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## On Politics

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# **Democracy and STV – Why Disagree?**

## *Explaining the “Preference Gap” Between British Columbia’s Citizens’ Assembly and the Larger Public*

Annabel Rixen

The meaning of democracy in Canada is a highly contested concept. Although many agree that a great rift exists between our ideal notion of democracy and the actual reality of our democracy as it is practiced on the ground, scholars do not always agree on what constitutes this “democratic deficit.”<sup>1</sup> Some, like Henry Milner, prefer to define the “democratic deficit” primarily in terms of low voter turnout. Milner suggests that the best way to improve our democracy is to motivate more people to vote, for example by improving civic literacy.<sup>2</sup> Others, like Graham and Phillips, define the democratic deficit primarily as a lack of trust in and a lack of engagement with political institutions on the part of the public. They call for a re-conceptualization of citizenship that encourages deeper dialogue and collective engagement with political institutions, not merely individualized voting behavior.<sup>3</sup> Definitions of democracy thus clearly divide the academic world, but are voters equally involved in the deeper debate about the meaning of democracy? How can we explain public antipathy or apathy toward democratic reform? This paper will examine these questions with a special focus on the electoral reform debate in British Columbia.

Declining voter turnout and public disenchantment with formal politics have inspired calls for democratic reform in several Canadian provinces, including British Columbia.<sup>4</sup> In 2003, British Columbia's Liberal government made an unprecedented move in the history of electoral reform when it decided to let the world's first-ever “citizens’ assembly on electoral reform” propose a new electoral system for the province. The government-appointed

British Columbia Citizens' Assembly (BCCA) consisted of 161 randomly selected members, drawn from all constituencies across the province. The assembly held meetings over the course of one year, learning about various electoral systems, identifying the types of values a new electoral system should reflect, and deliberating extensively about electoral system change. In December 2004, the BCCA published its final report, in which it recommended that the province replace its current single-member-plurality voting system with the more proportional single-transferable voting (STV) system.<sup>5</sup> To the great consternation of many assembly members, however, public support for the STV proposal failed to pass the government-set 60% super-majority threshold for its adoption twice over, reaching 58 % in the initial 2004 referendum and only 38% in a second referendum of May 2009.<sup>6</sup>

The discrepancy between the citizen assembly's desire to implement the STV and the public's low enthusiasm for the new system is highly ironic. After all, the citizens' assembly was appointed under the assumption that it would accurately represent the full diversity of British Columbians and their views<sup>7</sup>. How can we explain the apparent "preference gap" between the ideals of the citizens' assembly members and those of BC's voters? I will argue that several factors contributed to the "preference gap." These factors include the failure of the media to act as an effective link between the BCCA and the public; the unrepresentative composition of the citizens' assembly itself; and the fact that only BCCA members, not the public, had the chance to engage in a focused deliberative process that nudged their preferences in a particular direction. Lastly, I will propose a fourth potential factor that has remained largely unexplored in the academic literature: Various key participants in the STV debate (the BCCA, political parties, and the pro-STV and anti-STV campaigns) employed a form of shallow, unhelpful rhetoric that failed to engage the public in a meaningful debate over the true meaning of democracy. The public, thus disengaged from a relevant debate about the very nature of democracy itself, was neither motivated enough or

properly informed enough to make an educated decision about STV.

## **Part A: Explaining the ‘Preference Gap’ between the BCCA and the Larger Public**

The ‘preference gap’ between the BCCA and the larger public may be attributed to a variety of factors, including the role of the media, the composition of the BCCA, and the BCCA’s deliberation process. To begin with the role of the media, we have reason to doubt that the local news communicated the crucial features and implications of the STV to the public in a balanced manner. The media, according to Dennis Pilon, had been explicitly commissioned by the BC government to act as a key link between the citizens’ assembly and the public at large.<sup>8</sup> Yet Pilon’s recent case study of the electoral reform debate in the province of Ontario has demonstrated that the provincial print media can easily fail at this task. In Ontario, a citizens’ assembly similar to that of BC had encouraged the province to adopt a mixed-member proportional (MMP) system. Print media coverage of MMP, however, was highly unbalanced, over-representing those voices that opposed MMP.<sup>9</sup> According to Pilon, Ontario newspapers thus failed to provide a deliberative space that would have empowered citizens to attain a critical, balanced understanding of the issues at stake.<sup>10</sup> Although a similar study of BC’s print media has not yet been conducted, we may speculate that the situation looked quite similar in British Columbia. If this is the case, then the “preference gap” probably emerged in part because the media did not accurately communicate the BCCA’s proposal and its reasons for supporting this proposal to the province’s voters.

We can identify a second explanation for the “preference gap” by looking at the composition of the BCCA. Contrary to the government’s statement that the BCCA represented British Columbia “in all its rich diversity”,<sup>11</sup> the assembly did not, in fact, accurately represent marginalized viewpoints in the province. The

BCCA failed to include a proportionally representative number of young people, visible minorities,<sup>12</sup> labourers holding daytime hour jobs,<sup>13</sup> and only two First Nations representatives were asked to occupy seats in the assembly.<sup>14</sup> Field researcher Amy Lang has noted, moreover, that the very process employed by the BCCA for making decisions tended to side-line minority viewpoints. Members usually deliberated in small discussion groups, who would later report back to the entire assembly. Yet instead of articulating the full diversity of viewpoints present within their circle, these groups were encouraged to reach a *consensus* on each issue under discussion before reporting back.<sup>15</sup> As a result, views that did not already resonate with the majority in each small group did not come to be articulated to the larger group. It is also worth noting that those citizens who had responded to the governments' invitation to join the ranks of the BCCA tended to fit a particular citizen profile. Carty notes that nearly 90% of BCCA members were active in local voluntary groups and that virtually all of them voted on a regular basis.<sup>16</sup> The assembly was therefore already comprised of what we might call *active citizens* with a considerable level of interest in politics. The same cannot necessarily be said of the average citizen in BC, given the strikingly low levels of voter turnout among Canadians.<sup>17</sup> Quite possibly, the BCCA's final decision and overall rhetoric did not accurately express the preferences and interests of British Columbians, prompting many to reject the assembly's STV proposal.

One notable example of a marginalized interest that came to be side-lined in the BCCA deliberation phase was women's representation. Despite the fact that an equal number of men and women had been appointed to the BCCA,<sup>18</sup> women's representation was never included in the BCCA's list of criteria for judging electoral systems.<sup>19</sup> This development was probably due in part to the rigid procedural guidelines by which the assembly had to abide. At one point in the BCCA's deliberation phase, members were asked to identify the top three democratic values that they felt

should guide the BCCA's evaluation of electoral systems. Several of the BCCA's small discussion groups identified "social and cultural representation" (of which women's representation was a key component) as an important democratic value.<sup>20</sup> Unfortunately, this value was listed just below the BCCA's overall "top three."<sup>21</sup> Despite the fact that several of the discussion groups expressed a desire for further discussion of social and cultural representation, BCCA staff maintained that only *three* values could be included and insisted that the assembly move along to the next point in their schedule.<sup>22</sup> The staff also demonstrated reluctance to bring in a speaker on the issue of women's representation, even after considerable demand from the members.<sup>23</sup> Thus, the influence of the BCCA's rigid agenda and the preferences of BCCA staff steered the assembly in a particular direction, one that did not sufficiently address the issues that were important to women. This marginalization of women's interests is just one example of the way that leaders' decisions and the rigid procedures of agenda-bound decision-making can push the discussion of particular democratic values into the background. We may speculate that just as the citizens' assembly was not permitted to enter into a deeper engagement with the issue of women's empowerment as a potential key value in a truly democratic system, they also were not permitted to engage more deeply with the importance of amplifying other marginalized voices, such as those of ethnic minorities and First Nations, in a reformed and truly "democratic" electoral system.

The "preference gap" between the BCCA and the larger public may not only be attributed to imbalanced media coverage and an unrepresentative assembly composition, but also to the fact that only BCCA members, not the public, had the opportunity to engage in an extensive process of interactive deliberation that significantly shaped and transformed their opinions. As Pilon has observed with reference to citizens' assemblies, "people do not have entirely fixed preferences that merely await aggregation: instead, their preferences may be formed through the collective

process of deliberation itself."<sup>24</sup> Lang, based on her field study observations of the BCCA, agrees that it was largely the process of interaction between members that determined what kinds of interests the assembly came to articulate and support in the end.<sup>25</sup> In addition to group interaction, the top-down influence of the leadership staff also shaped the BCCA's views and preferences. The BCCA supervisory staff exerted influence over the BCCA's viewpoints by organizing the assembly's schedule in strategic ways. To illustrate, we may consider the first day of the citizen assembly's learning phase. Immediately after their first rewarding experience of cooperative, consensus-based group work, assembly members were confronted with a lecture entitled "Our Adversarial Political System."<sup>26</sup> This first experience may well have primed them to adopt a particularly negative view of the first-past-the-post system and a strong preference for systems that would produce cooperative, consensus-oriented decision-making that resembled what they had experienced in their discussion groups. These preferences later came to be reflected in the BCCA's final report.<sup>27</sup> A combination of group interactions and staff influences thus seems to have produced a 'fishbowl effect' by which the BCCA's conception of the ideal democracy came to be vastly different from the public's conception of the same.

In summary, various factors contributed to the rift between the BCCA's enthusiasm for STV and the public's lack of interest in electoral reform. The media may have failed to provide an effective link between the citizens' assembly and the larger public. Moreover, minority and marginalized groups (particularly women) probably did not see their interests reflected in the BCCA's priorities and final decision, due to the unrepresentative composition of the assembly and the influence of staff over the assembly's agenda. The preferences of BCCA members were furthermore shaped by a transformative process of deliberation that was not sufficiently replicated for the public on a larger scale. These three factors probably help explain a large portion of the 'preference gap.' However, I would also like to propose a fourth

possible factor that has remained largely unexplored in the academic literature: both proponents and opponents of the STV used shallow and ineffective rhetoric when speaking to the public about electoral reform.

My examination of BC's electoral reform rhetoric is based on a content analysis of political party websites, the BCCA's final report, and the websites of the pro-STV and anti-STV campaigns that became active prior to the 2004 and 2009 referendums. As the discussion that follows will reveal, the rhetoric used by these actors to speak about electoral reform framed democracy largely in terms of populist ideals, shared values, and regional interests. It also framed the citizen as an individualized political agent whose primary political power lay in voting. Underlying this common rhetoric was the assumption that a general consensus on the meaning of democracy and citizenship already existed within BC. This assumption prevented any meaningful debate over the precise meaning of true "democracy" for British Columbians. We should therefore not be surprised that 36% of eligible voters in 2004 felt they were not sufficiently informed about STV to make an informed decision in the referendum.<sup>28</sup> Because voters were not engaged in a meaningful debate, they had no incentive to properly inform themselves about the STV. And because voters were not informed, they likely did not feel inclined to support electoral reform.

## **Part B: Unhelpful Rhetoric and the Democratic Debate**

One reason why voters were not engaged in a meaningful debate about BC's democracy is that the electoral reform discourse defined democracy largely in terms of vague "values" rather than real political interests. These values, which all British Columbians were presumed to share, were forwarded as the proper basis for the ideal electoral system. In fact, the very government mandate to the BCCA had included the identification of three core "values" that should define BC's democracy in the future. The BCCA identified

fair election results, effective local representation, and greater voter choice as these core values, and opened its final report with a lengthy discussion of each.<sup>29</sup> The pro-STV campaign “Power Up Your Vote” and the anti-STV campaign “No STV” quickly picked up on this value-based rhetoric, making frequent reference to terms like fairness, accountability and (ironically) women's representation as key principles that should prompt British Columbians to either support or reject STV.<sup>30</sup> Even BC's New Democratic Party (NDP) leader Carole James could not stay away from “values” when talking about BC's democratic debate. “We're guided by common values,” she asserted in her 2005 response to the throne speech, “—the values shared by the vast majority of British Columbians. Fairness. Balance. Compassion. Responsibility. And democratic accountability.”<sup>31</sup>

The emphasis on values is problematic for a democratic debate in two respects. To begin, as Pilon explains, value-based questions such as “Do you value local representation?” shift our focus away from the more relevant analytical questions like “Can we demonstrate that local representation is indeed important for the workings of our political system?”<sup>32</sup> The value-focused debate thus precludes a deeper discussion of the underlying assumptions we tend to hold about the workings of a democratic system. Furthermore, words like “fairness” and “accountability” are essentially empty words that mean different things to different people but are, at the same time, generally assented to by all. Few would argue that they reject electoral reform because they disagree with “fairness” or “accountability.” The use of such words leaves us without a basis for disagreement and debate in our discussion of democracy. Without a clear and specific explanation of what each side means by “fairness,” voters are left without a clear understanding of the actual ideological differences that divide the proponents and opponents of STV. The value-based rhetoric therefore failed to engage voters in a meaningful debate about the real implications of democratic reform. Voters, in turn, did not feel

motivated to educate themselves about these implications and to make an informed decision on voting day.

