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#### Our Team

## Editorial

A few issues ago we had brought to you a *Special Feature* on LGBT issues. We revisit the theme in this issue as a *Special Feature*. This is occasioned by the judgement, held by many as historic, of the Delhi High Court in India declaring the law against homosexuality (Article 377 of the Indian Penal Code) to be unconstitutional. By one stroke of their pen, the judges have seemingly brought an end to a debate long seething in the corridors of power in Delhi— to legalise or not to legalise. Amidst the celebration, what has often gone unnoticed is the vicious reaction of many of the religious and/or right wing forces that have decried this verdict and called for fresh legislation that can be framed 'constitutionally' to combat the 'evil' of homosexuality. A common thread of their arguments is that homosexuality is not Indian, but rather a Western imposition.

In many ways, the judgement itself is reminiscent of another period of legislative-judicial history of the world's biggest democracy. In the 1980s, a number of judgements and laws improving the status of women were hailed as historic. But, after the applause died down, it was often found that these had little impact on the ground since discrimination, however illegal, continued. This led to the realisation that legislation itself is of little value in such matters unless accompanied (if not preceded/caused) by a change of social attitudes. In India, at present, the cries against homosexuality increase in their shrillness and mingle with the cries of protecting an authentic *Indian* culture from such outside impositions as homosexuality. These arguments are not new by any means. The cultural politics of labeling as foreign and therefore illegitimate social practices, which challenge the existing order, is a common strategy and, as part of an anti-colonial or anti-modernity nationalist politics, it has gained further legitimacy. We decided to put together a special feature exploring the various social contexts of homosexuality in the South. The aim is to contextualise LGBT movements within the context of local cultural politics, in conjunction and inter-relation with the discourses of legal rights.

Among the various contexts that are explored in this issue are *Islamic* homosexuality in South Africa (Scott Kugle), the social acceptance of a *third gender* category in Mexico (Ingrid Suarez), the social and cultural diversity in the same country in the legal framework of the same country (E. Noemi), the specific contexts of homosexuality in pre-colonial traditions in Nigeria (Eno Epke), and the broader African context (Marc Epprecht). Diego Sempol deals with the social fight within the legal framework for Gay Rights in Uruguay, while Sergio Carrara and Horacio Sivori traces the history of homosexuality over a broader Latin American canvas. Martin Aranguren deals with the judgement against Article 377 in India and points to the limitations of this judgement. He adds a cautionary note about the distance still to be travelled. We close the session with a photo-essay (by Bishan Samaddar and Vaibhabh Saria) about the *Akharas* (traditional gymnasiums) of Beneras to explore so-called 'traditional' arenas of homosocial and homosexual practices.

Continuing with the issue dealt in the *Symposia in Across the South*, Jishnu Dasgupta presents a short overview of the status of Gay Rights movements in various parts of the South.

But prior to that, of course, the reader will encounter the *Articles* section. The first article in this issue is by Olajide Akanji. He steps away from the habitual way of discussing globalisation in terms of its economic or cultural impact, and chooses instead to discuss it in terms of human rights. According to him, the impact of globalization on human rights is a paradoxical one. On the one hand, the notion of human rights has been more globally disseminated in recent years, especially across the regions of the South; on the other, the processes of globalisation creates new impediments in the actualisation of such rights in South countries. The next article by Gustavo Bezerra, studies the impact of globalisation, through structural adjustment on Brazilian economy and politics. It shows not only the profound changes brought about by the process but the responses it has generated, including of its negative impact on the political potential of class struggle.

Another loss wrought by globalisation that of labour rights is the subject of Rituparna Majumdar's paper. She shows how labour has increasingly lost under the impact of globalisation not only the rights won through a long struggle, but also their cultural moorings.

The last article, by Adebusuyi Isaac Adeniran, shows too the mixed impact of globalisation, in the specific context of Nigerian women. He shows how globalisation has disrupted the traditional modes of oppression by opening up new areas of opportunity and empowerment, while at the same time, creating new modes of oppression and disempowerment.

In the *Reviews* section, Eglá Martínez Salazar reviews a unique tale of racialised oppression in *liberal* democracies and the courage that gives hope. We also present before you a review by Stephen Lendman of Golinger's *Bush Vs. Chavez* that was published earlier in Spanish. The intrinsic value of the book for the South, with its focus on democratic structures and autonomy, persuaded us to republish the review in English for a wider readership.

Happy reading.

## Articles

## The Gaping Paradox: Globalisation and Human Rights in the Global South



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## Abstract

This paper analyses the interface between globalisation and human rights in the Global South. Debates on globalisation have often focused on its development impact, including the ways in which it affects major developmental indicators in the South. This paper argues that globalisation in the South has however been a double edged sword in the area of human rights. On one hand, it has projected and promoted the meaning, essence and substance of human rights. The widespread acceptance (in principle and/or practice) of human rights ideals and standards by countries of the South and the current unprecedented level of co-operation amongst them in the context of protection, promotion and enforcement of human rights, as evidenced in the evolution of regional and sub-regional human rights instruments are manifestations of the positive impacts of globalisation. On the other hand, globalisation has also engendered violations of human rights in the region due to pervasive armed conflicts, which, in many cases, result from the process of globalisation. The paper concludes that globalisation in relation to human rights in the Global South is nothing but a paradox.

## Introduction

The impact of globalisation on human rights in the Global South is the focus of this paper. Globalisation, whether as political or economic globalisation, has been widely discussed with emphasis on its negative impacts on virtually all facets of human life. But is it possible to extricate globalisation from the usual blames? Are there not positive implications of globalisation? How does globalisation interface with human rights, particularly in the South? Answers to these questions and others are essential if a proper, adequate and a holistic understanding of globalisation is to be achieved. To achieve this, the paper examines human rights development in the South and contextualises it in the process of globalisation. The paper is divided into two sections. The first section gives a brief overview of the concepts of globalisation and human rights, showing the nexus between the two. The second section analyses the linkages between globalisation and human rights and how

the former impacts, influences and determines the content and context of the latter in the Global South.

## Analysing Globalisation and Human Rights

The concept of globalisation has been viewed from different positions among academics of various fields. This gives credence to the existence of a plethora of scholarly works on the subject.<sup>1</sup> For Aina, the word globalisation connotes the process of "making global", "being present world wide", "at the world stage" or "global arena."<sup>2</sup> To Abubakar globalisation implies visibility, immediacy, or availability. Accordingly, to him, an issue, object, value, institution, or practice is globalised, if through commerce, production, consumption, politics and the information technology it is visible or considered relevant in global centres.<sup>3</sup> Globalisation has equally been explained as the increasing interaction among and integration of, the activities, especially economic activities, of human societies around the world.<sup>4</sup> However, the

1 Some of the major works that can be cited in this regard are mentioned below. J. S. Omotola, "Political Globalization and Citizenship: New Sources of Security Threats in Africa", *Journal of African Law*, 52, 2, 2008, pp. 268-283; A. Olukoshi, "Globalization, Equity and Development: Some Reflections on the African Experience", *Ibadan Journal of the Social Sciences*, 2, 1, 2004; C. Ake, *The New World order: A view from the South*, Malthouse Press for CASS, Lagos, 1992; C. Ake, *Democracy and Development in Africa*, Spectrum Books Ltd., Ibadan, 1996; D. Abubakar, "Globalization, Social Sciences, and Nigeria in the 21<sup>st</sup> Century", *Newsletter of the Social Science Academy of Nigeria*, 4, 1, 2001; E. Chole and I. Jibrin (eds.), *Democratization Processes in Africa: Problems and Perspectives*, CODESRIA, Dakar, 1995; M. Mussa, "Meeting the challenges of Globalization", Paper presented for the plenary session of the *AERC Meeting of the International Monetary Fund*, 8 May 2000, Nairobi, Kenya; S. I. Ajayi, "Issues of Globalization in Africa: The opportunities and the Challenges" *Ibadan Journal of the Social Sciences*, 2, 1, 2004; O. Obono, "Globalization and Multiculturalism in Sociology: An Essay on contradictions", *Ibadan Journal of the Social Sciences*, 2, 1, 2004; B. J. Adekanye, "Globalization: An overview", *Ibadan Journal of the Social Sciences*, 1, 2, 2004, pp. iii-iv; M. Camdessus, "Toward a new financial architecture for a globalized world", *Address at the Royal Institute for International Affairs, London*, 8 May 1998; M. Abutu, "Globalization and the emergence of 'Tokunboh' culture in Nigeria", *The Journal of African Studies*, 3, 1, 2001, pp. 27-46; H. A. Asobie, "Globalization: A view from the South", *Annals of the Social Science Academy of Nigeria*, 13, 2001, pp. 36-56; T. Aina, "Globalization and Social Policy in Africa", *Research network, CODESRIA Bulletin No 4*, 1996; D. Rodrik, *Has Globalization Gone Too Far?*, Institute for International Economics, Washington, D.C., 1997.

