement officials serves as a barrier to effectively address sex trafficking. Subsequently, by failing to criminalize johns for creating a demand for sexual

³¹⁶ Hill, 114.

³¹⁷ Raymond and Hughes, 32.

³¹⁸ International Labour Organization, “Sex industry assuming massive proportions in Southeast Asia,” August 19, 1998, http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_007994/index.htm (accessed June 24, 2009).

services, the demand they create serves as incentive for traffickers to profit off their demands by trafficking women into the sex industry.

Second, the nature of victim protection is also of concern in all three case studies. While New York has a large civic space that harbors numerous anti-trafficking organizations, victim protection is limited, as victims of trafficking have to serve as prosecution witnesses in order to qualify for a T-Visa. Just 5,000 T-visas are issued throughout the United States every year, which represents a small percentage of the number of females (and males) trafficked. Unlike New York, Tokyo and Dubai lack the civic space and legal remedies for victims of trafficking. Victims are often arrested and charged with prostitution, or simply deported back to their countries of origin. Until governments fully implement the prevention of trafficking, prosecution of traffickers as well as protection of victims, sex trafficking will never be effectively addressed under anti-trafficking legislations.

The focus of this paper is to add another dimension to the existing literature on sex trafficking by incorporating an analysis of the global cities of today: New York, Tokyo and Dubai. New York has been the archetypal global city since the 19th century, Tokyo emerged as a rapidly industrialized global city following World War II, and Dubai today is the fastest growing city in the world. Although these global cities are significant nodes in the world economy, they are also integrated into the clandestine economy of sex trafficking. By analyzing sex trafficking under the framework of the global city, we can better understand the processes that facilitate sex trafficking flows from the global south to the global north. This will paint a clearer picture of the magnitude of sex trafficking as a global phenomenon, and not one that is unique to developing countries.

To address the transnational problem of sex trafficking, it cannot be reduced to simple narratives, numbers, or the ‘good’ and ‘bad’ binary.³¹⁹ By identifying specific root causes to approach sex trafficking, the problem will not be solved, but will redirect and reshape patterns of trafficking. As a transnational issue, sex trafficking must be treated as a substantive “multiplicity” characterized by numerous magnitudes, dimensions and connections.³²⁰ Until we understand sex trafficking as a global assemblage to analyze its functions, connections and dimensions, anti-trafficking legislations and efforts will not be able to effectively address the transnational trade of women as sexual commodities.³²¹

³¹⁹ Deleuze, Guattari, and Massumi, 5.

³²⁰ *Ibid.*, 8.

³²¹ *Ibid.*, 4.

intersections