Another key feature of the STV discourse that likely disengaged voters was the tendency to define democracy along the lines of regional interests. This particular emphasis can be traced back, once again, to the influence of BCCA staff over the assembly's deliberation process. When BCCA members from BC's rural constituencies started advocating for better "rural representation" in BC, the staff strongly encouraged this focus. They invited a guest lecturer to speak on BC's demographics and made special accommodations for a rural caucus meeting.<sup>33</sup> The focus on rural/local representation later came to be reflected in the BCCA's final report, which listed effective local representation among the core values of British Columbians.<sup>34</sup> The STV campaign messages likewise spoke to local representation. While the "Yes" side's website featured an entire flyer devoted to the BC-STV's ability to improve local representation,<sup>35</sup> the "No" side argued against STV on the basis that it would give larger (urban) districts a higher percentage of the vote and that this was unfair to smaller ridings.<sup>36</sup> Both the BCCA and the STV campaign messages clearly proceeded under the assumption that British Columbians defined their political interests along regional lines, not taking into account the active role that the BCCA staff played in bringing this particular political identity onto the BCCA agenda.

The focus on regionalism as our primary political identity is highly problematic, as becomes evident when we consider what has happened at the Canadian federal level. Janine Brodie and Jane Jenson, have documented the tendency of so-called Canadian "brokerage parties" (parties brokering for support across a variety of political cleavages) like the Liberals and Conservatives to define politics along the lines of regional, linguistic, and national interests.<sup>37</sup> This practice has allowed them to avoid the type of "class politics" that has traditionally dominated in Europe<sup>38</sup> and to marginalize non-regional interests such as race and gender.<sup>39</sup> In a

similar way, the focus on “local representation” in BC assumes that voters in a particular constituency must necessarily share a common set of interests. Yet these constituents may be divided along the lines of class, ethnicity, race, religion, gender or ideology. The discourse around STV thus revolved around a particular political identity—regionalism—that did not necessarily resonate with the larger public. It failed to engage the public in a discussion of the real political cleavages that must be addressed in democratic reform debates.

In addition to value-based rhetoric and regional rhetoric, the various sides of the STV debate also relied heavily on populist rhetoric in their discussion of electoral reform. Populism is an ideology defined by a public distrust in political parties and elite interests as “corrupt,” and by a desire to shift political control from these elites to ordinary citizens.<sup>40</sup> It has enjoyed widespread appeal in Canada, particularly in the western provinces.<sup>41</sup> Not surprisingly, British Columbia’s political parties felt the need to appeal to populist sentiments when discussing electoral reform. The BC Greens, for example, maintained that in order to improve BC’s democracy, the province needed to instigate greater transparency in the political system to prevent its elected representatives from continuing to “betray [voters] behind a veil of secrecy.”<sup>42</sup> The BC Liberals made special efforts to ensure that politicians were excluded from the electoral reform discussions altogether, seeking to minimize contact between elected representatives and BCCA members as far as possible.<sup>43</sup> On their party website, the Liberals reassured voters that the citizens’ assembly had operated completely outside the realm of “political interference.”<sup>44</sup>

The populist antipathy towards political parties also shines through in the BCCA’s final report. The report strongly critiques party discipline<sup>45</sup> and frequently refers to the need to make BC’s politicians “work harder.”<sup>46</sup> Finally, the pro- and anti-STV campaigners employed similar populist rhetoric. While the “No”

side criticized STV for making members of the legislative assembly more dependent on their parties,<sup>47</sup> the "Yes" side critiqued BC's current system for putting parties above people.<sup>48</sup> Thus, whether voters looked to political parties, to the BCCA report, or to the STV campaigns, they found themselves confronted with essentially the same underlying message: "Political parties tend to be corrupt and should have as little power as possible in our political system." No one thought to question the underlying assumption that political parties were inherently antithetical to democracy.<sup>49</sup> No one cared to ask what political parties *can* and *do* achieve for us in a democracy, and how the relationship between parties and people could be realistically improved. Had the STV discourse placed more emphasis on the actual existing relationship between parties and constituents, voters might have found themselves engaged in a more realistic and relevant debate.<sup>50</sup>

The STV discourse not only painted a particular picture of democracy, but also of the democratic citizen. As Graham and Phillips have described, Canada has recently seen the rise of a new conception of citizenship that frames the citizen as a customer or consumer. This consumer-citizen is focused on receiving efficient services from the state rather than on actively shaping state institutions through collective action and dialogue with these institutions.<sup>51</sup> This is precisely the picture of citizenship painted by the BC Greens, who promoted the STV largely on the grounds that it would be easy for voters to use. "[Y]ou won't need to deal with the complexities...complete the ballot...and then enjoy all the benefits",<sup>52</sup> the Greens advertised. The BCCA's final report likewise stated ease of use as the first merit of the STV system.<sup>53</sup> The underlying assumption that voters (as "customers" of the system) are primarily concerned about *ease of use*, rather than the *political implications* of a voting system, reinforces the conception of citizenship as an apolitical identity. It fails to encourage voters to actively engage in dialogue with political leaders and with one another about the real implications of electoral reform. Had more emphasis been placed on education and dialogue as crucial aspects

of responsible citizenship, the public may have had more incentive to educate themselves properly about the STV's political consequences, and perhaps to lend it more support.

Evidently, the type of rhetoric employed by political parties, the BCCA, and the "Yes" and "No" campaigns in BC's electoral reform debate failed to engage voters in a variety of ways. Voters found themselves confronted with a common emphasis on meaningless "values," a common focus on local representation at the expense of other political interests, a common populist rhetoric that failed to take into account the real relationship between parties and voters, and a particular rendition of citizenship that failed to encourage critical dialogue about the political outcomes of electoral reform. Voters felt disengaged by this kind of debate and consequently were not motivated to educate themselves sufficiently about STV before entering the voting booth. That many chose to vote against STV or not to vote at all in the 2004 and 2009 referendums<sup>54</sup> should not surprise us in light of these facts.

To summarize, the "preference gap" between the BCCA's enthusiasm for STV and the public's apparent apathy towards reform may indeed be due not only to the failure of the media to produce a balanced debate, the unrepresentative composition of the BCCA, and the 'fishbowl effect' of the BCCA's deliberation process, but also to the flat debate created by the rhetoric of various participants in the STV discourse. How can we explain the construction of such a flat debate? The similarity in rhetoric between political parties, the BCCA, and the STV campaigns probably resulted from a 'trickle-down effect.' The BC Liberals, who initiated the entire BCCA process, set the tone for later discourses by describing the BCCA in terms of populist rhetoric, pulling political parties out of the reform process, and appointing particular people as BCCA staff who would encourage the assembly to adopt certain "values" at the expense of others. Consequently, the BCCA, under the leadership of government-

appointed staff, adopted a values-based, populist, regional-interest focused approach that came to be reflected in its final report. Picking up on the types of issues already highlighted by the BCCA, the “Yes” and “No” campaigns then continued the electoral reform discussion with much the same rhetoric.

The question now becomes how the emergence of such a flat debate might have been prevented. Habermas has prescribed certain criteria for what he calls the “ideal speech situation” (meaningful and critical discourse) in democratic deliberation. Habermas has argued that the an ideal speech situation will most likely occur when all actors involved in a debate clarify precisely what their statements mean and make an effort to question underlying assumptions that become evident along the way. Furthermore, those wishing to construct the ideal speech situation must draw variety of voices into the debate, allowing them equal expression, and they must create spaces where genuine interaction can take place.<sup>55</sup>

The application of Habermas's principles to the electoral reform debate in British Columbia might have prevented the kind of flat debate that has been described in this paper. For example, greater public pressure on political parties and the "Yes" and "No" campaigns to explain exactly what they meant by vague terms such as "fairness," and to question underlying assumptions such as “local representation is essential for democracy,” would have created a much deeper debate about the true meaning of democracy for BC. Such pressure, of course, would have necessitated voters who already viewed themselves as responsible citizens with a duty to educate themselves and engage deeply with the issues at stake. Perhaps the promotion of a more comprehensive conception of citizenship than that of the “consumer-citizen” would have been necessary to generate public pressure for a more meaningful democratic debate.

The government could have made greater efforts to draw a variety of voices into the debate by ensuring that visible minorities, young people and daytime laborers were better represented in the BCCA. The government also should have offered greater financial support to the "Yes" and "No" campaigns, which were vastly underfunded.<sup>56</sup> Better government funding would have allowed for more research and thus a deeper engagement with the issues on the part of the campaigners, resulting in higher quality communication of these issues to the public. Finally, the Liberals should have made efforts to create more interactive spaces in which the public could engage in a meaningful process of deliberation. Special 'mini' citizens' assemblies in each of BC's ridings, open to all who wanted to discuss BC's democracy, might have filled this role. Public schools and universities could have been encouraged to create similar interactive spaces. By following Habermas's recipe of clarifying statements, challenging assumptions, drawing in a variety of voices, and creating spaces for true interaction,<sup>57</sup> British Columbia might have emerged from its democratic debate with a mobilized public and a strong impetus for reform.

## **Conclusion**

The creation of the "ideal speech situation" surely is no easy task. Yet, given the fact that the government had already poured 5.5 million dollars into the creation and operation of the citizens' assembly,<sup>58</sup> it would have done well to match its concern for the citizens' assembly with an equal emphasis on the creation of meaningful and engaging public dialogue. Future governments who instigate similar citizens' assemblies on electoral reform may learn from the situation in BC and make more concerted efforts in this direction. However, they will inevitably have to navigate the challenging terrain of ideological rhetoric, which needs to be balanced between simplicity and popular appeal on the one hand, and an adequate discussion of complex political cleavages on the other.

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## Notes

- <sup>1</sup> Dennis Pilon, *The politics of voting: Reforming Canada's electoral system* (Toronto: Emond Montgomery Publications Limited, 2007), 182.
- <sup>2</sup> Henry Milner, "The problem of political drop-outs: Canada in comparative perspective," in *Canadian Parties in Transition*, ed. by Alain-G. and A. Brian Tanguay (Petersborough: Broadview Press, 2007), 437-438, 453-457.
- <sup>3</sup> Katherine A. Graham and Susan D. Phillips, "Citizen Engagement: Beyond the Customer Revolution," in *Canadian Parties in Transition*, ed. Alain-G. and A. Brian Tanguay (Petersborough: Broadview Press, 2007), 259-261; 267-270).
- <sup>4</sup> R. Kenneth Carty, "Turning Voters into Citizens: The Citizens' Assembly and Reforming Democratic Politics," *Democracy and Federalism Series 3* (2005): 1; Milner, "Political Dropouts," 437-440.
- <sup>5</sup> "Making Every Vote Count: The Case of Electoral Reform in British Columbia," *British Columbia Citizens Assembly on Electoral Reform*, accessed November 2, 2009, [http://www.citizensassembly.bc.ca/resources/final\\_report.pdf](http://www.citizensassembly.bc.ca/resources/final_report.pdf): 1,14; Amy Lang, "But Is It for Real? The British Columbia Citizens' Assembly as a Model of State-Sponsored Citizen Empowerment," *Politics and Society*, 35 (2007): 36.
- <sup>6</sup> Neil Hall, "BC-STV Soundly Defeated in Electoral Reform Referendum," *Vancouver Sun*, May 13, 2009, accessed November 11, 2009, <http://www.vancouversun.com/technology/soundly+defeated+electoral+reform+referendum/1589893/story.html>; Amy Lang, "For Real?" 36; F. Leslie Seidle, "Provincial Electoral Systems in Question: Changing Views of Party Representation and Governance," In *Canadian Parties in Transition*, ed. Alain-G. and A. Brian Tanguay, 308-312. Petersborough: Broadview Press, 2007.
- <sup>7</sup> "For All Citizens: Real Democratic Reform," BC Liberals, accessed November 10, 2009, <http://www.bcliberals.com/media/Page25.pdf>.
- <sup>8</sup> Dennis Pilon, "Investigating Media as a Deliberative Space: Newspaper Opinions About Voting Systems in the 2007 Ontario Provincial Referendum," *Canadian Political Science Review* 3, (2009): 2.
- <sup>9</sup> Pilon, "Investigating Media," 17.
- <sup>10</sup> Pilon, "Investigating Media," 17.
- <sup>11</sup> "For All Citizens: Real Democratic Reform," BC Liberals, accessed November 10, 2009, <http://www.bcliberals.com/media/Page25.pdf>.
- <sup>12</sup> Lang, "For Real?" 41.
- <sup>13</sup> Dennis Pilon, *The politics of voting: Reforming Canada's electoral system* (Toronto: Emond Montgomery Publications Limited, 2007), 97.
- <sup>14</sup> Lang, "For Real?" 41.
- <sup>15</sup> Lang, "For Real?", 44.