2 T. Aina, "Globalization and Social Policy in Africa".

3 D. Abubakar, "Globalization, Social Sciences, and Nigeria in the 21<sup>st</sup> Century".

4 M. Mussa, "Meeting the challenges of Globalization".

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International Monetary Fund in its 1997 report considered globalisation as the "economic interdependence of countries worldwide through the increasing volume and variety of cross-border transactions in goods and services and of international capital flows, and also through the more rapid and widespread diffusion of technology".<sup>5</sup>

According to the 1997 UNDP Report, globalisation encapsulates both a description and prescription. The description is regarded as the widening of international flows of trade, finance and information in a single integrated global market. The prescription, on the other hand, is liberalisation of national and global markets in the belief that the free flow of trade, finance and information will produce the best outcome for growth and human welfare.<sup>6</sup> On his part, Heywood considers globalisation as "a complex web of interconnectedness which means that our lives are increasingly shaped by events that occur, and decisions that are made, at a great distance from us."<sup>7</sup> To him, the central feature of globalisation is the fact that geographical distance is of declining relevance and territorial boundaries, such as those between nation-states, are becoming less significant. To Cohen and Kennedy globalisation refers to "the ways in which the world is being knitted together."<sup>8</sup> To this end, Obono contended that it is imperative to view globalisation in terms of widespread human perception and consciousness of an economic and political matrix in which diverse groups are brought together in a global village that has a vast network of global village markets to sustain its global village chieftains is correct. The foregoing definitions and explanations suggest that globalisation or the process of 'making universal/global' can involve any contexts, including political, economic, social and cultural, conflicts, human rights and humanitarian contexts. Omotola, for example, discussed globalisation from the perspective of politics, that is, political globalisation. He explained political globalisation as "the attempts at reforms engendered by the globalisation of democratic values".<sup>9</sup>

Just as there are varied definitions and conceptions of globalisation so also is there divergence in the attempt to historicise the

phenomenon. Scholars differ as to the time and/or phases of globalisation. For example, scholars such as Drucker and Camdessus argued that globalisation is a recent phenomenon. Conversely, Brecher et al and Mussa both observed that globalisation is but an old phenomenon traceable at least to the Middle Ages.<sup>10</sup> Olukoshi however considered globalisation as having phases. His analysis of the phases of globalisation, for instance, resulted in the identification of two phases of what he referred to as modern globalisation. The first modern phase, according to him, relates to the processes that led to the onset of the Trans-Atlantic slave trade which resulted in a major depopulation of Africa and a spiral of conflict and instability leading to slave raiding. The second modern phase he identified as relating to the processes leading to the onset and consolidation of imperialism, colonial rule and the extant international division of labour.<sup>11</sup> However, Obono observed that globalisation has a difficult history. To him, the contradictions of globalisation depict it as a phenomenon whose historical progress preceded modern consciousness of it.<sup>12</sup> This paper, to a very large extent, shares Obono's view as from the foregoing analysis of the phenomenon of globalisation, it is obvious that whichever way it is considered, globalisation is a complex web of interconnectedness through which life is increasingly shaped by decisions or events taken at a distance. This presupposes the interventions, whether directly or indirectly, intended or unintended, of external factor(s) in local or domestic affairs. Though the concept is indeed one of the most discussed in contemporary scholarly circles, yet its antecedent goes back to antiquity. This is because there is no documented evidence in history that a human society ever existed in isolation having nothing to do with its immediate or distant environment.

Notwithstanding the attempts to periodise globalisation, it is appropriate and safe to contend that globalisation need not be viewed in the context of time and period, as either modern/contemporary or an ancient phenomenon; rather it is a phenomenon in continuum. This can be gleaned from the fact that there have always been in history, recorded accounts of voluntary

5 International Monetary Fund, *World Economic Outlook: Globalization Opportunities and Challenges*, IMF, Washington, D.C., 1997, p. 45.

6 UNDP, *Human Development Report*, Oxford University Press, New York, 1997.

7 A. Heywood, *Politics*, Macmillan Press, London, 1997, p. 140.

8 O. Obono, "Globalization and Multiculturalism in Sociology", p. 90.

9 J. S. Omotola, "Political Globalization and Citizenship" p. 268.

10 See P. F. Drucker, "The Global Economy and the State", *Foreign Affairs*, September/October, 1997, pp. 159-171; Camdessus, "Toward a new financial architecture for a globalized world"; J. Brecher et.al, *Globalization from Below: The power of solidarity*, South End Press, Massachusetts, 2000; and Mussa, "Meeting the challenges of Globalization".

11 A. Olukoshi, "Globalization, Equity and Development".

12 O. Obono, "Globalization and Multiculturalism in Sociology", p. 90.

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and involuntary inter-group relationships occasioned by wars, natural disasters, mercantile activities, imperialism, commerce, trade and love of adventure by people in spite of territorial, political, social and cultural differences. To this end, globalisation can aptly and succinctly be put and explained as the de-territorialisation of contacts and the universalisation of social, economic, political, cultural contacts over time and space. What is certain however is the fact that the nature, scope and characteristic features of the phenomenon of globalisation at a particular point in time and history may differ significantly from the other.

Like globalisation, there used to be divergent views and conceptions of human rights in years before 1945. It can however now be validly asserted that there is a universal consensus as to the meaning and content of human rights, especially since the establishment of the United Nations in 1945. The United Nations, for instance, defines human rights as "those rights, which are inherent in our nature and without which we cannot live as human beings".<sup>13</sup> These rights are to be enjoyed on the basis of equality and non-discrimination, either in their individual capacities per se or as members of social groups or collectivities. The rights include the right to life; fair hearing, to work, to food, clothing, housing and medical care; the right to freedom of speech, to take part in the cultural life of one's community among others. These rights are enunciated by the five basic documents of the United Nations collectively known as the International Bill of Human Rights as well as its derivatives, which are too numerous to mention here. At the domestic levels, constitutions of various countries have also, in one way or the other, and over the years, come to recognise these fundamental rights of man. Generally, human rights can be categorised, on the basis of the beneficiary of the rights, into individual and group/collective human rights.

Individual human rights are considered as those inalienable rights of every human being. They are human rights which an individual enjoys by virtue of being an individual human being. Essentially, all the sets of rights regarded as the civil and political rights, including right to life, to own property, dignity of life, to freedom of speech, etc. are fundamental rights an individual can enjoy and exercise on his/her own. However, any human rights an individual enjoys in community with another or other individuals are group rights. Consequently, the sets of

human rights referred to as economic, social and cultural rights, including the right to education, to development, to peace, to self-determination, language right and a few others from the domain of civil and political rights such as the rights to association and to religious worship are, to a large extent, rights enjoyable and exercisable by an individual in community with other individuals. They are therefore group rights. Accordingly, Buchanan described group rights as "the rights ascribed by the constitution to subunits, which are to be understood as the collective rights of the citizens of those subunits".<sup>14</sup> Several provisions in international law recognise group rights as a component of human rights. For instance, Article 27 of the International Covenant on Civil and Political Rights (ICCPR) made a case for group rights by pointing out that "those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."<sup>15</sup> However, in spite of the dichotomisation of human rights into individual rights and collective/group rights/group-differentiated rights, there is now a universal acceptance of the unity, interrelatedness and indivisibility of all human rights. This is because the enjoyment of one right is consequent upon, and enhanced by, the enjoyment of others.

### **Globalisation and human rights in the Global South: The interface**

The process of globalisation or the 'making global' of ideas, technology, economic and of virtually everything which became more decisive from the dawn of the nineteenth century has had tremendous impact on the notion and content of human rights in the Global South. Indeed, concern for human rights in the Global South, like in countries of the North, predates the modern era. With respect to Africa, Osita Eze pointed out that enormous information exists to show that not only legal systems existed in pre-colonial Africa but that there were some measures of protection of human rights long before contact with Europe and Asia.<sup>16</sup> Some Western scholars, such as Jack Donnelly, argued to the contrary, pointing to some inhumane and barbaric practices in aspects of African culture as reasons for their position.<sup>17</sup> Yet considering the fact that historical and archaeological evidences have established that ancient civilisations and cultures of Ife, Egypt, Songhai, Mali, and Ethiopia and many others existed long

<sup>13</sup> United Nations, *Human Rights: Questions and Answers*, UN, New York, 1987, p. 4.

<sup>14</sup> A. Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania*, Boulder Co., Quebec, 1991, p. 77.

<sup>15</sup> Article 27 of the International Covenant on Civil and Political Rights, available on [www.unhcr.ch/html/menu3/b\\_a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b_a_ccpr.htm), retrieved 5 June 2009

<sup>16</sup> O. C. Eze, *Human Rights in Africa: Some Selected Problems*, NIIA/Macmillan, Lagos, 1984, p. 13.

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before the European world came to realise it and the fact that these civilisations had established systems of governance and social interactions suggests that there were elements of recognition of human rights among Africans even in the pre-colonial days.