- <sup>16</sup> Carty, "Voters into Citizens," 7.
- <sup>17</sup> Milner, "Political Dropouts," 237-240.
- <sup>18</sup> Lang, "For Real?" 41.
- <sup>19</sup> Amy Lang, "Agenda-Setting in Deliberative Forums: Expert Influence and Citizen Autonomy in the British Columbia Citizens' Assembly," in *Designing deliberative democracy: The British Columbia citizens' assembly*, ed. M.E Warren & H. Pearse, 101.
- <sup>20</sup> Lang, "Agenda-Setting" 101.
- <sup>21</sup> Lang, "Agenda-Setting" 99; "Making Every Vote Count," 2.
- <sup>22</sup> Lang, "Agenda-Setting," 101-102.
- <sup>23</sup> Lang, "Agenda-Setting," 100.
- <sup>24</sup> Pilon, "Investigating Media," 4.
- <sup>25</sup> Lang, "For Real?" 55.
- <sup>26</sup> Lang, "For Real?" 42-43.
- <sup>27</sup> "Making Every Vote Count," 3.
- <sup>28</sup> Seidle, "Provincial Electoral Systems," 311-312.
- <sup>29</sup> "Making Every Vote Count," 2.
- <sup>30</sup> (No STV, 2009; Power Up Your Vote [PUYV], 2009a, 2009b, 2009c)
- <sup>31</sup> "Bringing your voice to Victoria," New Democratic Party of BC, accessed November 10, 2009. <http://www.bcndp.ca/carole-james/carole-speaks-out/bringing-your-voice-victoria>.
- <sup>32</sup> Pilon, "Politics of Voting," 136.
- <sup>33</sup> Lang, "Agenda-Setting," 98.
- <sup>34</sup> "Making Every Vote Count," 2.
- <sup>35</sup> "BC-STV: A Voice for Communities," Power Up Your Vote, accessed November 18, 2009. [http://stv.ca/sites/default/files/BC-STV%20-%20a%20Voice%20for%20Communities\\_0.pdf](http://stv.ca/sites/default/files/BC-STV%20-%20a%20Voice%20for%20Communities_0.pdf).
- <sup>36</sup> "Confused About STV? Don't Take a Chance with British Columbia's Future!" No STV, accessed November 10, 2009, [http://www.nostv.org/NoSTV\\_Leaflet.pdf](http://www.nostv.org/NoSTV_Leaflet.pdf).
- <sup>37</sup> Catherine Smith, "Arenas Catherine "Arenas of Influence: Parliament, Parties, and Elections," in *a civil society?* ed. Catherine Smith, (Peterborough: Broadview Press, DATE), 91.
- <sup>38</sup> Janine Brodie and Jane Jenson, "Piercing the Smokescreen: Stability and Change in Brokerage Politics," in *Canadian Parties in Transition*, ed. Alain-G. and A. Brian Tanguay, (Petersborough: Broadview Press, 2007), 38-39.
- <sup>39</sup> Smith, "Arenas," 97.
- <sup>40</sup> A. Brian Tanguay, "The Paradoxes of Direct Democracy," in *Canadian Parties in Transition*, ed. Alain-G. and A. Brian Tanguay (Petersborough: Broadview Press, 2007), 469-474.
- <sup>41</sup> Tanguay, "Paradoxes," 469-481.

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- <sup>42</sup> “Reforming Government: No More Betrayal,” Green Party of BC, accessed November 2, 2009, [www.bcgreens.ca](http://www.bcgreens.ca).
- <sup>43</sup> Lang, “For Real?” 40.
- <sup>44</sup> “For All Citizens.”
- <sup>45</sup> “Making Every Vote Count,” 3.
- <sup>46</sup> “Making Every Vote Count,” 1-8.
- <sup>47</sup> “Confused about STV?”
- <sup>48</sup> “BC-STV Electoral Reform,” Power Up Your Vote., accessed November 18, 2009, <http://www.stv.ca/download/handout.pdf>; “Compare the Choices: FPTP vs. STV,” Power Up Your Vote, accessed November 18, 2009, <http://www.stv.ca/download/compare.pdf>. (PUYV, 2009c, 2009d)
- <sup>49</sup> Milner, “The problem,” 5, 8.
- <sup>50</sup> Pilon, “Politics of Voting,” 161.
- <sup>51</sup> Find Graham and Phillips!!! Graham and Phillips, (pp. 263-264, 267-268)
- <sup>52</sup> “Reforming Government.”
- <sup>53</sup> “Making Every Vote Count,” 1.
- <sup>54</sup> Neil Hall, “BC-STV Soundly Defeated in Electoral Reform Referendum,” *Vancouver Sun*, May 13, 2009, accessed November 11, 2009, <http://www.vancouver.sun.com/technology/soundly+defeated+electoral+reform+referendum/1589893/story.html>; Seidle, “Provincial Electoral Systems,” 311-312.
- <sup>55</sup> Pilon, “Investigating Media,” 6.
- <sup>56</sup> Lang, “For Real?” 49-50.
- <sup>57</sup> Pilon, “Investigating Media,” 6.
- <sup>58</sup> Lang, “For Real?” 39.

# **An Evaluation of Stephen Harper's "Global Gag Rule" Foreign Maternal Health Policy through the Ethics of Care**

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In early February 2010, Prime Minister Stephen Harper announced his government's plan to head to a "signature initiative" with the rest of the Group of Eight, focussing on maternal and children's health issues.<sup>1</sup> Later that month the government's foreign minister, Lawrence Cannon, announced that this initiative would exclude "family planning programs – which include abortion in some countries" from this overseas initiative and would not state if funding for organizations that promote the use of contraception was still secure.<sup>2</sup> Only a day later, after other politicians and health advocacy groups ridiculed the Harper government for its "no condoms to Africa" strategy, the federal government amended the initiative into its current state; programs utilising contraception may receive funding, but programs offering abortions will not.<sup>3</sup> This new policy is similar to the global 'gag rule' policy of the Reagan and both Bush administrations that the Obama administration removed in January 2009.<sup>4</sup>

This essay evaluates Stephen Harper's emerging policy through the theoretical framework of the ethic of care. This theoretical framework is an ethics system, designed by Carol Gilligan and later expanded by other feminist theorists, that judges decisions based on the action's responsiveness to the particular needs of an individual or group in tangible ways within its political and social context.<sup>5</sup> Since this is such a new issue in Canadian politics and the policy has an apparent similarity to the global gag rule policy of the George W. Bush administration between 2002 and 2009, this essay often refers to the global gag rule to strengthen the analysis of Harper's policy.<sup>6</sup> Care ethics is used rather than a traditional rights-based ethical framework based on

abstract rights, whose atomistic ontology differs greatly from the ethic of care.<sup>7</sup> This paper addresses the concerns that the methodology of care ethics is faulty and assesses its suitability to consider political questions. The essay concludes that Harper's "signature initiative" falls short of comprehending the policy's social implications that arguably disproportionately marginalize women and perpetuate gender-based inequalities for many of the same reasons critics criticize the global gag rule.<sup>8</sup> The paper contends that if the Harper government plans to truly address maternal health and the place of women it is essential that Canadian policies address the larger societal structures that lead to the dire but everyday maternal-health situations existing worldwide.<sup>9</sup> This paper then turns to a common concern of many feminist post-colonial theorists: international aid is often neo-colonial, perpetuates patterns of dependency, and oversimplifies the cause of strife overseas.<sup>10</sup> However, others argue that globalization, which magnifies the danger of creating potentially harmful policy, is a poor excuse to ignore the highly gendered injustices women face overseas.<sup>11</sup> This essay, through the ethics of care, judges the Harper government policy as highly immoral. Despite the problematic nature of international intervention, the government should continue to work towards a better and more caring policy instead of neglecting its responsibility to care because of the increasingly connected global system of capital, people and ideas, and because clear scientific proof shows the importance of abortion and the availability of contraception.<sup>12</sup>

Traditional contractarian rights-based ethical systems are arguably not as able as care ethics approaches to analyse societal situations such as the effects of the two policies in question.<sup>13</sup> Many feminists declare that rights-based approaches excessively generalize about the human experience and are at fault for "stripping people of their socially defined identities and sending them off to be an 'Archimedean point' choosing among or between moral conceptions asks us to do the impossible – namely, to abstract ourselves from our socially defined identities to reveal

some sort of transcultural truth.”<sup>14</sup> It is arguable that no theorist has convincingly shown that his theory relies only upon “morally pure starting points” and does not include sexist or racist “ideas or intuitions that an unjust society can encourage upon its victims.”<sup>15</sup> Rights-based ethics are useful but are less focused on the actual situations individuals and groups face.<sup>16</sup> This essay does not argue that the ethic of care is unbiased; in contrast, it appreciates that it asks the reader to reflect upon one’s position in the world and reflect upon the biases that the individual has rather than deny the existence of biases as some rights-based theorists do.

The theoretical framework of the critical ethic of care focuses on the interrelations between states, societies and individuals rather than being abstract and universalizing.<sup>17</sup> It sees the importance of caring and nurturance in the political community. As Sarah Ruddick notes in *Maternal Thinking*, the morality of nurturing is often associated with females because the “practice of mothering gives rise to specific metaphysical attitudes, cognitive-capacity and conceptions of virtue.”<sup>18</sup> Perceived limitations include gender essentialism, unsound empirical evidence and inescapability from parochialism. However, Carol Gilligan asserts that the ethic of care presents an alternative way of interpreting morality rather than a feminine one and thus not meant to essentialize the women’s experience and this nurturing conception of morality is neither “biologically determined nor unique to women.”<sup>19</sup> Gilligan states that the study that informed this theory is useful due to its interpretive findings and the interesting questions that emerge from its use. To respond to the unease that the decisions evaluated using the ethic of care is too partial to evaluate important global decisions Fiona Robinson contends that the ontology of what Robinson calls the critical ethics of care allows for the shift from the impersonal nature of traditional international relations to a more personal and societal context that sees the relationalities between different components of the system and undermines the abstract and disconnected nature of rights-based ethics and is not too partial.<sup>20</sup>

At the 1984 Mexico City Conference, the Reagan government publicly decreed that it would not fund overseas abortions or contraceptives.<sup>21</sup> The Bill Clinton administration later removed this policy. The George W. Bush administration later reinstated it in an extreme form.<sup>22</sup> Under the Bush administration, abstinence education was the sole method used to address maternal health. The policy removed funding for groups that promoted contraceptives or abortion even if the funding for the abortion came from a source independent of the United States Government.<sup>23</sup> Funding for many international non-governmental organizations (IGOs) was removed and highly successful programs were terminated including over ten million dollars for the International Planned Parenthood Federation.<sup>24</sup>

The global gag rule derailed much of the work done to promote reproductive justice throughout the world and allowed for the continual subjection of women to the authority of the patriarchy since without contraception, many poor women were unable to control their bodies.<sup>25</sup> Research by the United Nations showed that global gag rule restricted options for safe and legal abortions:

In 33 of the 56 countries (59%) that receive U.S. aid, abortion is legal on grounds broader than just to save the pregnant woman's life: either to preserve the woman's health, for socioeconomic reasons, in cases of fetal impairment, or without restriction as to reason. Under the global gag rule, U.S.-funded NGOs that either provide abortions or refer or counsel on abortion in these countries where it is legal will no longer be able to do so.<sup>26</sup>

Given that the global gag rule undermined the ability of developing countries to act autonomously and for health care providers to provide reproductive health care for women; it is paternalistic and arguably neo-colonial.

In January 2009, one of the first policies removed by Barack Obama's Administration was the global gag rule; Obama removed the policy because the gag rule policy "undermined efforts to promote safe and effective voluntary family programs in foreign nations."<sup>27</sup> This administration recognized the perceived unresponsiveness of this policy to the needs of women. This decision brought the United States' stance regarding maternal health into alignment with the European Union who too had found the global gag rule to be a harmful and dogmatic policy, the United Nations whose Human Rights Committee affirms the importance of legal access to abortion and many other groups in the world.<sup>28</sup> This essay predicts that the problems and ethical concerns that resulted from the global gag policy are likely to occur through the implementation of the Canadian policy although with a lesser global impact because of Canada's level of power relative to the states. Stephen Harper's government's evolving view on maternal health is in stark contrast to most other nations who see the importance of access to contraceptive and to abortions as important parts of maternal health.

The Harper government, as stated in the essay's introduction, has created a policy similar to the global gag rule. Unlike the policy under the George W. Bush administration, abstinence-only programs are not the only way in which sexual health can be addressed.<sup>29</sup> Instead, funding may exist to support family planning initiatives, although the question has been raised that even if the possibility for these programs to be funded exists, will they actually receive funding? A possibility exists that the initiative could entirely avoid the use of contraceptives in family planning or budget little towards it. Many groups such as Christian and anti-feminist groups support this initiative, while other scientific and feminist groups do not.<sup>30</sup> This policy puts organizations that support and care for women overseas at risk such as the International Planned Parenthood Federation and will change the way in which many overseas programs that receive Canadian funding may interact with the recipients. The impacts are likely to

be very similar to the global gag rule and it seems unfortunate for Canada to imitate a policy deplored for its lack of care.

One of the most obvious concerns regarding these two policies is that it prevents organizations and staff from providing proper medical care to women and around the world and will stop programs that have been in place for years as was the case with the American policy.<sup>31</sup> Lack of funding forces different groups to stop great initiatives and consequently, gaps in the level of care provided for the obtainment of reproductive rights emerge.<sup>32</sup> The World Health Organization defines reproductive rights as:

The ability to reproduce and the ability to regulate their fertility; that women are able to go safely through pregnancy and childbirth; and that reproduction is carried to a successful outcome through infant and child survival and well-being.<sup>33</sup>

This policy prevents groups from helping women gain their reproductive rights; without funding for abortion a woman who is raped is forced to carry the burden for the rest of her life or the child may end up in an orphanage hungry and living in a meagre way. Without the ability to control the timing of their pregnancies and consequently their reproductive organs, the care work women do to take care of their children is impeded, since the resources the family has would have to stretch too far; thus abortions allow for the better care of children and allow them to have more enjoyable lives. Without access to reproductive care, other parts of a woman's life may suffer such as her access to schooling, her ability to improve her socioeconomic standing and her capacity to be a leader in the workplace or community.

The tangible access to reproductive rights does much more than allow a woman to responsibly schedule when she does and does not want to have children; the ability to do so relates to a women's capacity to improve her life in the private and social

realm.<sup>34</sup> Thus, the Harper government, by denying a woman the right to reproductive justice by revoking funding is potentially limiting the ability for her to fully enjoy her life, self-determine the use of her body, take care of her children, and contribute to society.<sup>35</sup>

The Harper government's reliance upon water, nutrition and medicine are well intentioned and do contribute to the overall reproductive health of an individual and her ability to care for children.<sup>36</sup> However, by not having a firm commitment to promotion of contraceptives in order to prevent spread of sexually transmitted diseases, especially in a time when AIDS is rampant in much of the developing world, is unethical and uncaring. This policy does not orient itself towards the purpose of empowering women to have full reproductive rights and full autonomy of their bodies and thus may solidify the subordinate social and positions women hold to men within their societies. It is an unfortunately simplistic policy that does not comprehend the different factors that necessitate the use of abortions in saving lives and allowing women to live a more fulfilled life.<sup>37</sup> This policy privileges the children's lives and the existence of the foetus over the life of women. Thus, these policies inadvertently characterize women as baby vessels rather than self-determining human beings. However, when a woman has better reproductive rights it benefits her, the existing children, and her ability to contribute to society.<sup>38</sup>

The instalment of a Canadian maternal health policy that does not fund abortions does not take in account the need of policy to address the specific needs that diverse and vulnerable groups of women face and is thus uncaring and problematic as was the case of the American global gag rule. For the American gag rule, funding was withheld from vulnerable populations such as refugees, and women who have been raped in war or whose lives are in severe danger without an abortion.<sup>39</sup> At the 2002 U.N. Children's Summit, the American policy makers went as far as to "oppose efforts to provide special rehabilitations for girls who are

victims of war crimes, which usually means rape. The U.S. justified this position by saying that measures would be construed as providing information about emergency contraception or abortion to girls who had been raped.<sup>40</sup> This cruel focus on their ideological stance rather than documented realities of women's lives is another reason the ethic of care sees the policy as highly unethical. It would be highly uncaring if the Canadian policy proceeds in the same way. In the case of the Canadian policy, reasons given for not allowing abortion are not overtly religious and some members of the Conservative cabinet minister, such as foreign minister Donald Cannon, see themselves as pro-choice.<sup>41</sup> Instead, the government refuses to openly discuss the issue at hand and simply says abortions are too costly of an option for this signature plan that is supposed to promote maternal health.<sup>42</sup> This does raise the question: to what extent can Canada take care of the world's problems and at what financial cost? But the decision to stop care-giving international organizations from accessing funds to facilitate the care of individuals such as rape-victims and those who will be physically and economically unable to care for the children, and is neglectful of those groups who have previously depended on overseas funding and leaves important health needs unmet.<sup>43</sup>

As a major interest group in Canada, and with its official capacity of meeting with the government, the right-wing group REAL Women Canada, places major pressure on the Harper Government not to promote abortion. Thus, the federal government can be seen as looking to its own self-interest by pandering to its right-wing base of voters, rather than looking to the actual needs of women when making overseas abortion policy.<sup>44</sup> REAL Women Canada, accused politicians such as Michael Ignatieff who opposes this policy because he sees it is ineffective, not driven by scientific evidence, not caring, and as attempting to use abortion as a political tool. REAL women assert that the women of the world "don't need Mr. Ignatieff's elitist and imperialistic approach taken from previous decades, to interfere with their cultural and religious

beliefs by the importation of western practices such as abortion.”<sup>45</sup> The assertion by REAL Women Canada that by making abortion part of an overseas plan is imperialistic and does not take in account the diversity of the third world’s views on abortions. REAL Women Canada’s caricature of the third world homogenizes all the developing nations and does not realize that many of them do support abortion rights for women.<sup>46</sup> It asserts that it is uncaring to provide a tool for women to use to remain self-determiners of their own life. Thus, it is not fair to say that providing funding for abortion access is imperialistic, although it hard to determine what is not. In this case, intervention would not be seen as a substantive issue to the ethic of care. Protection of women’s reproductive rights are at least in theory, promoted and agreed upon by most African countries in the African Union as outlined in the “Protocol To The African Charter On Human And Peoples' Rights On The Rights Of Women In Africa.”<sup>47</sup> Thus, imperialism and ideological imposition is not, in this case, a reason to withhold funding for abortion.

When abortion is in particular cases, the most effective way to save a women’s life and to allow her to live autonomously rather than suffer a terribly debilitating pregnancy, there is something fundamentally disturbing about this policy’s unwillingness to allow abortions to occur. However various groups such as Action Canada for Population and Development (ACPD), were pleased when the Harper government amended its policy to allow for family planning funding because “500,000 women die every year from complications of pregnancy and family planning could save one-third of those women,” but the spokesperson noted that there is still a need for the availability for abortions since contraception does not meet the needs of those who were raped, are at risk of dying or whose contraception did not work.<sup>48</sup> The Harper government’s continued denial of abortion as part of the initiative is disturbing because there were serious consequences of not including abortion as a part of gag rule.<sup>49</sup> Many women died of botched abortions, malnutrition and other by-products of the rule.

The fact that the global gag rule was harmful, and that the Harper Administration designed a similar policy shows unwillingness to care and learn from the past on their part. The unwillingness to learn from similar experiences in the past may be one of the most unethical and uncaring parts of the Harper policy. It denies many women the chance for the attainment of reproductive justice who wish to access these services in times of need and are thus forced to seek out dangerous options of abortion to gain control of their bodies.

When women do not have access to contraceptives and legal abortion the amount of abortions does not decrease, instead it increases and more women are harmed and killed.<sup>50</sup> The logical implications are that this policy increases the likelihood of unsafe abortions, which does not promote maternal health and does not promote reproductive justice and the ability for self-determination of one's life. Reproductive justice will not exist for impoverished women who depend on aid and have depended on initiatives from the Canadian government to maintain level of bodily freedom once the new policy initiatives take place.

This essay considers the idea that Stephen Harper's policy, just like the American equivalent, sees foreign aid as a political tool and that its primary objective is not truly to look after the needs of the individuals who the policy will affect. This was explicitly recognized Dr. Khama Rogo, former president of the Kenya Obstetrical and Gynaecological Society in Kenya who said of the American gag rule:

Many people in your country see abortion as a political tool, but in my part of the world, abortion is an issue of life and death. We have to see it in the context of the women who is living out there in a rural part of Africa who has very little information on how to prevent a pregnancy, who has even less access to contraception, but has a twelfth or thirteenth

pregnancy. She haemorrhaged after the last delivery and barely survived.<sup>51</sup>

Preventing care giving organizations from delivering proper care prevents the process of nurturing and promoting real health from occurring and is fundamentally an unethical prospect according to the ethic of care. Gita Sen articulates that implications of development initiatives are not a “secondary or academic matter, but at the heart of human survival.”<sup>52</sup> Thus, the ethic of care sees the reliance upon ideology, as was the case in the United States gag rule, as dogmatic and uncaring.<sup>53</sup> The majority of the Conservative Party Members of Parliament are anti-choice and this ideological allegiance is an indication that this policy is likely one that was highly motivated by personal opinions, rather than by actual engagement with the realities women face abroad.<sup>54</sup> This reluctance to move away from one’s ideological beliefs and engage with the dire situations many women face and the scientific proof that shows the importance of the availability of abortions for the proper obtainment of reproductive justice is callous and again adds to the unethical nature of this emerging policy. The Harper government is unwilling to engage in critical discussion surrounding this issue as shown by Minister Bev Oda’s statement in the Canadian House of Commons: “And as we have been saying all along, we are not opening the abortion debate.”<sup>55</sup> Thus, by not allowing for a debate to take place the Conservative Party has ended the debate on their terms and has ignored alternative points of view that could potentially weaken support for the Harper government and this initiative.

Although the Canadian policy allows for the funding of contraceptives and plans to increase access to clean water and food and other life necessities, the solution if not also addressing the global structural inequalities that Canada contributes to, oversimplifies the solution to poor maternal health. This points to the fact that the Harper government looks at the issue of maternal health simplistically. Thus the government is likely not showing

enough reflection upon the societal and economic forces that have led to the poor health of women. It seems faulty and morally bankrupt to see contraception and some provisions as the magical solution to help women. The mandate of this initiative, will arguably not allow for long-term self-sufficiency of the women, and instead perpetuate subsistence level living while maintaining their entrenchment within a state of economic and political dependence, which is common of many overseas programs.<sup>56</sup> Instead, a morally sound program according to the ethics of care would be the continual reflection of the Canadian government to see how its economic and social practices contribute to the continued domination of women overseas and contribute to poor maternal health, and subsequently, the revision of Canadian policy to address systematic global inequalities. Thus, not even the addition of abortion to allow for the potential for full reproductive health would be fully caring if Canada did not address its internal structures that marginalize women worldwide.

As stated in the last paragraph, the ability to properly care in the context of our highly connected world is important. This essay argues that geographical distance does not relieve a country from helping another. Joan Tronto provocatively states that:

To say we will care for a stranger at our door but not for starving children in Africa is to ignore the ways in which the modern world is intertwined and the ways in which hundreds of prior public and private decisions affect where we find ourselves and which strangers show up at our doors.<sup>57</sup>

Fiona Robinson's critical ethic of care finds that moral boundaries cannot be premised on how far we decide to extend our caring, especially due to the highly modernized society in which we exist. To the critical ethic of care, it is not ethical for western societies and feminists not to use its wealth to create initiatives to help with maternal health. However, as previously stated initiatives must

comprehend their implications on the tangible realities of the recipients who receive funding and how it affects the recipient within the overall structure of her society. The Harper government must engage in thoughtful and deep discussion in order to create a more suitable, caring and ethical initiative that moves past the deep flaws within the current one in order to avoid the grave and serious ethical ramifications of the American global gag rule.

This essay now addresses the difficult tension that exists between acting ethically within the framework of ethical care in a global context and that despite how well intended the initiative may be, it can end up as paternal and neo-colonial. Feminists such as Alison Jaggar see that much of what western feminists and policymakers do is export their ideology to third world countries and view women of the non-western world as agentless and backwards and thus essentialize and homogenize the third world, leading them to approaching overseas policy in a callous fashion.<sup>58</sup> It is important that the Harper government critically examines how diverse the desires of women overseas are and that they operate in partnership with these women and informed local group and IGOs and allow for directives to originate from them.<sup>59</sup> Even if a policy was seen as able to effectively create a plan to promote reproductive rights needs of women within a society it is hard to understand the needs of those who do not interact with you directly or share a common culture. It is much easier to other and homogenise groups abroad and to create a very generalized and paternalistic policy that does not properly account for the cultural specificities of a group. However, Martha Nussbaum argues that feminists and policy makers cannot become moral relativists and thus decide that no interaction or discussion can be made over foreign policy regarding reproductive rights. Gender-based inequalities do exist and it is naive to take a post-colonial feminist stance that is entirely against essentialism because of the everyday realities that these women face.<sup>60</sup> Canadian politicians and policy makers cannot accurately speak for the diverse groups of women in the third world, but they can take information, such as the statistics

of needless deaths of tens of thousands of women from unsafe abortions and actively use their judgement and scientific fact to create policy in agreement with scientific facts rather than policy based on uninformed opinion and dogma. By doing this, politicians could avoid some of the ethical pitfalls that exist in the Harper government initiative and the American global gag rule.<sup>61</sup>

The issue of greatest contention within discussion around the ethic of care is the inability to predict the effects of any given policy. It is hard to know if one can act ethically, especially when creating policy in partnership, though the reality is that in partnerships between the first and third world, the first world is the almost always the one to decide upon the direction of the policy. It is hard to act but sometimes there are moral imperatives that necessitate action. In times like these, the policy makers must take into account the ethic of care. Contrary to the Harper government policy, an ethical policy must learn from similar policies that caused substantial harm, such as the global gag rule, work hard to transcend ideological boundaries, engage with scientific facts rather than succumbing to pressure groups, and comprehend the complex nature of overseas' development policy.

In culmination, this essay makes the case that, because of the omissions in the Harper government policies and the likely effects that the policy will have on women it has a global responsibility to, the initiative is not ethically sound. The essay's analysis employs inductive reasoning in structuring the argument and draws a correlation between the American global gag rule and the recently emerging policy of the Canadian Conservative government. Due to the freshness of the policy and its ever-changing dimensions, the empirical facts herein may soon be erroneous. However, what is significant about the use of the ethic of care are the questions raised by this policy about the ability of the Harper government to focus on the actual lives affected by the policy rather than his party's political ideology and the fine and fuzzy line that exists

between properly caring overseas and care that becomes paternal and neo-colonialist.