In the same vein, records are replete with evidences of institutionalised structures and systems of political and judicial administration among the Chinese, Indians, and Arabs long before contact with the West. Several ancient empires such as the Babylonian, Chinese and Persian empires existed, each with its system of governance and administration of justice before the modern phase of globalisation. The fact that the Western imperialists, adventurers, missionaries and merchants met well-organised communities of people in Africa, Asia and the Americas (formerly known as the New World) meant that the peoples of these regions had their own notions of human rights in operation amongst them. It would thus be appropriate to assert that the non-western conceptions of human rights were as valid as the western conception, which is traceable to the works of the Stoics and Sophists and other Greek philosophers as far back as 300 B.C. In actual fact, the contention by the proponents of the western perspective that European contact with Africa, (and also Asia and the Americas), which snowballed into colonialism was the harbinger of human rights notion in these regions was not only false but misleading. According to Eze, the imposition of foreign (European) social, economic and political ideas on African societies resulted in the bastardisation of the values, laws and customs of the Africans. He opined that though some of the colonial constitutions embodied provisions on human rights, and courts were established to administer them, yet colonialism was a basic contradiction to human rights. This, he argued, was because "colonialism suppressed the right of self determination which was a prerequisite for the maintenance and protection of human rights and by dominating and exploiting the natural and human resources denied the colonised peoples the material means to ensure effective promotion and protection of human rights".<sup>18</sup> What is very clear from the above is that human rights was, for a long time in history, understood and treated differently by different peoples in different cultures. The perception of human rights by each culture and people reflected in their conceptions of various issues/aspects of life. It is, however, pertinent to point out that in every culture of the world (be it European, American, African, Arabian or Asian) the sheer recognition of human rights has not been able to prevent genocide, sinister purges,

cruel massacres, persecutions, bloody interventions of great powers in the life of the weak, avoidable misery, inter and intra-ethnic violent conflicts, religious disturbances, civil wars, all of which endanger peoples' fundamental rights to life and living.

However, that the history of human rights is as old as the story of mankind and that there used to be different conceptions of the phenomenon is no longer new, what is new is that human rights now enjoy a universal acceptance. There is now a uniformity of opinions about what constitute human rights. Presently, there is no controversy as to the components of social, economic, cultural and political rights. This has affected the hitherto myriad of human rights practices and conceptions in the Global South, and the world in general. The nature of human rights in today's South is now much in tandem with the practices in other countries of the world, owing principally to the emergence, since the twentieth century, of numerous international institutions and a greater level of inter-state relationship. The League of Nations, the United Nations and several other international agencies, treaties and conventions have helped to globalise human rights and create what has become a global conception of human rights. The provisions of these international charters, treaties and conventions are such that have engendered the emergence of an international morality, and which obligate all States to enforce and adhere to them. No country in contemporary global system can feign ignorance of its human rights responsibility toward its citizens and to the global community. In view of this fact, the national constitutions of most states in the world, including states of the Global South, now recognise the fundamental human rights principles. The constitutions of most countries of the South, for instance, contain, either in their preambles and/or substantive provisions, measures for the promotion and protection of human rights. Specifically, most of the constitutions provide for the social, cultural, economic and political rights of the people. In Nigeria, for example, Chapter IV of the constitution contains the detail of the fundamental human rights of the people. The Tanzanian constitution contains reference to human rights in its preamble, while the Malawian constitution contained provisions on human rights in its "Fundamental Principles of Government" section.

Furthermore, due to the process of globalisation, all the nation-states of the South are members of the United Nations and of many other global institutions. Membership of such

17 J. Donnelly, "Human Rights and Human Dignity: An Analytical Critique of Non-Western Conceptions of Human Rights", *The American Political Science Review*, 76, 2, June 1982, p. 307.

18 O. C. Eze, *Human Rights in Africa*, pp. 13-14.

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international bodies imposes on the States a number of responsibilities towards their citizens, and the global community in general, particularly in the area of protection and enforcement of human rights. Chapter VII and Article 55 of the UN Charter and several provisions in other international instruments impose obligations on the States to ensure protection and promotion of human rights. There is now a universal unanimity that the protection and promotion of all human rights is the responsibility of the State. This is because promotion and protection of human rights is considered, under contemporary international law, a matter for each State with reference to the population under its jurisdiction. The African Charter of Human and Peoples' Rights in paragraphs 1 and 2 of its preamble, for instance, states *inter alia* that; "The African states members of the Organization of the African Unity Parties to the present convention... (are) firmly convinced of their duty to promote and protect human and peoples' rights and freedoms...".<sup>19</sup> Similarly, paragraph 3 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also states that, "...States parties to the international Covenants on human rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights."<sup>20</sup>

Furthermore, the United Nations has demonstrated on several occasions that the promotion and protection of human rights cannot only be determined by the States. To this end, there has been a change in attitude towards the old-established practice and theory of State sovereignty and the rule of non-intervention; the twin pillars of the classical paradigm of international legal order upon which the issue of "national interest" or "state security" finds absolute relevance. The UN Security Council, for example, through Resolution 688 of 5 April 1991 relating to the Kurds of Iraq held that "serious breaches of human rights committed by a State against its own citizens constituted a threat to peace" and thus can warrant international actions. In the same vein, in the case of Haiti, the UN Security Council in Resolution 841 of 16 June 1993 ruled that a form of government irreconcilable with democratic principles represented a threat to peace under Article 39 of the Charter. From these resolutions, Thurer concluded that a serious breach of human rights or gross infringements of the principle of democracy is sufficient to permit forceful interventions by the Security Council in the internal affairs of a State.<sup>21</sup> No doubt, the

international community, through the United Nations, has demonstrated, using several means that violations of human rights in both intra-state and inter-state armed conflicts are of concerns to the global community. The deployment of international troops on peacekeeping, peace-building and peace-enforcement missions and operations (in line with the provision of Chapter VIII and article 39 of the UN Charter) in different parts of the Global South, and the world in general, notwithstanding the shortcomings, has further strengthened the importance of human rights in the global system. This is evident in the fact that the Global South (more than the global North) has been a major recipient or principal arena for international peacekeeping operations, due to endemic and pervasive conflicts in the region. International peacekeeping missions have been deployed to mediate and (as much as possible) prevent the possible violations of human rights in many conflicts-ridden States of the South. These include the UNMEE (UN Mission for Ethiopia and Eritrea), UNAMSIL (UN Mission in Sierra Leone), AMIB (African Mission in Burundi), ONUB (UN Operation in Burundi), UNMIL (UN Mission in Liberia), the UN Transitional Authority in Cambodia, UNIFIL (Lebanon), MINUSTAH (Haiti), and UNMIT (UN Mission in Timor-Leste).

Another dimension to the interface between human rights and globalisation in the Global South is the emergence and existence of several regional and sub-regional human rights instruments. Among such regional human rights instruments are the African Charter for Human and Peoples Rights (the Banjul Charter), and its African Commission on Human and Peoples' Rights, which are offshoots of the realisation by African States of the need to protect the rights of the peoples within the region. Also, the Inter-American Convention on Human Rights, which created the Inter-American Commission (established in 1960) and the Inter-American Court (established 1978) both of which oversee the protection and promotion of the human rights of the people in the Americas. However, many Islamic countries in the Global South are only gradually coming up to embrace the ideals of human rights. In many of such countries, issues of human rights are being affected by strict adherence to cultural and religious practices.

Also, the current level of inter-state cooperation over human rights in the Global South has contributed to an increase in the level of human rights awareness among the people. The spate of agitations for respect of individual

<sup>19</sup> Paragraphs 1 and 2 of the *African Charter on Human and Peoples' Rights*, available on [www1.umn.edu/humanrts/instree/z1afchar.htm](http://www1.umn.edu/humanrts/instree/z1afchar.htm), retrieved 5 June 2009.

<sup>20</sup> Paragraph 3 of the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, available on [www.un.org/womenwatch/daw/cedaw/](http://www.un.org/womenwatch/daw/cedaw/), retrieved 5 June 2009.

<sup>21</sup> D. Thurer, "The 'failed State' and international law", *International Review of the Red Cross*, 81, 836, p. 738.

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and group rights by both minorities and majority alike in many countries of the South are pointers. Human rights awareness is now quite high in the South than in the periods before the 1940s. In fact, some of the crises in many of the countries of the South are agitations or contestations by people for their rights, which they believed or perceived, have been trampled upon by the State and/or individuals and groups in the State. The agitations by the people of the Niger Delta region in Nigeria (until it was hijacked by the militants), the Kurds in Iraq, the Palestinians in the Middle East, among others, are nothing but a legitimate demand for the respect of their rights to existence as a people, to development, and to end marginalisation and exploitation by their respective States.

However, though the process of 'making everything global' or 'removing territorial barriers' or 'bridging distances' (which globalisation connotes) has positively impacted on the nature and content of human rights in the Global South, albeit the world in general, it has equally narrowed the latitude for the enjoyment of human rights. Starting with colonialism (a phenomenon that resulted from globalisation and one that furthers the process of globalisation), there is no doubt that colonialism heightened violations of human rights, particularly in the Global South during the period of the European colonisation of Africa, Asia and the America. The nature of colonial policies, to a large extent, violated the rights of the colonies. In the first place, the imposition of foreign social, cultural, political and economic systems on Africans, Asians and the Americas was a complete violation of the fundamental rights of the peoples to self-determinations. All the colonial policies, namely, the indirect rule system of the British, the French policies of assimilation and association, and the Belgian and Portuguese policy of direct administration compromised and degraded, in one way or the other, the established cherished traditions, norms and customs, as well as the traditional political and economic systems of the people. This accounted for the violent reactions and resistances of the indigenous peoples to colonial rule. This equally accounted for the persistent agitations for decolonisation by the people. The nationalist struggles in the colonies were nothing but agitations for the respect of the rights of the indigenous people to adequate political participation and economic well-being among others.