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## Notes

- <sup>1</sup> Shawn McCarthy “Cannon Backs Maternal Health Initiative,” *Globe and Mail* 04 Apr. 2010, Accessed on 04 Apr. 2010 <<http://www.theglobeandmail.com/news/national/cannon-backs-maternal-health-initiative/article1522685/>>.
- <sup>2</sup> Juliet O’Neill and David Akin. “Cannon Backs Maternal Health Initiative,” *Times Colonist*. 31 Mar. 2010. Accessed on 02 Apr. 2010 <<http://www.timescolonist.com/news/Canada+step+maternal+health+Ignatieff/2749036/story.html/>>.
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- <sup>4</sup> Rob Stein and Michael Shear. “Funding Restored to Groups That Perform Abortions, Other Care,” *The Washington Post* 18 Mar. 2010. Accessed on 30 Mar. 2010 <<http://www.washingtonpost.com/wp-dyn/content/article/2009/01/23/AR20090123028114.html>>.
- <sup>5</sup> Robinson, 40.
- <sup>6</sup> Feldt, 208.
- <sup>7</sup> Joan Tronto, “An Ethic of Care,” Ann E. Cudd and Robin O. Andreason eds. *Feminist Theory: A Philosophical Anthology*, 250.
- <sup>8</sup> Susheela Singh et al., *Adding It Up: The Costs and Benefits of Investing in Family Planning and Maternal and Newborn Health*, New York: Guttmacher Institute and United Nations Population, Fund, 2009.
- <sup>9</sup> Alison M. Jaggar, “Global Responsibility and Western Feminism,” Barbara S. Andrew, Joan Keller, and Lisa H. Schwartzman eds. *Feminist Interventions in Ethics and Politics: Feminist Theory and Social Theory*, Oxford, Rowman and Littlefield Publishers, 2005, 191. Later in the essay I address the difficulty of being ethical in global system.
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- <sup>11</sup> Anthony Giddens, *The Consequences of Modernity*, Cambridge: Polity Press, 1990, 18.
- <sup>12</sup> In reference to interrelated world see Natalie Brender, “Political Care and Humanitarian Response,” Rebecca Whishnaut and Peggy Desautels eds. *Global Feminist Ethics: Feminist Ethics and Social Theory*. Maryland: Rowman and Little Publishers, 2001, 214. In reference to moral relativism, Martha C. Nussbaum, “Women and Cultural Universals,” Ann E. Cudd and

- Robin O. Andreasen eds., *Feminist Theory: A Philosophical Anthology*. Oxford, Blackwell Publishing, 2005, 303. In reference to scientific proof see Susheela Singh et. al., *Adding It Up: The Costs and Benefits of Investing in Family Planning and Maternal and Newborn Health*, New York: Guttmacher Institute and United Nations Population, Fund, 2009.
- <sup>13</sup> Joan Hampton, "Feminist Contractarianism," Ann E. Cudd and Robin O. Andreasen eds. *Feminist Theory: A Philosophical Anthology*, Oxford: Blackwell Publishing, 2005.
- <sup>14</sup> Hampton, 287.
- <sup>15</sup> Hampton, 287.
- <sup>16</sup> Fiona Robinson, *Globalizing Care: Ethics, Feminist Theory and International Relations*, Oxford: Westview Press, 1999, 24.
- <sup>17</sup> Hampton, 288.
- <sup>18</sup> Sara Ruddick, *Maternal Thinking : Toward a Politics of Peace*, Boston: Beacon Press, 1995, 123.
- <sup>19</sup> Robinson, 22.
- <sup>20</sup> Robinson, 35-39.
- In Reference to the focus of the ontology of the ethic of care see Geoffrey Hawthorn, *Plausible Worlds: Possibility and Understanding in History and the Social Sciences*, Cambridge: Cambridge University Press, 1992, 182.
- <sup>21</sup> Feldt, 202.
- <sup>22</sup> Ibid, 212.
- <sup>23</sup> Ibid, 214.
- <sup>24</sup> Ibid, 214.
- <sup>25</sup> Reichenbach and Roseman, 15.
- <sup>26</sup> Guttmacher Institute, "The Bush Global Gag Rule: a Violation of Human Rights," Centre for Reproductive Rights, Accessed online on April 5, 2010 [www.reproductiverights.org](http://www.reproductiverights.org)
- <sup>27</sup> <http://www.washingtonpost.com/wp-dyn/content/article/2009/01/23/AR2009012302814.html>
- <sup>28</sup> Regarding the E.U. refer to Joan Kaufman, "Measuring Reproductive Health: From Contraceptive Prevalence to Human Development Indicators," Mindy Jane Roseman and Laura Reichenbach eds., *Reproductive Health and Rights: A Way Forward*, Pennsylvania, Pennsylvania University Press, 2009, 74. Regarding the U.N. refer to Marge Berer, "The Cairo 'Compromise' on Abortion and its Consequences," 161. This article is from *Reproductive Health and Rights: A Way Forward*.
- <sup>29</sup> O'Neill, "Harper approves 'condoms for Africa' but shelves abortion debate."
- <sup>30</sup> *Ibid*.
- <sup>31</sup> Mindy Jane Roseman and Laura Reichenbach, "Global Health and Reproductive Rights: Reflecting on the ICPD," *Reproductive Health and*

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*Rights: A Way Forward*, Pennsylvania, Pennsylvania University Press, 2009, 13.

<sup>32</sup> Roseman and Reichenbach, 19.

<sup>33</sup> Roseman and Reichenbach, 8.

<sup>34</sup> Roseman and Reichenbach, 18.

<sup>35</sup> I understand that this seems patriarchal but it is true, having abortions available allows family size stay to small and allows for families to better care for children.

<sup>36</sup> O'Neill, "Harper approves 'condoms for Africa' but shelves abortion debate."

<sup>37</sup> Feldt, 211.

<sup>38</sup> Rosemary and Reichenbach, 18.

<sup>39</sup> Feldt, 203.

<sup>40</sup> *Ibid*, 219.

<sup>41</sup> McCarthy, "Cannon Backs Maternal Health Initiative."

<sup>42</sup> Juliet O'Neill, "Harper approves 'condoms for Africa' but shelves abortion debate."

<sup>43</sup> Feldt, 200.

<sup>44</sup> Jacquetta A. Newman, and Linda A. White. *Women, Politics, and Public Policy : The Political Struggles of Canadian Women*, Toronto: Oxford University Press, 2006, 142.

<sup>45</sup> REAL Women Canada, "Liberals Reject Motherhood," Media Briefs, 2010, accessed on April 2, 2010 from

<http://www.realwomenca.com/page/mediareleases.html>

<sup>46</sup> Guttemacher Institute, "The Bush Global Gag Rule: a Violation of Human Rights."

<sup>47</sup> African Union, "Protocol To The African Charter On Human And Peoples' Rights On The Rights Of Women In Africa" African Commission on People and Human Rights. 2010, 6 Apr, 2010, <[http://www.achpr.org/english/\\_info/women\\_en.html](http://www.achpr.org/english/_info/women_en.html)>.

<sup>48</sup> Anna Portela, "Canada's Foreign Aid Plan Won't Include Birth Control," EmpowHer. 08 Apr. 2010, Accessed on 08 Apr. 2010 <<http://www.empowher.com/news/herarticle/2010/04/08/canadas-foreign-aid-plan-wont-include-birth-control?page=0,1>>.

<sup>49</sup> Feldt, 205.

<sup>50</sup> Feldt, 205.

<sup>51</sup> Feldt, 210.

<sup>52</sup> Sen, Gita. "Ethics in Third World Development: A Feminist Perspective," Eve Browning Cole and Susan Coultrap McQuin eds. *Explorations in Feminist Ethics: Theory and Practice*, Indiana: Indiana University Press, 1992.

<sup>53</sup> Feldt, "Exporting Extremism"

<sup>54</sup> Abortion Rights Coalition of Canada, "Position Paper #50: Abortion and the Conservative Party (Tories) Vancouver, BC. August 2007.

<sup>55</sup>O'Neill, "Harper approves 'condoms for Africa' but shelves abortion debate."

<sup>56</sup>Brender, 214.

<sup>57</sup>Joan Tronto, "Women and Caring: What Can Feminists Learn about Morality from Caring?", Virginia Held and Alison Jaggard, eds., *Justice and Caring*, Boulder: Westview Press, 1995, 111-112.

<sup>58</sup>Jaggard, 186.

<sup>59</sup>Uma Narayan, "The Project of Feminist Epistemology: Perspectives from a Nonwestern Feminist," Carole R. McCann and Seung-Kyung Kim eds., *Feminist Theory Reader: Local and Global Perspectives*, London: Routledge Press, 2003. 313.

<sup>60</sup>Jaggard, 186.

<sup>61</sup>Jaggard, 191.

## **Practising Futility**

### *Interrogating and Criticizing the Rationales of International Politico-Economic Exclusion and the Case of US Sanctions against Burma*

Timothy Vasko

On 20 May, 1997, United States President Bill Clinton signed Executive Order 13047, thereby beginning a (still-ongoing) thirteen year prohibition on any “... new investment in Burma by United States persons... any approval or other facilitation by a United States person, wherever located, of a transaction by a foreign person where the transaction would constitute new investment in Burma prohibited by this order if engaged in by a United States person or within the United States; and... any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order.”<sup>1</sup> Between 1997 and July 29, 2008, these prohibitions were extended to include: a ban on the import of products into the U.S. that had originated in the Southeast Asian state, including textiles and precious stones such as jadeite and rubies (additionally, any financial assistance provided to Burma<sup>2</sup> by international financial institutions was banned in the United States); the freezing of the assets any individuals authoritatively deemed by the United States Treasury Department to be “...responsible for human rights abuses as well as public corruption, and those who provide material and financial backing to these individuals or to the government of Burma;” and finally, the freezing of assets in the United States held by the Myanmar Pearl Enterprise, Myanmar Gem Enterprise, and Myanmar Timber Enterprise (this also included a ban on any business dealings between these corporations and U.S.-based firms).<sup>3</sup>

Ostensibly, these measures were enacted by the United States government as a means of nonviolent coercion that would, supposedly, cause either a change in the behaviour of Than Shwe's junta or a change in the regime itself.<sup>4</sup> Indeed, the official rhetoric of the U.S. government has effectively followed Clinton's executive order, which stated: "... the Government of Burma has committed large-scale repression of the democratic opposition in Burma after September 30, 1996, [I] further determine that the actions and policies of the Government of Burma constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declare a national emergency to deal with that threat."<sup>5</sup> What is troubling about this rationality<sup>6</sup> is not necessarily the aim of improving the plight of "human rights" within Burma by the United States,<sup>7</sup> but rather, the idea that the exclusion of a particular state from participation in an international political economic order is an effective means of coercing and thus disciplining that state and its government's behaviour.

In choosing the case of Burma as a demonstrative case study, what I ultimately hope to convey is that this case speaks to larger rationales espousing sanctions regimes as effective and almost-benevolent political interventions and means of coercion between states in an international political economy.<sup>8</sup> I believe that this case is an important one, and in fact has the potential to speak to further instances of U.S.-imposed sanctions regimes against other nation states because, as Sue Eckert notes, "Since September 11, 2001, the use of financial instruments to combat international security threats increased dramatically, with a series of new executive orders (EOs) and legal restrictions."<sup>9</sup> I also aim to provoke - through the discussion that I will unpack in greater detail below - a reconsideration of the parsimony that the liberal rationality of sanctions assumes as one that is in fact overly simplistic and ignorant of a multitude of other factors that help to establish the strength and dominance of violent and repressive regimes such as Burma's junta.

I believe that such a parsimonious rationality fails to understand and thus address the complex processes, structures, and historical negotiations that have led to the strength and continued rule of a government such as that seen in Burma, and as such, we must interrogate and deconstruct the political interventions embodied in sanctions regimes against such a government so as to “decenter” economic rationalities as technologies of discipline and governance in any kind of international politico-economic order and reconceptualize the limits and failures of coercion, of any kind, between states. What I argue in this paper is that, in the specific case of Burma, the strength of the junta has not historically been extensively rooted in its economic relations with any actors or economic behaviours in the United States economy; rather, the regime’s power emanates from a multitude of various economic and political structures that are rooted in the *Tatmadaw*’s<sup>10</sup> continued struggles with separatist ethnic groups such as the Karen and insurgent groups such as the American-sponsored Chinese Kuomintang (KMT) militia that occupied the northernmost regions of Burma along Chinese border after that country’s civil war ended in favor of Mao’s communist party.<sup>11</sup> I will demonstrate how these conflicts, and not extensive economic dealings with the United States, have evolved to serve as the economic foundation of the junta’s power. In doing so, I will illustrate the futility of the basic goal-oriented rationality of the United States’ sanctions regimes against Burma, which effectively aim “... to express disapproval of the regime’s objectionable behavior, giving moral support to the democratic opposition (sanctions as a symbolic expression); and to force the regime, through negative reinforcements, to change that behavior (sanctions as behavior modification).”<sup>12</sup>

## The Burmese Case

Burma’s long and tumultuous history as an autonomous, modern nation-state began in the aftermath of the Asian front of World War II, in 1948. The Japanese release of the Southeast Asian territory with the remnants of an all-but-defunct British

colonial administration, allowed a highly heterogeneous front of nationalist movement activists, led by General Aung San to seize control of the country and establish a new, democratic government "... [whose] sovereignty resided 'in the people.'" <sup>13</sup> Despite showing "promise" to outside observers as a burgeoning example of postcolonial democracy, the early government's political infrastructures and credibility began to crumble in the face of a growing number of internal conflicts and fissures, student protests against government corruption, ethnic insurgencies, and a U.S.-backed pocket of Chinese Kuomintang rebels launching attacks on communist China from the Burmese side of the border region. Despite the fact that the military was initially deployed at the behest of the civilian government, the decision to allow the military greater freedom in the capacity as a "state-building" organization ultimately allowed the *Tatmadaw* to entrench itself as and evolve into a powerful political structure independent of the civilian government on its own. <sup>14</sup> These compounding issues culminated in the establishment of what became known as a "military caretaker period," wherein then-Prime Minister U Nu ceded the power of the civilian government to General Ne Win and his *Tatmadaw* from 1958 until 1962, a period that "... provided soldiers the opportunity to assess their capacities against those of a bungling civil administration, and discussions of parliamentary rule's failures circulated within the *Tatmadaw*... By early 1962, frustrated soldiers... perceived that civilian rule.. [did not have] the capacity for efficient, unified policy making... Soldiers probably also knew that the *Tatmadaw* was unrivaled in its institutional reach and capacity." <sup>15</sup>

Thus, what was ultimately internalized by Ne Win and his junta as the rationale for their continued rule after the 1962 coup was not only a powerful structural base throughout the country that allowed to *Tatmadaw* to become a state-building institution whose functions exceeded those of its original, purely militaristic role, but also a deep-seated perception of civilian rule as weak, corrupt, inefficient, and ultimately detrimental to the project of building the

still young nation-state Burma. Herein we can locate the rationality and capacities of the *Tatmadaw's* coup that "... suspended the 1947 constitution, established the Leninist-style Burmese Socialist Program Party (BSPP), and outlawed all other political parties."<sup>16</sup> It is important that we understand that the BSPP was, from its inception, an organization that both valued the strength of its capacities to build and violently repress communities when the *Tatmadaw* deemed such actions appropriate, such that they could be brought into a larger "Burmese" collective imagined as a homogenous nation-state, and also possessed a virulent opposition to the concept of civilian-led governance as it threatened the military's belief in the necessity for unity, stability and efficiency to build a strong nation-state. In other words, "... the outbreak of multiple insurgencies immediately after independence made the civilian government dependent on the army, which came to enjoy considerable autonomy during the 1950s as it took charge of important state building tasks, especially in remote areas of the country. These experiences, coupled with the perceived success of the caretaker government... from 1958 to 1960, set the stage for the 1962 military coup and subsequent attempts to resurrect central state control that continue to this day. Current military ideologists describe the military as the 'father and the mother' of the Burmese people - or in a more political formulation, 'a neutral institution, a sort of UN organisation in its own country.' The military, in other words, is perceived to be "above" popular organizations, including political parties; it is viewed as the overseer and final arbiter of political life, bound by duty to guide the people and regulate their behavior."<sup>17</sup>

Such is the identity that the BSPP (later reconsolidated as the State Law and Order Restoration Council [SLORC] after the political tumult of 1987, which was again renamed the State Peace and Development Council [SPDC] under its new chairman, Than Shwe), has internalized and espoused essentially since 1962. The SPDC's three primary priorities of "... the non-disintegration of the union, the non-disintegration of national solidarity, and the

perpetuation of national sovereignty,”<sup>18</sup> influence the continuation of their repressive policies. However, as has already been mentioned, the sheer materialistic and structural entrenchment of the BSPP/SPDC/*Tatmadaw* as the sole providers of virtually all security, health, economic, educational and transportation services and infrastructures within the country, have allowed the junta to consolidate its strong grip on power throughout the country, even in the notorious “periphery” of the Burmese territory, as “... decades of counterinsurgency operations have resulted in the extensive militarization of Burma’s border regions.”<sup>19</sup> This entrenchment has especially affected the junta’s role in and relationship with Burma’s domestic economy. Most notably, it has allowed it to take an “entrepreneurial turn” away from state-controlled socialist projects toward “... the rapid conversion of previously contested spaces into commodified ones where large-scale resource extraction could openly take place. Although the precise details of the agreements the regime separately negotiated with twenty-two armed groups between 1989 and 1997 have never been made public, it is clear the number of joint ventures extracting gems, precious metals, minerals, tropical hardwoods, and other valuable resources dramatically increased in each of the former conflict zones immediately after a cease-fire was declared. Significantly, most of these joint ventures were not formally registered companies; rather, they were ad hoc entities that opportunistically linked military and commercial interests together in a particular place, though rarely on equal terms. Typically, these entities partnered members of different *Tatmadaw* field battalions, cease-fire groups, state-owned enterprises, and local entrepreneurs, especially those with access to foreign capital via transnational networks.”<sup>20</sup>

It is at this juncture, understanding as we do the manner in which the SPDC has come to cultivate its own identity as well as its structural position in governing Burma, that we begin to see clearly the inherent weaknesses of any kind of rationale for sanctions regimes against the junta imposed by the United States.

While the ban on importing Burmese products; exporting or importing financial holdings between Burma and the U.S; in addition to the freezing of the assets any individuals authoritatively deemed by the United States Treasury Department to be “...responsible for human rights abuses as well as public corruption, and those who provide material and financial backing to these individuals or to the government of Burma,” as well as those held in the U.S. by the Myanmar Pearl Enterprise, Myanmar Gem Enterprise, and Myanmar Timber Enterprise; and finally, the prohibition of any business dealings between American and Burmese corporations,<sup>21</sup> may indeed have put an additional squeeze on a government that, despite its great natural wealth, often finds itself strapped for cash, these sanctions have failed (and continue to do so) at their primary objective of altering the SPDC’s behaviour. Not only do these sanctions demand that the junta adjust its behaviour such that its primary goals are subordinated to norms preferred by the United States (a move many might see as something that directly violates Burma’s desire for “continued sovereignty”), but they also “... have ironically strengthened the regime’s civil and military branches by forcing them to diversify their business interests and to develop new ones more quickly than might have occurred otherwise.”<sup>22</sup>

In other words, exclusion from an international politico-economic relationship with the world’s largest economy, the United States, has only strengthened the very government that the American sanctions have sought to weaken. This is because the rationale behind such regimes fails to address the historically contingent negotiations that have led to the ideological and structural conditions that are the primary driving forces behind the SPDC’s behaviour. Moreover, active exclusion from any kind of economic relationship with the United States has simply required the SPDC and the *Tatmadaw* to broker deals (both internally and externally) that have lessened their need for any kind of trading relationship with the United States. Indeed, despite the United States’ firm call for sanctions against Burma by all nations, the

junta has found willing partners in governments and corporations from China, Japan, India, Australia, Bangladesh, Thailand and Malaysia.<sup>23</sup> In short, not only have the United States' sanctions regimes failed to address any of the issues that are at the foundation of the junta's continued rule, they have also failed to alter its behaviour and instead created a negative space in the international politico-economic order that Burma has actively occupied (with the help of a multitude of internal and external partnerships) that grants the SPDC the autonomy to govern as they see fit without excessive fear of international repercussions. I will now unpack the larger implications of these regimes' failures, and close this essay with a reiteration of what is at stake when considering a case such as that of Burma.

### **Interrogating the Rationale of Sanctions and Why their Failure Matters**

“Aimed at denying targets access to the international financial system, financial measures include requirements for banks to freeze funds, block accounts of designated actors and deny them access to the U.S. financial markets, as well as applying more subtle pressure on the private sector to forego business with these actors. Because the cost of military action has substantially increased in both real and political terms, such nonmilitary measures have become increasingly attractive and, in fact, the policy instrument of choice.”<sup>24</sup> While this statement may seem at first glance redundant, it is important that we understand precisely *how* sanctions as a general technology of political intervention in the international politico-economic realm are designed to function. If Eckert's assertion is to be accepted (and there does not seem to be any compelling reason as to why it should not), sanctions are ostensibly a technology that can be employed by any nation-state in attempts to influence the behaviour of another by denying specific kinds of officially or legally permitted economic interaction between those two states. This may seem a simple enough logic to follow, however, we should necessarily be

prompted to question whether or not the parsimony of such a logic over-privileges economic considerations such as finance, trade, property, and thus fails to address alternative motivations behind state and government behaviours.

As we have seen in the Burmese case, U.S.-imposed sanctions regimes did indeed over-privilege economic considerations and failed to address a multitude of other motivations and foundations of the SPDC's behaviour and continued, unchecked rule. As such, after thirteen years of ever-strengthening political interventions into an international politico-economic realm by the U.S. against Burma, the junta has not, contrary to the United States' desires, collapsed or even attempted to alter its actions or policies. Instead, it has located and actively occupied an alternative space of international politico-economic interaction with governments and corporations from China, Japan, India, Australia, Bangladesh, Thailand and Malaysia.<sup>25</sup>

Some might be compelled to argue that the rationale behind sanctions regimes is not one that seeks to address any historically, culturally, or socially specific problems, but rather, seeks to alter the behaviour of a state's leaders by directly targeting their "pockets," so to speak. However, there remains a fundamental flaw in this contention: that is, the rationale of sanctions regimes is one that actively ignores any further considerations beyond the boundaries of what might be called "the economic." This is a rationale that - as I have argued in this paper -demonstrates in and of itself one of the most fundamental flaws in the rationale behind sanctions regimes to which this paper attempts to draw greater attention and thus critique. Despite arguments such as Gottemoeller's that

... one reason sanctions became so popular in [the 1990's] was their perceived success in bringing about the end of apartheid in South Africa. Pretoria faced comprehensive sanctions extending from a 1977 arms

embargo to restrictions on trade in oil and a wide range of other products as well as, in 1986, financial sanctions. When apartheid came to an end in the early 1990s, sanctions were hailed as an important contributor, but not the only factor. Many observers noted how sanctions would not have worked unless there had been a determined black liberation struggle...<sup>26</sup>

there remains a large collection of instances where comprehensive sanctions regimes imposed on nations by the United States have failed to produce virtually any of their desired results; nations such as Sudan, Iran, and North Korea in addition to this essay's focus, Burma, readily come to mind.

Pro-sanctions scholars, such as Rose Gottemoeller, who assert that “[s]anctions have long been an important stage between the ‘talking therapy’ of diplomacy and the use of military force,”<sup>27</sup> seem to suggest that sanctions as an economic technology of discipline between states should be viewed as a kind of means of violence-without-violence; that is, all of the effectiveness of targeting another state's population without all the messiness of actual military conflict, by privileging economic non-participation over traditional modes of state-legitimized acts of violence. Similar sentiments can be found in the work of Sue Eckert, and indeed the notion that sanctions are almost-benevolent means of resolving international disputes is seemingly widespread. However, what is at issue is not that sanctions are a means of avoiding military conflict, but rather, that economic rationalities are often overprivileged in discourses about the nature of state and government functionality. As Walters says, “... some sort of critical engagement with discourses of the economic is overdue...”<sup>28</sup> and I believe that the discursive rationalities embedded in sanctions regimes (of any kind, to some extent) pose an interesting case in an interrogation of the boundaries of liberal economic rationales and norms. I further believe that the Burmese case, as it has been

presented above, provides a number of examples that rupture the parsimony of the economic rationale that underlies the support for U.S.-imposed sanctions regimes against states that actively pursue policies which are in direct opposition to the ideals of “democracy” and “human rights” (as they are called in Executive Order 13047) that the United States ostensibly seeks to “promote” and “achieve” worldwide.<sup>29</sup>

Ultimately, it is not within the scope, capacity, intent or desire of this paper to prescribe or suggest any kind of alternatives for the bureaucratic, coalitionist, or militaristic forms of Anglo-American norms that are caught up in narratives about what “must be done *for*” Burma, or “what Burma *must do for itself*.”<sup>30</sup> Instead, the aim of this paper has been to *problematize* the economic rationality driving U.S. sanctions regimes against Burma. Before we can address any questions about governing behaviours *either* between or within states, we should attempt to address the material and ideational rationalities that drive these behaviours - be they those of a militarist police state or those of a hyper-neoliberal international hegemon. We must attempt to ask, as Walters does,

... what are the specific mentalities, philosophies and other intellectual machineries that have conditioned the way that the real comes to be posed as a problem for political authorities? What are the technical knowledges and expertises, and the social technologies in terms of which the real can be made an object of calculation and manipulation? What are the programmes and strategies, the social and political alliances which serve as the context for attempts to govern the real?<sup>31</sup>

Finally, I believe it is imperative for us to ask: Who are these authorities? How have they come to operate such as they do? From where do they exercise their power and through what political

interventions? I believe the case of Burma, as it has been presented above, assists in demonstrating the answers to some of these questions, as I believe that it helps us to deconstruct some of the more harmful and exclusive arguments offered up by mainstream scholarship.<sup>32</sup>

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## Notes

- <sup>1</sup> White House, "Executive Order 13047 of May 20, 1997: Prohibiting New Investment in Burma," May 20, 1997.  
<<http://www.burmalibrary.org/reg.burma/archives/199711/msg00025.html>>
- <sup>2</sup> I should note that, though I am aware of the many complex political issues caught up in choosing a name with which one will refer to Burma/Myanmar, my choice to reference the country as 'Burma' comes simply from the evident privileging of that word in scholarship and policy addressing and analyzing the country, not from any particular personal political positions on the matter.
- <sup>3</sup> Larry A. Nicksch and Martin A. Weiss, "Burma: Economic Sanctions," *CRS Report for Congress*, August 27, 2008.
- <sup>4</sup> Donald M. Seekins, "Burma and U.S. Sanctions: Punishing an Authoritarian Regime." *Asian Survey* 45 (2005).
- <sup>5</sup> White House, "Executive Order 13047 of May 20, 1997: Prohibiting New Investment in Burma," May 20, 1997.  
<<http://www.burmalibrary.org/reg.burma/archives/199711/msg00025.html>>
- <sup>6</sup> Here I am speaking of a rationality that involves an active exclusion of one state from participation in an international politico-economic order by that order's largest economy, with the ultimate aim of disciplining the government of the excluded state to such a point that it alters its behaviour to accord more appropriately with the norms and values espoused by the excluding state.
- <sup>7</sup> It should be noted that I in no way am supporting or validating either the United States government's decision to impose sanctions on Burma, nor am I supporting the idea of fundamental, inalienable human rights, which are of course a relic of a particular mode of Western liberal thought from a specific point in time. I cannot emphasize enough, however, that my demonstration of the hypocrisy inherent in the United States' supposed "support" of the normative legal order established by the *Universal Declaration on Human Rights* whilst implementing destructive sanctions regimes that indeed violate a number of these rights should in no way be read as my own belief in, affirmation of, or appeal to the ideas put forth by the *Declaration* itself. Indeed, following Foucault, Derrida, Deleuze, and

others, I profoundly and fundamentally reject any such document, institution, or governance structure that imagines and constructs bodies as objects of knowledge such that they can be invested with a certain kind of knowledge so as to open them up to exercises of certain modes of repressive disciplinary power. Indeed, this is a position taken by Wendy Brown in regard to domestic American political struggles that seek to socially enfranchise traditionally disenfranchised groups with recourse in and appeals to the very juridico-political normative order whose structural function and behaviour is one of the fundamental causes and sources of social disenfranchisement in the first place. As Brown notes, to appeal to the law is to once again confirm and authorize the legitimacy of the very law that is a fundamental part of the problem of social abjection; this is something I in no way wish to do with regard to the *Declaration* on and normative legal order of so-called "human rights." See: Wendy Brown, *States of Injury: Power and Freedom in Late Modernity*, (Princeton, NJ: Princeton UP); Gilles Deleuze and Félix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, (New York: Penguin, 1977); Jacques Derrida, *Rogues: Two Essays on Reason*, (Stanford: Stanford UP, 2004). Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1977); UN, *Universal Declaration of Human Rights*, 10 December 1948. However, it is not the intention or place of this particular essay to discuss philosophical questions such as these, and accordingly, no more will be noted on the matter.