Similarly, the nature of administrative and governmental structures which the colonial governments bequeathed to their colonies has been responsible for the series of crises and conflicts that have bedeviled much of the colonies in their post colonial situation. The avalanches of armed conflicts in many of the countries of the South are products of

colonialism in the region. These conflicts usually have serious implications on the human rights of the people. In many instances such as in the cases of the civil war in Liberia, Sierra Leone, Cote d'Ivoire, Nigeria, DR Congo, Chad, Sudan, Rwanda and Burundi, and numerous inter-state conflicts, including the Iran-Iraq war, the India-Pakistan wars, Ethiopia-Eritrean war etc, human rights abuses were alarming and frightening. In a number of States in the South colonialism engendered series of problems, including the 'host-stranger' or 'native-settler' division to the extent that even after gaining political independence, the identity dichotomy and division has continued to polarise the people and caused several armed hostilities between 'brothers'. The Hutu-Tutsi genocide in Rwanda in 1994 is an example. Colonialism was indeed the channel through which the countries of the South were integrated into the vortex of world political and economic systems, yet in doing this, the colonisers alienated the indigenous people and showed little regard for their political and economic development. As a result, it narrowed the latitude for the enjoyment and enforcement of human rights. The nature of most post-independence conflicts in the countries of the South and the continued one-sided, exploitative and domineering posture of the erstwhile colonial masters on their former colonies attest to this fact.

Beyond the matter of colonialism, the nature of political governance in many contemporary countries of the Global South has further deepened the crisis of human rights in the region. This is because the dominant feature of the post-colonial states in the Global South is repressive and oppressive authoritarian government, characterised by flagrant disregard for human rights. For instance, the phenomenon of military usurpation of political power, which swept through Central and Latin America, Africa and part of Asia from the nineteen fifties to the late-nineteen nineties, resulted in significant abuses of the fundamental human rights of the people. In the first place, military intervention, which is an unconstitutional seizure of political power, is a violation of the right of the people to choose their government.

In the same vein, the proclivity of military governments to use military decrees and edicts, instead of the provisions of the respective constitutions, was in itself a violation of the rights of the people to determine how to be governed. Furthermore, and more importantly, the ouster of courts' jurisdiction, detention of people without trial, emasculation of perceived oppositions, and attempts to stifle the press, which characterised all military regimes in the region, greatly undermined the fundamental human rights of the people, particularly their right to freedom of association, to fair hearing, to freedom of expression, and the right to personal liberty. The gale of repressions and human rights violations that characterised the authoritarian regimes of Saddam Hussien in Iraq, Generals Sanni Abacha and Ibrahim

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Babangida in Nigeria, Idi Amin in Uganda, Mobutu Sese Seko in Zaire (now DR Congo), Samuel Doe and Charles Taylor in Liberia, Kamuzu Banda in Malawi, and Augusto Pinochet in Chile, among others, are examples of the repressive nature of post-colonial states in the South. The regime of Saddam Hussien, for example, brutally suppressed the Kurd nationalism in Iraq in 1988, killing thousands of Kurds through chemical weapons. In the same vein, the Ibrahim Babangida and Sanni Abacha regimes in Nigeria brutally suppressed agitations in the country's Niger Delta region, alongside the ruthless clampdown on pro-democracy and human rights activists between 1989 and 1998. The official murder of Ken Saro Wiwa, the Niger Delta environmentalist and human rights activist, by the Sanni Abacha regime in Nigeria in 1995 and the massacre of pro-democracy protesters at the Tiananmen Square in 1989 in China equally point to the misuse of state power in the South.

Similarly, violation of human rights is as pervasive during periods of democratic rule as in military and authoritarian regimes in many part of the Global South. This is because political governance in the so-called democratic regimes in the South is often characterised by electoral violence, political assassination, the zero tolerance of opposition parties, looting and mismanagement of public treasury, and suppression of human rights/civil liberty advocacy groups, among others. These characteristics (i.e. electoral violence, political assassination, etc.) often engender an environment that undermines the human rights and freedom of the people. For instance, private and public properties are often destroyed and innocent lives are lost during election fracas. The spates of violence, anarchy, and by implication human rights abuses, that followed the elections in Kenya in 1992 and 2007, Nigeria in 1993, and Zimbabwe in 2008 are some examples. In addition, the problems of poverty, declining welfare condition, high crime rates, poor state of infrastructure and economic misery, which are prevalent in most countries of the South, are traceable to ineffective and corrupt political leadership that typified both civilian and military regimes in the region. These problems, directly and indirectly, undermine the ability of the people to enjoy their individual and group rights, and by implication, the essence of their citizenship.

### Conclusions

No doubt, the exploitations of the peoples and resources of the South, which began as far back as the sixteenth century European contacts with the New World, followed by the era of slave trade and colonialism has continued, even till the twenty-first century. This has affected, and is still affecting, the enjoyment of human rights in

the Global South. This is because the exploitations have aided endemic poverty, which undermines the overall ability of the people to enjoy human rights in the region. The integration of the South into the global economy, mainly as suppliers of raw materials and cheap labour, which started far back in the sixteenth century through to the period of colonialism, made the region a dependent partner of the global North. By the manner of integration, economies of countries of the Global South were excessively oriented towards the external environment; producing chiefly for external markets and being susceptible to crisis in the external markets. This situation of dependency is sustained by the nature and workings of contemporary international economic system, which is largely underpinned by economic globalisation.

Due to economic globalisation, the world has become a capitalist village; where financial and economic interactions among actors (states and non-states) are conducted with very little or no barriers, and where the process of production and exchange of goods and services is intensified and broadened. This, however, has widened and deepened the gap between the South and the North. This is because the South has continued to be chief producers of primary commodities, which have lower economic value when compared with the manufactured goods of the developed countries. The South equally continues to supply cheap labour to the North while also depending heavily on the North for financial, economic and technical aid/ assistances. This asymmetric relations and dependency, alongside the crisis of political leadership, accounts for the region's balance of payment deficit and the debt crisis, both of which combined to engender poverty. With poverty in many countries of the South, access to basic necessities of life, such as gainful employment, clean environment, functional health service delivery system, good roads, and generally a decent living condition, among others, is very difficult for many people. For instance, in Africa, in 2001, 340 million people or half of the population lived on less than US \$1 per day, and only 58 per cent of the population had access to safe water.<sup>22</sup> What this situation simply suggests is that a large percentage of the people in Africa, like the rest of the Global South, do not enjoy the benefits of their citizenship. From the foregoing therefore, it is evident that while the process of globalisation has deepened human rights consciousness in the region, it has equally undermined the full enjoyment of the rights by the people.

<sup>22</sup> NEPAD, "The New Partnership for African Development", Available on <http://www.nepad.org.za/pdf>, p. 5. Retrieved 5 June 2009.

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## Globalisation and the Class Struggle in Brazil: From the Fight Against Monopoly Capitalism to the Struggle between the Poor and the Better-off



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### Abstract

The present text seeks to describe how the globalisation of economic flows has received two distinct interpretations in Brazil. At first the prevailing idea was that such flows should be controlled by the political activism of Brazilian society, a view that was widely disseminated by the class movement then emerging against the background of the fight against dictatorship. By the 1990s political agents that defended “structural adjustment” had taken control of the state’s decision making and unleashed a process of intensive association with international capital. That new context decisively altered the configuration of the class struggle in Brazil.

### Introduction

The structural adjustment<sup>1</sup> programme that unfolded in Brazil in the 1990s appropriated an idea defended by leaders of the working “class” at that time whereby the country was supposed to be living through a moment of fierce class struggles. The agents of structural adjustment must have contested the idea putting forward an alternative version of the kind of class struggle involved: It would no longer be a struggle of the mass of workers against state and corporate monopolies but rather the struggle of the poor against the professional sectors and company owners with their “parasitic” relationship with the State. Evoking that specific mode of class struggle infused energy and political coherence into the process for achieving structural adjustment insofar as it channeled to its ranks the phenomenon of “rejection of the powerful” which was a kind of structural passion stemming from the context of the overthrow of the dictatorship<sup>2</sup> in the 1980s.

That way of evoking the class struggle was one of the determinants of the fragmentation undergone by the Brazilian working class in recent times. After all, in terms of subjacent logic, the evocation formed the backbone of a considerable part of the State’s policies from the 1990s on, including the liberalisation of the

labour market and the elimination of taxes on capital gains (of both foreign and national agents). I consider that the structural adjustment in Brazil knew very well how to intermediate the ‘autonomist activist’ cultural framework of the working class at the time, re-directing the anti-state sentiment to disqualify two new targets: On the one hand the Social State delineated by the 1988 Constitution and on the other, the very classist bloc that established itself (because the latter demanded further empowerment of collective devices for regulating the economy using the power of the unions or of the duly democratised Social State). The success achieved by that process of re-attributing symbolic significances was one of the contributors to the splitting of the alliance between white collar workers, proletarians (urban and rural) and the lumpen proletarians which was then being attempted in the country.

### Before the Market became King: Autonomist Activism of the Workers as a Solution

The main effect of the globalisation of economic flows on Latin America at the end of the seventies and beginning of the eighties was to throw the whole sub-continent into a brutal debt crisis brought about by the raising of interest rates in the USA. Further pressured by the upsurge in

- 1 Under the heading “structural adjustment” I intend to represent a set of practices that many refer to as “neo-liberal”. I have opted to use the idea of structural adjustment because I believe it gives a more accurate description of the nature of State policies at that time: They were not exactly designed to diminish the “weight” of the State in the economy but rather to set the country in the way of foreign investment in deference to the internationally consecrated prescription of the multilateral investment institutions (like the IMF, and the World Bank). In spite of the “liberal” tone of such measures, they were in fact conjugated to a contradictory increase in tax burdens and an explosion of the public debt.
- 2 The Military Dictatorship began in Brazil in April 1964 when segments of the armed forces overthrew a president they felt was far too closely aligned with the country’s communists. In the period from 1969 to 1974 the regime became increasingly harsh and hundreds of people were deprived of their political rights against a background of assassinations and the disappearance of political opponents of the regime (human rights organisations estimate that there over four hundred such cases). In the second half of the 1970s there began what the regime entitled as a “slow, gradual and secure distension” but it was actually only in 1985 that a civilian took over as president and even then it was through an “indirect” voting process conducted in the National Congress. In practice, universal suffrage was only restored after 1989. Ever since 1978 however, civil society had been gaining increasing visibility and influencing government decision-making in spite of the considerable degree of censure and political repression that persisted well into the 1980s.

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the price of petroleum which raised inflation rates all over the world and by the rush of resources to the hegemonic power, the IMF granted loans to the region as the counter-part for recessive measures that led the countries to channel all their surpluses into making debt payments. However, that disastrous economic situation also opened up unprecedented political opportunities for the re-democratisation of the region as it sharply diminished the prestige of the military dictatorships then in power.

**(The) disastrous economic situation (in Brazil...) opened up unprecedented political opportunities for the re-democratisation of the region as it sharply diminished the prestige of the military dictatorships then in power.**

In the case of Brazil, the prospect of democracy stimulated the creative powers of the social agents in various ways. After all, authoritarian bonds were loosening and the pedagogy of the "market imperatives" had yet to appear or have any impact on public debate.<sup>3</sup> On the contrary, those groups with any public voice at all wanted to politicise the economy, contest the foreign debt, reject the terms of the IMF agreement, and denounce the alliance between the authoritarian State and financial capital that was seen as leading the country into recession, inducing economic dependence and emaciating salaries.<sup>4</sup> The social question would be solved by activism, the participation of the masses in national politics, horizontality, and transparency of the newly refurbished institutions. Civil society was re-emerging in the form of combative labour Unions and rural and urban social movements.

The nucleus of democratic activism was embodied in the constitution of a huge mass of

salary earners whose interests converged on the idea of opening the channels for popular participation in public decision making. Thus the most important component of the political-ideological identity of salary earners was that of opposition<sup>5</sup> to the authoritarian State which then dominated a great part of Brazilian society. In that context the notions of *autonomy* and *activism* seemed to bring together a whole series of other subsidiary signs that delineated the salary-earner aspirations in opposition to the stances of the military government: Distrust of the State; praise for diversity; criticism of social hierarchies and dependencies; valuing innovation; national independence (by no means a new value but imbued with different meaning in the new context); the consecration of self-representation and broadened political activism. From here on in the text, that collection of ideas which was to mark the beginning of the Brazilian re-democratisation process will be condensed into the terms of "autonomist activism".

The fact is that both the gigantic proportions of the authoritarian State and the proliferation of urban salary earning as a labour market modality,<sup>6</sup> considerably simplified social relations and consequently political antagonisms too. Thus the trade unions, which were to form confederations on a national scale in the first half of the 1980s, actually became the most preeminent agents of 'civil society' of the period and influenced the conduct of several other social entities.<sup>7</sup> They were not however, the only source irradiating a classist version of autonomist activism; their political experimenting was to reach up to party political level mainly represented by the founding of the *Partido dos Trabalhadores*– PT (Workers Party) led by Lula.<sup>8</sup> The influence of classist discourse was to increase throughout

3 Even though the economic debate was in the centre-stage the economic arena was understood to depend on political decisions that were predominantly conducted by national agents. It was largely felt that activating political decisions of an alternative nature could alter the direction the market was taking. The argument that political decisions had to align themselves with the inexorable dictates of the market only gained force when the process of opening financial and commercial markets suddenly intensified in the 1990s.

4 The authoritarian State had centralised the national salary adjustment policy ever since 1960. After the IMF agreement of 1982 the salary policy was of blatant depreciation of salaries in relation to the inflation rate of the period. It was believed that lowering salaries would fight inflation and reduce the cost of export goods thereby enabling the country to pay its foreign debt.

5 According to Thompson, the relational dimension is fundamental to the constitution of a "class" (Edward P. Thompson, *A Formação da Classe Operária Inglesa* (vol.1), Editora Paz e Terra, São Paulo, 2004, p. 9). Even though there may be problems involved in stating categorically that the salary earners managed to constitute themselves as a "class" (rather than "classes" in the plural) during the re-democratization process, it can be seen that the "banner" of opposition to the dictatorship must have been fundamental in the formation of a certain activist and autonomist culture which was widely shared.

6 Urban salaried employment based on work contracts for an unlimited period of time guaranteed by the State gradually supplanted less durable forms labour relations, archaic rural labour relations and also came to be incorporated by the liberal professions as corporations began to take on gigantic proportions and to verticalise.

7 However much the decadent military regime made use of the expedient of force, the main strategy for containing unionism was the selective "incorporation" of demands such as the six-monthly adjustment of salaries (1979) and the stimulation of elections in all the country's unions whether they were employers unions or workers unions. Businessmen who were mostly in favour of gradual political distension at that time were not primarily concerned with disqualifying the right to strike or to political-labour organisation. Quite the contrary, they sought to re-organise the representative bodies of their own class creating a "bosses" version of autonomist activism.

8 Ex-metalworker Luis Inácio da Silva (Lula) was destined to exercise important political leadership for many years and it culminated in 2003, with his ascension to the Presidency of the country, an office he holds up to the present day.

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the entire period of the 1980s insofar as the various plans designed to stabilise the economy, almost always based on bringing down salaries, failed one after another in their task of debilitating the inflation process.<sup>9</sup>

### The symbolism of the class struggle prior to the structural adjustment

The discourse of the then emerging classism declared that the country was living through a moment of intense class struggle. Therefore, it argued, the solution to the country's problems must inevitably be "political". There were four outstanding aspects to this discourse. First, it appealed to the solidarity of those that lived from their own labours. The labour union movement that had emerged at the beginning of the re-democratisation process had created a "class struggle" that set the heterogeneous mass of wage earners<sup>10</sup> against the "bosses" and the State. In that regard it must be underscored that figure of the "worker", in spite of the term's sheltering a great variety of experiences (lumping together doctors and daily helps for example) would be unified by the fact of living off income stemming directly from working (irrespective of the size of the income) and not through the exploitation of another. Similarly, the source of the income from work was of no interest in itself: Civil servants, salary earners in private companies, those working for themselves, and qualified professionals would all have converging interests and accordingly it would be unthinkable to consider any one of those segments as constituting an "obstacle" to raising the standard of living of any other; a line of reasoning that later came to be widely contested, as we shall see.

The second characteristic was that of 'grass-roots democracy'. In any social sphere the "Big" were adversaries, the "small" were allies. The upper echelons (of unions and government) were opposed to the bases, the factory floor and the demands for direct elections for any and every kind of office or post. The small and the many (masses) were in opposition to the great and few (monopolies). According to that logic the old-style nationalism took on new meaning now re-appropriated as "national autonomy" (at the service of the workers) facing up to international capital and "imperialist" multilateral institution like the IMF. Competitive (non-monopolist) national companies were not described as 'en-

emies' because although they belonged to the "bosses" they did not maintain privileged relations with the State nor did they appear to bring in extraordinary profits. Basically (financial, commercial and industrial) monopolies were singled out as the obstacles to be overcome in the process of promoting a more democratic society.<sup>11</sup>

A third feature of working class identity concerned the construction of a repertoire of negative values which the workers would have to fight against in unison. Among such negative values that orientated practices widely disseminated in the country the classist area enumerated a certain set of epithets like:

*Corporativismo* (members of a group always look after their own), social parasitism, *aparelhismo* (inserting fellow party members in government posts), *patrimonialismo* (fusion of state and private interests), paternalism and *cartorialismo* (obliging the insertion of unnecessary intermediaries in processes).

That set of signs converged to define a specific mode of "self-appropriation" that was considered to have typified Brazil ever since the times that archaism<sup>12</sup> held political sway and it was held responsible for the social "degradation" of the country. Similarly, it is important to point out that the all the values that were repudiated were associated to the idea of something that was not modern. The labour union movement, on the other hand, was attributing a new meaning to "progress" namely: Political participation itself, freely exercised by those multitudes that had historically been left out of the process of defining which way the country should be heading.

The fourth characteristic concerned the relation of labour unionism to the "leftovers" of the lower class world. It was held that there was a "non-unionised population" to which, in practice, the workers movement extended its solidarity. The existence of that "leftover"<sup>13</sup> population was what was largely responsible for the re-discovery of the "social question" which the workers movement sought to operate at the very moment that re-democratisation in course was disqualifying the idea that any discussion of the theme should be halted in the name of combating "subversion".

Those "disorganised" leftovers would be another class ally. The relations between a

9 See Adalberto Cardoso, "A Década Neoliberal", São Paulo, Boitempo Editorial, 2003, p. 123-204.

10 Among the unions that signed the convocation for the "1st National Working Class Conference" in 1981 were various types of factory workers, economists, tailors, electricians, bank workers, journalists, airline employees, architects, drivers, designers, metro-workers, jewellers, bakers, accountants, shop workers, telecommunications employees, more than a dozen unions of rural workers, etc. Eletronic Page: [http://www.cut.org.br/component/option,com\\_docman/task,cat\\_view/gid,85/Itemid,243/](http://www.cut.org.br/component/option,com_docman/task,cat_view/gid,85/Itemid,243/).