<sup>8</sup> See: Rose Gottemoeller, "The Evolution of Sanctions in Practice and Theory," *Survival* 49 (2007); William Walters, "Decentering the Economy," *Economy and Society* 28 (1999).

<sup>9</sup> Sue E. Eckert, "The Use of Financial Measures to Promote Security," *Journal of International Affairs* 62, (Fall/Winter 2008), 104.

<sup>10</sup> The *Tatmadaw* is the nomenclature commonly used to refer to the Burmese military apparatus.

<sup>11</sup> Ken Maclean, "Sovereignty in Burma after the Entrepreneurial Turn: Mosaics of Control, Commodified Spaces, and Regulated Violence in Contemporary Burma," *Taking Southeast Asia to Market: Commodities, Nature and People in the Neoliberal Age*, ed. Joseph Nevins and Nancy Lee Peluso, (Ithaca: Cornell UP, 2008).

<sup>12</sup> Donald M. Seekins, "Burma and U.S. Sanctions: Punishing an Authoritarian Regime." *Asian Survey* 45 (2005), 440.

<sup>13</sup> Mary P. Callahan "Burma: Soldiers as State Builders," *Coercion and Governance: The Declining Role of the Military in Asia*, (Stanford: Stanford UP, 2001) 414.

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

- <sup>15</sup> Vince Boudreau, *Resisting Dictatorship: Repression and Protest in Southeast Asia*, (New York: Cambridge UP, 2004), 49.
- <sup>16</sup> Callahan, *Coercion and Governance: The Declining Role of the Military in Asia*, 422.
- <sup>17</sup> Morten B. Pedersen, *Promoting Human Rights in Burma: A Critique of Western Sanctions Policy*, (New York: Rowman & Littlefield, Inc., 2007), 97.
- <sup>18</sup> Curtis W. Lambrecht, "Oxymoronic Development: The Military as Benefactor in the Border Regions of Burma," *Civilizing the Margins: Southeast Asian Government Policies for the Development of Minorities*, ed. Christopher R. Duncan (Ithaca: Cornell UP, 2006) 153.
- <sup>19</sup> Maclean, "Sovereignty in Burma after the Entrepreneurial Turn: Mosaics of Control, Commodified Spaces, and Regulated Violence in Contemporary Burma," 142.
- <sup>20</sup> *Ibid.*, 142.
- <sup>21</sup> Larry A. Niksch and Martin A. Weiss, "Burma: Economic Sanctions," *CRS Report for Congress*, August 27, 2008.
- <sup>22</sup> Maclean, "Sovereignty in Burma after the Entrepreneurial Turn: Mosaics of Control, Commodified Spaces, and Regulated Violence in Contemporary Burma," 142.
- <sup>23</sup> John H. Badgley, "Strategic Interests in Myanmar." Ed. John H. Badgley. *NBR Analysis - Reconciling Burma/Myanmar: Essays on U.S. Relations with Burma* 15 (2004).
- <sup>24</sup> Eckert, "The Use of Financial Measures to Promote Security," 103.
- <sup>25</sup> Badgley, "Strategic Interests in Myanmar."
- <sup>26</sup> Gottemoeller, "The Evolution of Sanctions in Practice and Theory," 100.
- <sup>27</sup> *Ibid.*
- <sup>28</sup> William Walters, "Decentering the Economy," *Economy and Society* 28 (1999), 312.
- <sup>29</sup> It should go without saying that there remains a good deal of evidence that points to the United States' behaviour being in direct contravention of these rhetorical ideals.
- <sup>30</sup> See: Sang Raw, "The Role of Minorities in the Transitional Process," Ed. John H. Badgley. *NBR Analysis - Reconciling Burma/Myanmar: Essays on U.S. Relations with Burma* 15 (2004); Andrew Selth, "Burma's Saffron Revolution and the Limits of International Influence," *Australian Journal of International Affairs* 62, (2008).
- <sup>31</sup> Walters, "Decentering the Economy," *Economy and Society*, 314.

# Politically Valid

## *Legitimizing Sexuality as a Human Rights Issue in Brazil*

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Predicated on the equalizing notion of an essential quality inherent to humanity, the concept of universalism posits that individuals are, “entitled to fundamental human rights,”<sup>1</sup> irrespective of their differences. Paradoxically, when articulated in practice, one often speaks of *constructing* human rights issues as though avenues for accessing these principle liberties must be artificially engineered. This semantic disconnect produces numerous theoretical and practical ambiguities that demand clarification: Under what conditions is an awareness of human rights, and, consequently, human rights violations made possible? Are infringements on one’s fundamental liberties recognized through a collective epiphany or is this knowledge accessed solely by one’s subjective engagement with reality? Furthermore, if we experience rights issues on an individual basis, how can one reconcile this realization with the broader ontological consensus? This problematic is embedded within the concept of legitimization. Legitimization is a temporal phenomenon through which the conditioning quality of context, the means to progress, and the realization of goals are necessarily linked. Validating a claim to abuse doesn’t happen instantly, but instead occurs in layers and is dependent on the context and frames with which one employs. Moreover, since human rights abuse is a lived experience, remedying this problem may start from a conceptual point but legitimization must be realized through actual consolidated change. The Brazilian gay rights movement provides a lucid demonstration of this system for accessing human rights.

This paper will argue that the Brazilian non-heteronormative movement has legitimized sexuality as a human rights issue by

first examining the socio-political climate provoking the realization of human rights abuses. Secondly, this essay will evaluate the ways in which various frames employed throughout the movement affected broader recognition and perception of the struggle for sexual equality. Finally, this paper will conclude by analyzing the impacts of queer activism on the notion of ‘gay citizenship’, as an indicator of legitimacy.

## **Contextualizing the Issue: Realizing Repression**

A fundamental component in evaluating allegations of a human rights abuse is the proper contextualization of the issue. By understanding the relevant historical narratives informing such claims to inequality, one may begin to isolate specific socio-political catalysts provoking significant change. Military rule in Brazil, beginning in the mid 1960’s, was characterized by severe civilian repression.<sup>2</sup> Among those targeted by the regime were individuals within the gay community.<sup>3</sup> This section will argue that cruel and methodical national policies, focussed on the Brazilian gay population, provoked a realization of sexuality-based human rights abuses. I will demonstrate this by first examining historical analyses of systematically oppressive governmental practices engineered to atomize the Brazilian populace. Such a tactic necessarily created a dichotomy between citizens and their state. After establishing this premise, I will investigate the ways in which segments of the stratified population were then targeted on the basis of their sexual identifiers. By creating distinctions *between* citizens following their collective depoliticization, this practice consequently raised the political saliency of sexuality in Brazil.

The form and application of a system of governance necessarily conditions both the socio-political climate as well as the conduct of individuals comprising a national population. When the character of this political rule is administered by an authoritarian regime, there exist profound implications for notions

of public identity and civil engagement. Guillermo O'Donnell and Philippe Schmitter note that, in such cases, individuals tend to disassociate from their "public and political identities,"<sup>4</sup> reducing conceptions of citizenship merely to possessing a passport, observing rules, and, "cheering for the country's team."<sup>5</sup> Furthermore, the authors argue, by depoliticizing and atomizing people, imperious governance extinguishes, "self-organized and autonomously defined political spaces,"<sup>6</sup> which consequently regulates the nature of public perceptions and dialogue. Such was the atmosphere in Brazil during its period of authoritarian rule, from 1964 to 1985. Establishing a conceptual dichotomy between itself and its citizenry, the Brazilian government ignored the line between internal and external threats to sovereignty and thus implicated its entire populace as a potential danger.<sup>7</sup> Predicated on an alleged risk to national security, the armed forces during the late 1960's believed that, "a subversive threat from within was as great as, if not greater than, the threat from without."<sup>8</sup> Manifesting this political paranoia into policy, the state attempted to monitor every source of likely dissent through a huge institutional security apparatus.<sup>9</sup> Brazilians, collectively, "fell silent"<sup>10</sup> in response to the panoptic nature of governmental encroachment into their lives. As a result, "serious politics were never discussed,"<sup>11</sup> in the presence of strangers. Encapsulating the trivializing effect authoritarianism has on notions of public and political identity, a Sao Paulo university student during the early 1970's inquired whether it is, "politically valid for us to discuss sexuality, something generally considered secondary given the situation in Brazil?"<sup>12</sup> This comment is suggestive of an idea that sexual identity is somehow absorbed by the greater issue of state repression. Such an attitude toward the right to politically validate aspects of one's identity is evidence of the state's capacity to establish the terms of citizenship.<sup>13</sup> By examining authoritarian practices of the Brazilian government and the resulting internalizations of these depoliticizing initiatives by civilians, this section seeks to demonstrate the atomized premise upon which sexuality became a salient political identity.

Temporarily relieving individuals from the frustrations of politics, an authoritarian society allows citizens to passively, “withdraw into [their] private pursuits.”<sup>14</sup> What happens though when the nature of such recreation constitutes a perceived threat to the government in power? During the early stages of authoritarian rule in Brazil, homosexuality was uncritically portrayed as a blend of, “immorality, dishonour, sin, and disease,”<sup>15</sup> and as such, was incompatible with the objectives of the regime. In this way, a gay citizen was simultaneously a depoliticized subject and a politically implicated subversive. Classified as social deviance, gay organizing was subject to state sanctioned disruption and censorship. In one such instance, pamphlets calling for a ‘congress of the Union of Brazilian Homosexuals’ were discretely distributed within Sao Paolo. This ‘subversive’ event, discovered by state officials, was met by a squad of police and a host of special investigators and was consequently prohibited from occurring.<sup>16</sup> Contrary to the goals of the regime, these repressive initiatives ultimately yielded the converse of their intended results. In depoliticizing a populace, a government eliminates personal issues around which individuals may coalesce and potentially mobilize. By targeting homosexuality as an unacceptable personal characteristic, the Brazilian state implicitly invested political currency in sexuality as a salient source of identity. Following this period, we see reactionary attempts to understand and articulate a conceptual space for the issue of gay identity. While not overtly political, the creation of the newspaper ‘Lamp Post on the Corner’, a periodical detailing issues of sexuality, the arts, and machismo, is an affair significant to the gay liberation movement in Brazil.<sup>17</sup> By creating a forum with which to explore issues surrounding queer culture, the publication represented an acknowledgement of sexuality as a novel locus of identity. This provocative retort to systematic governmental repression would not have been possible without the accidental re-politicization of homosexuality by the state. Lucidly describing the socio-political phenomenon of reactionary behaviour, Thomas Skidmore observes that, “censorship excesses inevitably produced their own reaction,”<sup>18</sup> in

the Brazilian context. Through the discriminatory practices of the state, gay Brazilians were implicitly offered an avenue through which to both extract a sense of identity and to organize politically.

## **Framing the Movement**

The fundamental nature of subjective experience necessarily implies an inconsistency of interpretations derived from analogous incidents. Therein lays the essential dilemma disrupting the process of legitimization. By what means can a group of individuals share the knowledge of their experiences so that they may establish a broader consensus on truth? A collectively employed frame is, in part, a “cognitive entity,”<sup>19</sup> designed to facilitate mutual understanding through strategic posturing and discourse. Through this pedagogical mechanism, experiences are given a universal character in that they are, “transferred, transformed, and given a new meaning,”<sup>20</sup> to formerly oblivious agents. The dynamic nature of the Brazilian gay rights movement is characterized by the numerous frames employed to represent the emancipatory struggle.<sup>21</sup> By implementing different postures and utilising various methods of communication, gay activists conditioned both the perceptions and potential outcomes of their effort. This section will argue that sexuality became recognized criteria under the rubric of human rights abuses due in part to the multitude of conceptual frames applied by the gay liberation movement. I will show this by analysing the language and tactics enlisted in four distinct framing initiatives.