11 National Board of PT, "Plataforma Nacional Eleitoral- 1982", in: Partido Dos Trabalhadores - Resoluções de Encontros e Congressos, Editora Fundação Perseu Abramo, São Paulo, 1998, p. 125.

12 The attention dedicated to the problems of rural workers and the struggle for agrarian reform against the large landholdings was symptomatic of the urge to overcome archaism.

13 Usually referred to using terms like "destitute", "unemployed" or "marginalised".

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white collar salary earning worker and a "destitute" person would not involve opposition in political terms but complementariness insofar as they could only improve their lives by uniting against the exploitation conducted by the State and by the bosses of big business. The class struggle would therefore lie outside of such a political relationship which belonged to the intra-class domain.

### **Economic Stability and the re-definition of the class struggle in Brazil: The poor against the better off**

Put that way the trade union issue indicates a serious risk for the democratisation that we all wish for, posed by the weight of **corporate interests**... just as has happened in other parts, the result may well be that the stronger categories with greater capacity to organise themselves manage to obtain advantages for themselves without any concern for the overall interests of society. **How can we put an end to extreme poverty if the middle class is well organised and takes the lion's share?**<sup>14</sup>

What we are arguing here is that the successive projects for "modernisation" and stabilisation of the economy that were put into effect beginning in the 1990s were responsible for the maintaining a considerable part of the symbolic backbone of the class conflict in this country by affirming that it was a conflict of the "small" against the "privileged".

On the other hand they profoundly altered the symbolism of class conflict in Brazil insofar as they re-qualified the concepts of "privileged" and "marginalised" social beings. It would no longer be a question of the working class opposing the monopolies and international capital. What they were saying was that you should not fight against private capital but submit yourself to them politically in such a way as to attract them and develop them.

"*A luta continua*"<sup>15</sup> (the struggle goes on), but it does so on a different plane: The struggle of the disorganised against the "organised" (whether they be workers or bourgeois) insofar as the latter were seen as bound to the State

hampering it from reaching out to the true "social" sector. From there on the Government proclaimed itself authorised to act against the privileged sector, supposedly to the benefit of the poorest segment.

Nowadays, public opinion has expanded to embrace and incorporate workers' unions, churches, social movements and the so-called civil society organisations. There is however still a **silent majority** that has never been able to make its voice heard. The government's social measures are aimed at addressing the needs of that majority even in the face of the uproar of those that use the poor as a shield to defend their own **privileges**.<sup>16</sup>

According to that view the segment of stronger workers constituted part of the old-style sphere of "self-interest" and were actually hitched to the state. Thus the redemption of the excluded was no longer to depend on their alliance with the stronger segments of salaried workers but on overcoming the "corporate" collusion embraced by the union sectors that were hampering the adjustment of public accounts, the end of inflation<sup>17</sup> and the reduction of inequality.

There was even a part of the old-style "confrontation" unionism that adhered to the new diagnosis. In the name of a so-called "unionism of results" there sprang up a confederation of unions known as the "Força Sindical" accusing its former "companions" of defending "archaic privileges". In 1995, the president of that confederation declared:

(T)he union movement in Brazil today has become a reactionary factor and taken a stance against the reforms... we feel that country's main problem is the nature of the Brazilian State— **corporatist** and "**cartorialist**"<sup>18</sup> as it is... the Brazilian union movement has become sick, in the same way as society and the State have become sick because of that very **corporatism** so profoundly ingrained in the universities and in all the **organised** segments of Brazilian society.<sup>19</sup>

So it was no longer a case of criticising the

14 Fernando Henrique Cardoso, "Primeiro Limpar o Entulho Autoritário", in: Lourenço Dantas Mota, "A Nova República: o Nome e a Coisa, Editora Brasiliense, São Paulo, 1985. The influential sociologist Fernando Henrique Cardoso, one of those that struggled for the overthrow of the Military Dictatorship was destined to become President of the Republic from 1995 to 2002. Emphasis author's.

15 A common motto of union and left-wing activists during the first phase of the re-democratization process.

16 Fernando Henrique Cardoso, "Por um Brasil Solidário" (Republic President Inauguration Speech), 1999, electronic page: <http://ftp.unb.br/pub/UNB/ipr/rel/discpr/1999/2869.pdf>.

17 The idea that unionism was a part of an "inflationary" coalition was even destined to inspire a specific legal device to address it: one of the decrees (number 1053/95) that instituted the 1994/1995 plan for stabilizing the economy (The "Plano Real") prohibited the unions from negotiating any kind of agreement with employers that included the full automatic recovery of the real values of salaries based on the inflation rate registered for the period. The government alleged that such automatic replacement of losses would themselves be liable to re-fuel inflation. See Elina Pessanha, "Labour Law and Justice in Brazil: Antiliberal Tradition and Neoliberal Recent Changes", In: Annual Meeting and Conference of SLAS-Society for Latin American Studies, 2002, Norwich. Annual Meeting and Conference-SLAS 22nd-24th March 2002. Norwich : University of East Anglia, 2002.

18 Obliging the insertion of unnecessary intermediaries in processes.

19 Enilson Simões (untitled speech), in: "Projetos Estratégicos Alternativos para o Brasil: conferência do Rio de Janeiro", FASE-FUJB, Rio de Janeiro, 1995.

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nature of Capitalism in Brazil, but rather of criticising corporatism, identified as an ancient problem manifest in the confrontation" unionism. In that narrative the political struggle is seen as being one of the "organised" segments against the "disorganised" ones, thereby diluting any reference to the working class, so much in vogue in the previous decade.

That is to say, there had been an important change at the heart of the framework of autonomist activism ideas: The fight against State centralisation and social dependency should not be carried out through political union around the demand for the social rights of those actors that had traditionally been excluded from the political management of the country but instead by the quest for efficiency in mercantile relations and by combating wastefulness. The country's problem was not seen as the destitution of rights provoked by capitalism in times of eminently political accumulation (by means of financial hypertrophy and state repression), but by the lack of efficiency in generating and distributing resources. The sphere of trade was declared innocent of all that and given every incentive while the most eminent workers' organisations were labelled as accomplices of the inefficient and excluding State.

It can be seen that in that kind of situation autonomist activism is partially maintained but the old "working class" is separated into parts that are structurally irreconcilable. One part of it would be so strong that could be compared to the 'hitched up" business world in terms of power and ability to cause harm to the poorest segments. What would be important was to defend the disorganised "people" from the powerful members of the supposed pro-inflation coalition.<sup>20</sup>

In any event the fragmentation of the working class could only effectively take place because of the simultaneous opening up of the sluice gates of economic globalisation. The lines of discourse merely translated politically what had actually been happening in practice since the beginning of the 1990s: State policies were effectively fragmenting classist unionism. This more internationalising and privatising project (which opted to try to overcome the national economic crisis by intensifying its association to foreign capital) ended up by eroding the role of the State in regulating market relations in Brazil. The most expressive measures taken in that direction were the opening up of trade, the

privatisations, the economic stabilisation plan based on attracting short-term foreign capital and the extinction of the category 'National Company' as a legal entity.

In that situation, the labour regulations guaranteed by the State and consolidated by the end of the 1980s were endowed with greater flexibility by the hegemonic social bloc not only in the legislation but in practice too.<sup>21</sup> Although the social bloc responsible for introducing that flexibility met with strong resistance the result was a significant displacement of the regulation of labour relations to the interior of the companies which was a scale on which the Brazilian union movement had traditionally been forbidden to act and in which it continued to be weak in spite of the re-democratisation process. Thus the depletion of the State's regulatory functions in regard to capital concomitantly eroded part of the regulatory power of the union organisations. As a consequence of the decline in regulation, the very phenomenon of salaried employment went into decline in the country: Many of the unemployed had to engage in some kind of self-employment activity by opening very small companies<sup>22</sup> or by "working for themselves".<sup>23</sup> It is quite possible that part of those "precarious" businesses part of those "precarious" businesses ended up pressing for even greater de-regulation of the labour market as a way of easing their overheads. The old classist bloc had been split up for ever.

### The Material Structuring of the New Class Struggle

At the same time the symbolism of the class struggle between the poor and the better-off showed itself in the re-structuring of the Brazilian tax regime which punished both segments. During the first phase of the re-democratisation process when the classist movements still wielded considerable influence over the policies of the state the tax load (total amount of taxes levied as a proportion of the GNP) remained unaltered in spite of pressure being applied for the government to increase spending in the social sector. The re-structuring of the tax regime came at the moment when the modernising bloc came into power and placed its bets on greater external dependence as its project for the country. In 1992, the IMF recommended that Brazil should increase the overall tax load by two or three per cent in relation to the GNP as a measure that would favour the payment of public debt. The actual increase

<sup>20</sup> The unions then began to be accused of feeding inflation by demanding salary increases directly proportional to the inflation rate thereby stimulating another round of price-raising.

<sup>21</sup> See Adalberto Cardoso, "A Década Neoliberal", São Paulo, Boitempo Editorial, 2003, pp. 123-204.

<sup>22</sup> The numbers of those classified as "employers", regardless of the size of the company involved, increased by forty per cent in the years from 1993 to 2003. From 1996 to 2002, the number of micro-businesses (employing up to nineteen salary earners in industries or nine in other sectors) grew by 56 per cent. Marcelo Neri, "Análise de Negócios Nanicos a partir da Pesquisa Economia Informal Urbana", 2005, p.3, electronic page: [http://www.sebrae.org.br/br/aprendasebrae/arq\\_aprendasebrae/texto\\_discussao\\_01.pdf](http://www.sebrae.org.br/br/aprendasebrae/arq_aprendasebrae/texto_discussao_01.pdf).

<sup>23</sup> The number of those "working for themselves" (and not employing others) grew by 23% countrywide in the period 1993 to 2003. Ibid.

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however was considerably greater than that. If it is true that in that year the total tax levied was around 25 per cent of the amount of the GNP, in 1994 it had gone up to thirty per cent and by the year 2001, 34 per cent. In 2005 it hit the mark of 37 per cent. What is more important than observing the increase in the overall tax load is to observe the way in which that load was distributed whereby tax on capital gains went down by fourteen per cent over the period between 1996 and 2001 while taxation of workers income went up 27 per cent and taxation on consumer goods (which falls more heavily on the poor than on the rich) underwent a 45 per cent increase over the same period.<sup>24</sup>

On the other hand the poorest families have been getting some benefit in terms of well-being throughout the period due to the very force of the claims made by the working class during the early phases of the re-democratisation process. No government could have possibly legitimised itself without dedicating attention to those social "leftovers" which were identified as Brazil's most serious public problem during the struggle against the dictatorship. Many of the benefits that have accrued to the poorest populations are the fruit of provisions that were actually instituted in the 1980s and which the wave of neo-liberalism did not sweep away entirely: The universal concession of old age pensions to rural workers and dwellers with or without prior contribution; indexing social welfare benefits to the adjustments made to amount of the official minimum salary, etc. Furthermore, in the 1990s programmes began to appear for transferring income from the federal government to the very poorest families such as the "Bolsa Família" (Family Allowance). The contradiction inherent in that process is the fact that the poorer strata of the population also helped to finance those policies because of the high taxes levied on everything that is consumed in the Brazil. In any event, the progress has been very timid because of the minuscule participation of capital gains in financing public policies. Not even the fact of a historic leader of worker classism's becoming president in 2003 ("Lula") would change that scenario. The extent to which the country's economy had become associated to the global

economic flows had already utterly transformed the conditions for putting into effect any project directed a "politicising the economy" in the way that the classism had wished for twenty years earlier.

Within the middle class, now symbolically and practically separated from the "working class" there has been resentment against the State which it is called on to finance while simultaneously perceiving that its standard of living has deteriorated in comparison with previous decades. Instead of being classist, this new resentment of the State has a "liberal" tone. Furthermore the feeling that they have to sustain the public assistance programmes has further exacerbated their resentment against the very poor.<sup>25</sup>

***In attempting to diminish the size of the State, (structural adjustment) ended up by expanding it in exactly those aspects that the Brazilian working class had always denounced most vociferously, namely: Its ability to drain resources from the workers to pay interest to financiers at rates that have been increased by decision of the very State itself.***

historic process are national and international financial capital. In spite of all the efforts made to reduce the size of the Brazilian State, public debt has gone up fantastically due to the policy of using high interest rates to attract short-term foreign capital and control inflation.<sup>26</sup> This has meant that the overall balance resulting from the structural adjustment made in Brazil is depressing: In attempting to diminish the size of the State, it ended up by expanding it in exactly those aspects that the Brazilian working class had always denounced most vociferously, namely: Its ability to drain resources from the workers to pay interest to financiers at rates that have been increased by decision of the very State itself.<sup>27</sup>

### Conclusion

The "modernising" project produced an important displacement of the diagnosis of the problems of Brazilian society; the basic problem was no

24 Clair Maria Hickman & Evilásio da Silva Salvador, "10 Anos de Derrama: a Distribuição da Carga Tributária no Brasil", Sindicato Nacional dos Auditores-Fiscais da Receita Federal, Brasília, 2006, p. 79, eletronic page: [http://www.unafisco.org.br/estudos\\_tecnicos/2007/10anos.pdf](http://www.unafisco.org.br/estudos_tecnicos/2007/10anos.pdf).

25 One of the oldest expressions of the prejudice of the well-off sectors against the poorer sectors is the accusation that they are "indolent" and averse to working. Even today it is quite common to find in readers letters to the newspapers, complaints that the government's "Family Allowance" programmes merely use the money of the middle class to sustain "wastrels".

26 During the years 2000 the Brazilian State has managed to pay off its external debt almost completely but in doing so it has sacrificed financial resources that could have been used to execute social policies and it has constituted a domestic debt of far greater dimension in its stead. In 1994, total public debt (external and domestic) was 153 billion dollars (30 per cent of the GNP). By 2005 that debt had grown to beyond 1,067 trillion dollars (44 per cent of the Brazilian GNP for that year). Luiz Filgueiras e Reinaldo Gonçalves, "A Economia Política do Governo Lula", Contraponto Editora, Rio de Janeiro, 2007, p. 106.

27 A great part of the national public debt is tied to the basic interest rate (bank rate) defined by a government committee.

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longer held to be the destruction of rights produced by a Capitalism dominated by finance as the class-based argument declared but rather, the inefficiency of Brazilian capitalism. Thus instead of the arduous attempt to promote social rights by collective regulation undertaken by the labour unions or by the State itself, it was proposed that the first strategic step should be policies directed at attracting international capital and combating public and private "wastefulness".

When the ideas embraced by autonomist activists finally came to exercise a definitive influence on the spheres of power, they led to a 'politicisation' of the economy in the first moment (whereby corporate businessmen and moderate politicians mostly accepted the concepts of class struggle propagated by labour activism) and the commodification of social relations in the following stage. Structural adjustment was conducted in the name of the de-colonisation (achieving autonomy) of the economy freeing it from the "evil" influence of politics and the more powerful pressure groups (among them the unions); and of making the economic agents more active insofar as they would be stimulated by the competition instead of eternally seeking shelter in the "paternalism" of the state. Accordingly, in that vision, it is politics that produces the poor distribution of resources and frightens off the "beneficial" international economic flows and not hyper-financed monopolist

Capital that drains off the economic surpluses society produces by means of a variety of political devices (like setting international interest rates).

The structural adjustment in Brazil produced an absolutely *sui generis* class struggle in which the governments fight, with due authorisation of the people and in their name, against the better off classes while "big Capital", formerly the target of denouncement by classist discourse, is not only entirely left out of the legitimate "confrontation" but is the object of open adulation on the part of government. It should be noted that the result of that strange battle has been on the one hand, a decrease in personal income disparity in the country, but on the other hand there has been an increase in functional income disparity<sup>28</sup> (which represents the division of resources between Capital and labour). As for the public debate, effect of *sui generis* class struggle has been the radical transformation of a context dominated by hope and the re-discovery of the social side of affairs during the first stage of the re-democratisation process, into a situation permeated with growing resentment against the "dangerous classes" and the policies that could potentially benefit them.

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28 Cláudio Salm, "Sobre a Recente Queda da Desigualdade e Renda no Brasil: uma leitura crítica", 2006, p. 290, electronic Page: [http://www.ipea.gov.br/sites/000/2/livros/desigualdaderendanobrasil/Cap\\_08\\_Sobrecentequedadesigualdade.pdf](http://www.ipea.gov.br/sites/000/2/livros/desigualdaderendanobrasil/Cap_08_Sobrecentequedadesigualdade.pdf)

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## Globalisation and its Impact in South Asia: With Special Reference to Disempowerment of Labour



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### Abstract

Globalisation is described as a complex phenomenon with far-reaching effects. Over the past years, the term has acquired many emotive connotations and become a hotly contested issue in current political, economic and social discourse. At one extreme, globalisation is seen as an irresistible and benign force for delivering economic prosperity to people throughout the world. At the other, it is blamed as a source of all contemporary social ills like the Asian financial and economic crisis, unemployment, increase in the number of poverty stricken people, loss of cultural identity and unregulated labour conditions amongst others. This dichotomy led by globalisation is what this article attempts to focus on. To bring out the nuances of the topic, the impact of globalisation is pictured around the present working conditions and labour issues of the South Asian countries. How globalisation had led to the disempowerment of labour is what the article looks at.

### Globalisation: Meaning and Historical Relevance

We live in an age obsessed with growth and globalisation. Growth is not possible without globalisation and globalisation cannot unfold without growth.<sup>1</sup> Nobel Laureate in Economics (2001) Joseph Stiglitz asks- why has globalisation- a force that has brought so much good, become so controversial?<sup>2</sup> After all, opening up to international trade has helped many countries grow far more quickly than they would otherwise have done. International trade helps economic development when a country's exports drive its economic growth. Export-led growth was the centrepiece of the industrial policy that enriched much of Asia and left millions of people there far better off. Because of globalisation many people in the world now live longer than before and their standard of living is far better. People in the West may regard low-paying jobs at Nike as exploitation, but for many people in the developing world, working in a factory is a far better option than staying down on the farm and growing rice. Is that so...? NO.... Because Stiglitz, in the subsequent paragraphs, himself answers the question that- to many in the developing world, globalisation has not brought the promised benefits.