### *Legalistic Approach*

During the period of military rule in Brazil, the discourse on homosexuality was embedded in a language of pathology. Codified as an illness by the Brazilian Medical Association, non-heteronormative lifestyles were conceptualized within an inherently depreciating legal framework.<sup>22</sup> This deplorable context provided an obvious arena through which the sexuality movement

sought justice. Michel Foucault, on the stirrings of gay activism, notes that, “homosexuality began to speak on its own behalf, to demand that its legitimacy or ‘naturalness’ be acknowledged, often in the same vocabulary, using the same categories with which it was medically disqualified.”<sup>23</sup> It was the petition for and successful removal of homosexuality from the roster of diseases, accepted by the Brazilian medical profession in 1985, which characterizes one of the major achievements of the early sexuality movement.<sup>24</sup> The significance of this accomplishment resonates for two reasons: Firstly, by reconceptualising the ‘queer citizen’ as a ‘healthy citizen’, homosexuality became a neutral and thus normalized characteristic within the framework of the health discourse. Normalizing alternative sexualities is one method of collectively validating of the experience of gay life. Secondly, after recognizing that legal precepts partially dictate the way in which people perceive and discuss particular identity groups, the movement’s success in manipulating the medical definition of sexuality acted as a floodgate achievement, initiating further critical investigation into other legal attempts at codifying homosexuality.<sup>25</sup>

### *Collectivist Approach*

While sexuality is a central organizing principle within the gay liberation movement, it does not preclude activists from utilizing alternative sources of identity to frame their emancipatory struggle. Reflecting on the divergent approaches available to the queer movement, Chet Meeks observes that activists can either, “react against the sexual regime in a normalizing way that accepts the implicit assumption that sexual identity is a key representative of the self, or they can use sexuality to *produce* new social and sexual relations.”<sup>26</sup> The latter method, contrary to the aforementioned technique of operating inside pre-existing conceptual structures, is evident in the framing initiatives of ‘We Are’, a Brazilian gay liberation organization. In 1979, ‘We Are’ linked up with the black movement, the women’s emancipation

struggle, lesbian organizations, and elderly groups and subsequently distributed leaflets proclaiming a unified struggle, against the regime, as mutually oppressed sectors of society.<sup>27</sup> This collective strategy, while necessarily requiring sexuality as a qualifying characteristic of repression, emphasizes identity through an opposition to governmental authority. In such a way, this conceptual frame reduces potential representations of the self to an oppressor/oppressed dichotomy. By rejecting overt depictions of the liberation movement under terms of sexuality, 'We Are' adopted a more universal framing posture. Removing distinctions between groups within the combined movement ultimately allowed for a pooling of the collective legitimacy of participating organizations. This cooperative strategy, while sacrificing a degree of autonomy within the sexuality struggle, strengthened the validity of the gay movement in Brazil.<sup>28</sup>

### *Distinction Approach*

Among the numerous frames employed throughout the perpetually evolving struggle for sexual equality in Brazil is the strategy of celebrating distinction. Rather than appealing to a common, unifying characteristic among citizens, this method seeks to inject gay culture into the national consciousness by increasing the visibility of alternative sexualities over popular forums. Few arenas offer a higher opportunity for exposure than the political stage. Taking advantage of the guaranteed publicity of the 1982 elections, the Workers party fielded eight queer candidates, one of whom declared he was gay on national television.<sup>29</sup> The consequences of this bold tactic yielded an, "unprecedented national discussion of gay life in the media."<sup>30</sup> The unapologetic proclamation of non-heteronormativity within Brazil is reactionary conduct to the, "dishonour,"<sup>31</sup> that had previously constrained outward expressions of homosexuality during the periods of authoritarian repression. With the 'decompression' of the regime came an opening up of political spaces which ultimately initiated the, "popular upsurge,"<sup>32</sup> in vocal gay activism<sup>33</sup>. A

supplementary example of the gay movement's reclamation of public space is the colourful parades that have become global events within which gay culture is openly celebrated. These gay parades are a more, "eloquent symbol,"<sup>34</sup> of the, "enormous visibility,"<sup>35</sup> the sexuality movement has achieved during the 1990's. Drawing in more than 2 million people, the latest event in Sao Paulo represents the effectiveness of visibly articulating homosexuality as a distinct identity.<sup>36</sup>

### *Heteronormative Approach*

Homosexuality, understood within the Brazilian context, is not a singular concept, but instead consists of a variety of distinct sexual identities ranging from the classic macho 'bofe' to the more effeminate 'bicha'.<sup>37</sup> Furthermore, these particular sexual scripts are not without their own degrees of internal variance. In their educational literature, the gay activist group Nuance utilizes the broader term 'gay' when referring to non-heteronormative sexualities, despite the fact that its individual members, in discussion, feel that specific terms are more appropriate.<sup>38</sup> Remarking on the trend of using the phrase 'gay', one Nuance member observes that, "the people who use gay are those with a heterosexual posture, who use gay to designate someone without offending him."<sup>39</sup> What is the logic for implementing a subtler blanket term, such as gay, while representing the queer movement? Moreover, what information can be derived from the tactic of enlisting a sexual descriptor commonly used by the heterosexual community? Contrary to the strategy of emphasizing difference, this scenario provides a lucid example of an attempt at normalizing alternative sexualities. By framing homosexuality with the exclusive language of the majority, this approach is implicitly directed at the heterosexual population. The watered-down frames employed by Nuance suggest an attempt to defuse the cultural taboo of homosexuality by discussing it in more 'agreeable' terminology. Such tactics are not without risks as Charles Klien worries that, "the domestication of a potentially radical *bicha*

energy... may re-enforce class, gender, and sexual hierarchies.”<sup>40</sup> Despite this concern, Nuance has succeeded in adding its voice to the dissonance of postures attempting to legitimize non-heteronormativity in Brazil.

## **Consolidated Change**

Legitimization is a political phenomenon that is realized through tangible results. The issue of sexuality attained legitimacy as a human rights issue in Brazil both through the extension of equalizing legal rights as well as by the implementation of government health initiatives directed toward issues within the gay community.<sup>41</sup> This section will demonstrate the legitimacy of sexuality as a human rights issue by examining state health policies, novel legal recognition for those with non-heteronormative sexualities, and the impacts these outcomes have on the notion of ‘gay citizenship’.

The tangential connection between the discussion of AIDS and issues within the Brazilian gay community became increasingly salient during the 1980’s. While some sexuality organizations sought to distance themselves from this sensitive medical topic, it was queer leaders who were among the first to actively confront the epidemic.<sup>42</sup> As AIDS came to, “strongly influence 1980’s gay activism,”<sup>43</sup> demands for government assistance became increasingly prevalent. Approached by a vocal group of gay activists in 1983, the Sao Paulo Health Secretariat agreed to establish the first government AIDS program in the Americas.<sup>44</sup> Civil society is attributed to being the driving force behind making the antiretroviral therapy universally accessible in Brazil.<sup>45</sup> The extension of this program has profound implications for the notion of ‘gay citizenship’. Firstly, by successfully lobbying government, sexuality-based organizations had exercised agency within the political spectrum. These novel health initiatives validated the effectiveness of gay citizenry at affecting change within their civic community. Additionally, since

homosexuality was largely portrayed as a form of social deviance, this lifestyle strayed from a liberal conception of the neutral citizen that government used to design its policies around. With the inception of state health initiatives addressing concerns largely articulated within the gay community, the governmental model of the ‘normal individual’ was forced to incorporate a range of identity-specific issues relevant to minority segments of the population. In this way, gay identity became consolidated in the political consciousness.

The elementary nature of sexuality-based identity involves, in part, an understanding of the self through one’s relations with others. A collective assumption that this orientation is of a heterosexual manner necessarily produces systemic inequalities within a political society. Homosexuality was not legally recognized in Brazil as a legitimate form of relations and as such, ensuing obligations and benefits between partners held no lawful authority. Recently, the activist group Nuances successfully filed a lawsuit against the Brazilian Social Welfare Institution to extend the benefits of death pensions and other rights to homosexual couples.<sup>46</sup> This victory, codifying the legitimacy of queer relationships in legal precepts, further challenges the dangerously ‘neutral’ theoretical formulation of the normal citizen. By forcing the government to recognize alternative sexuality as an issue of divergence within its populace, the gay liberation movement has succeeded in contributing to the legitimacy of non-heteronormativity in Brazil.

## **Conclusion**

Legitimization is a temporal process, creating a linkage between subjective perception and collective action. The gay rights movement in Brazil provides a lucid example of this complex system. Necessarily conditioned by the extreme context of Brazilian authoritarian governance, individuals became aware of sexuality as a salient political identity. In the struggle to

understand and communicate this recognition to the broader population, gay activists developed complimentary and competing methods of perpetuating their emancipatory cause. Through its effort to affect national health policy and civil rights, the queer movement consolidated sexuality as an official form of identity. These achievements shouldn't suggest however, that such an endeavour is regulated by a static endpoint. The struggle for sexual equality is one of perpetuity, forced to evolve and adapt in a constantly changing socio-political milieu. While mindful of the value in analyzing the next step, this author has sought instead to articulate the recognition, development, and consolidation of sexuality as a politically valid identity in Brazil.

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## Notes

- <sup>1</sup> Debra DeLaet, *The Global Struggle For Human Rights- Universal Principles in World Politics*, (Thomas Wadsworth Publishing, 2006), 59.
- <sup>2</sup> James Green, "The Emergence of the Gay Liberation Movement, 1977-1981," *Latin American Perspectives* 21, no.1 (1994): 40.
- <sup>3</sup> *Ibid.*, 43.
- <sup>4</sup> Guillermo O'Donnell and Phillippe Schmitter, *Transitions from Authoritarian Rule- Tentative Conclusions About Uncertain Democracies*, (Johns Hopkins UP, 1986), 48.
- <sup>5</sup> *Ibid.*, 48.
- <sup>6</sup> *Ibid.*, 48.
- <sup>7</sup> Thomas Skidmore, *The Politics of Military Rule in Brazil*, (Oxford UP, 1988), 127.
- <sup>8</sup> *Ibid.*, 127.
- <sup>9</sup> *Ibid.*, 131.
- <sup>10</sup> *Ibid.*, 131.
- <sup>11</sup> *Ibid.*, 131.
- <sup>12</sup> Green, 43.
- <sup>13</sup> O'Donnell and Schmitter, 48.
- <sup>14</sup> *Ibid.*, 48.
- <sup>15</sup> S. Carrara, P. Lacerda and A. Vianna, "Sexual Politics and Sexual Rights in Brazil: An Overview," *Global Public Health* 3, no.2 (2008): 13.
- <sup>16</sup> Green, 43.
- <sup>17</sup> *Ibid.*, 44.
- <sup>18</sup> Skidmore, 134.

- <sup>19</sup> Henrik Nordvall, “Making Sense of the Social Forum: On the Local Framing of a Fashionable Symbol,” *Journal of Contemporary Ethnography* 38, no.4 (2009): 438.
- <sup>20</sup> *Ibid.*, 439.
- <sup>21</sup> Charles Klien, “‘The Ghetto is Over Darling’: Emerging Gay Communities and Gender and Sexual Politics in Contemporary Brazil,” *Culture, Health & Sexuality* 1, no.3 (1999): 251.
- <sup>22</sup> Carrara, Lacerda and Vianna, 16.
- <sup>23</sup> Michel Foucault, *The History of Sexuality, Vol.1*, Translated by Robert Hurley, (Pantheon Books, 1978), 101.
- <sup>24</sup> Carrara, Lacerda and Vianna, 16.
- <sup>25</sup> Green, 15.
- <sup>26</sup> Chet Meeks, “Civil Society and the Sexual Politics of Difference” *Sociological Theory*, 19 no.3 (2001), 328.
- <sup>27</sup> Green, 46.
- <sup>28</sup> *Ibid.*, 46.
- <sup>29</sup> *Ibid.*, 50-51.
- <sup>30</sup> *Ibid.*, 50-51.
- <sup>31</sup> Carrara, Lacerda and Vianna, 13.
- <sup>32</sup> O’Donnell and Schmitter, 54.
- <sup>33</sup> Bryan McCann, *The Throes of Democracy, Brazil Since 1989*, (Fernwood Publishing, 2008), 23.
- <sup>34</sup> Carrara, Lacerda and Vianna, 14.
- <sup>35</sup> *Ibid.*, 14.
- <sup>36</sup> *Ibid.*, 14.
- <sup>37</sup> Klein, 249.
- <sup>38</sup> *Ibid.*, 251.
- <sup>39</sup> *Ibid.*, 252.
- <sup>40</sup> *Ibid.*, 252.
- <sup>41</sup> Richard Parker, “Civil Society, Political Mobilization, and the Impact of HIV Scale-Up on Health Systems in Brazil,” *Journal of Acquired Immune Deficiency Syndrome* 52, no.1 (2009): 50.
- <sup>42</sup> Peter Aggleton, Regina Barbosa and Richard Parker, *Framing the Sexual Subject: The Politics of Gender Sexuality, and Power*, (University of California Press, 2000), 67.
- <sup>43</sup> Aggleton, Barbosa, and Parker, 67.
- <sup>44</sup> Parker, 50.
- <sup>45</sup> *Ibid.*, 49.
- <sup>46</sup> Carrara, Lacerda and Vianna, 15.