The term 'global' is an indicator of change.<sup>3</sup> In the 1960s, this came to be used to mean 'belonging to the world' or 'worldwide'. In this world, change stands at the heart of all things. The forces of evolutionary change gather pace while pre-existing dominant structures collapse. So it has been with globalisation. The failure of

socialism and end of Cold War have set the tone for the burgeoning of globalisation in its present form, aided by tremendous stride in technological change- which led to the coinage of the term 'death of distance'. Globalisation has set in motion a process of far-reaching change that is affecting everyone. New technology supported by more open policies, has created a world more interconnected than ever before. This spans not only growing interdependence in economic relations- trade, investment, finance and the organisation of production globally- but also social and political interaction among organisation and individual across the world. Globalisation as a concept is used to describe the process by which the world is transformed into a single arena. At the core of this understanding, is the contention that it should be applied to the concrete structuration of the world as a whole. Globalisation is not merely an economic phenomenon; rather it covers all the aspects of modern life: The economic, the cultural, the political, the humanitarian, the social and the ecological. In relation to these aspects, the social scientists today increasingly concentrate on global phenomenon. In simple words, globalisation can be defined as a process which denotes a transformation in the spatial organisation of social relations and transactions. According to the International Trade Theory, globalisation is the ever-increasing integration of national economies into global economy through trade and investment rules and privatisation, aided by technological advances. Globalisation denotes the expanding scale, growing magni-

1 D. N. Ghosh, *Governance Accountability Essays on the Indian Financial & Corporate Sectors*, Oxford University Press, New York, 2007.

2 Joseph Stiglitz, *Globalization and its Discontents*, Penguin Books, New Delhi, 2002.

3 Samir Dasgupta (ed.), *The Changing Face of Globalization*, Sage Publications, New Delhi, 2004.

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tude, speeding up and deepening impact of interregional flows and patterns of social interaction.<sup>4</sup>

In today's precarious global climate where both governments and businesses face tremendous social challenges with indecent working conditions, trade regulations and environmental pressures, business enterprises are establishing social wing in their structure to combat these issues. With globalisation, there has been a qualitative difference in the way people are beginning to relate to one another. Customers are now much more conscious of standards, stakeholders are aware of their interests and the co-workers of a company are viewed quite differently as they were perceived few decades ago.

But the current process of globalisation is generating unbalanced outcomes, both between and within countries. Wealth is being created, but too many countries and people are not sharing in its benefits. They also have little or no choice in shaping the process. Seen through the eyes of the vast majority of women and men, globalisation has not met their simple and legitimate aspirations for decent jobs and a better future for youth. Many of them live in the limbo of the informal economy without formal rights and in a swathe of poor countries that subsist precariously on the margins of the global economy. Even in economically successful countries some workers and communities have been adversely affected by globalisation. As Stiglitz puts it a growing divide between the haves and have-nots has left increasing numbers in the Third World in dire poverty, living on less than a dollar a day. And neither has it succeeded in ensuring stability in Asia and Latin America. The problem was that many of these policies became ends in themselves, rather than means to more equitable and sustainable growth. In doing so, these policies were pushed too far, too fast, and to the exclusion of other policies that were needed. With the advent of "privatisation" (converting state-run industries and firms into private ones) and "liberalisation" (removal of government interference in financial markets, capital markets and of barriers of trade)– pushing these two agendas too far contributed to the global financial crises of the 1990s and in the recent times with the economic recession as one of the concerns of the Asian countries in the South. The unevenness of

globalisation compounds such dejection as the strong seem to be stronger and the weak, even weaker. For the most affluent it entails a shrinking world but is very deceptive for the destinies of the deprived majorities. It is like an American child whose glittering eyes are fixed on the enchanting Disneyland but also presents a tragic picture of a dejected child beggar. As we move beyond the dichotomies of globalisation, we are becoming an increasingly interconnected 'global village'– as Marshall McLuhan phrased it in 1964.<sup>5</sup>

Globalisation, though, became a focal point of attention in the social sciences in the late 1980s and appeared as a paradigmatic concept in analysing the ecological, social, political, environmental and cultural metamorphoses occurring across the modern world; however globalisation is not a new phenomenon. It is a historical feature that tends to expand or contract over time and is Janus-faced.<sup>6</sup> The concept of globalisation dates back to the voyages of discovery in the fifteenth century. The capitalist economic foundation was laid in the sixteenth century. Immanuel Wallerstein in *The Modern World System*, analyses his 'World System Theory' in terms of the power-play which the centre or core extends and links to the periphery. The European Commission defines globalisation as the process by which markets and production in different countries are becoming increasingly interdependent due to the dynamics of trade in goods and services and flows of capitalism known as 'flexible accumulation'. Karl Marx in his Communist Manifesto suggests that the need of a constantly expanding market for their product chases the bourgeoisie all over the world. It must nest, settle and establish connections everywhere possible. Wallerstein, in 1990, theorised the world system theory has widened the Marxist version of understanding global capitalism. The 'global capitalist class' generally operates from a nation state of hegemonic type that dominates the transnational (TNC) practices in economic, political and cultural spheres. M. Castell in 1996 rejects the concept of a global capitalist class and accepts the view of an integrated global capital network. Martin Albrow in 1996 raises the issue of using sociology to enhance the global network and thus, pleads for a global sociology.<sup>7</sup> Today globalisation indicates a phenomenon identified interchangeably as a process, an historical event or the end result of shifting 'ethno-, techno-,

4 David Held and Anthony McGrew, *The Great Globalization Debate: An Introduction*, Polity Press, New York, 2001.

5 [http://www.chass.utoronto.ca/mcluhan-studies/v1\\_iss2/1\\_2art2.htm](http://www.chass.utoronto.ca/mcluhan-studies/v1_iss2/1_2art2.htm), retrieved on 31 July 2009.

6 Priti Garg, "Globalization: Its impact on labour", *The Indian Journal of Political Science*, LXVI, 4, October-December 2005, pp. 813-830.

7 For a discussion of the above, see Emmanuel Wallerstein, *The Modern World System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century (Studies in Social Discontinuity)*, Academic Press, New York, 1980; [http://en.wikipedia.org/wiki/The\\_Communist\\_Manifesto](http://en.wikipedia.org/wiki/The_Communist_Manifesto), retrieved on 31 July 2009; Manuel Castells, *The Rise of the Network Society*, Blackwell, Oxford, 1996; and Martin Albrow, *The Global Age: State and Society beyond Modernity*, Polity Press, London, 1996.

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media, finance-, and ideo-scapes'.

### Globalisation and Disempowerment of Labour in South Asia

'Disempowerment' is the act of taking away one's own personal power. Disempowerment as a term was forged in the experience of civil rights lawyers in the 1970s but broke the colour barrier in the 1980s to refer to any oppressed group. The term also proved useful to psychologists and now is a standard term describing an array of symptoms from ennui to alienation to general dissatisfaction with life.<sup>8</sup> In simple words, disempowerment means 'to deprive of power or influence',<sup>9</sup> which has been taken as a premise of this article to bring out the dichotomy of the impact of globalisation with a focus on working class.



Source: [www.google.com/images](http://www.google.com/images)

Globalisation works selectively: Beneficial for some countries and people, but not for others. The most impressive gain had been in the poverty reduction associated with the opening up of China and India. Yet some one billion people in the region had hardly seen any reward. It needs to be more inclusive. The labour conditions in China emphasised that the opportunities and benefits of globalisation outweighed the risks. Globalisation had spurred economic growth and industrial productivity and has helped China come to grips with the country's major challenge: Employment. But it had also undermined traditional livelihoods in agriculture, changed the traditional social security system and increased rural-urban and intra-regional inequalities. Some multinational investment was exacerbating environmental degradation and generated pressures for cheaper and more flexible labour in order to retain competitiveness. As consumers, people in China appreciated low prices and quality goods and services, but as workers they wished for better and more secure jobs opportunities. In India, the message was more mixed. There had been winners and losers. The lives of the educated and the rich had been enriched by globalisation. The IT sector was particularly a beneficiary. But the benefits had cropped up for the socially deprived and rural poor. Globalisation has eroded values such as democracy and social justice. Power was shifting from elected local institutions to unaccountable transnational bodies. Western perceptions, which dominated global media, were not aligned with local per-

spectives; they encouraged consumerism in the midst of extreme poverty and posed a threat to cultural and linguistic diversity.

Globalisation has led to unprecedented environmental changes. The movement of capitalist, products, technology and people is affecting the industry and how it functions labour, a crucial factor of production has been greatly affected. Labour markets all over the world are changing fast due to globalisation. These changes are much more important and crucial for labour force in developing countries as they are more vulnerable and are not covered or inadequately covered by social security schemes.

Globalisation and its impact on industry and labour have affected the way in which the world economic system functioned. Economies which were previously cushioned from external shocks are now facing the impact of fluctuations of global markets. There is increase of mergers and take-overs in industry, weakening of antimonopoly laws and rise of global consumer markets. Countries in order to avoid economic and political marginalisation are opening up their economies. Free trade zones are being established from the rigours of labour laws. Global competition has increased due to pressure on companies to maintain market share and regulatory regimes weakening. This has increased the pressure to maintain labour standards and lower wages across the world.

### Organisation of Workforce

Organised workforce is decreasing. Number of operations given to sub-contractors have increased and that too in the unorganised sector. Flexible production arrangement, part-time work, casual employment, agency work, self-employment and unemployment have become common. According to estimates published by ILO in 1991 about forty to sixty per cent of the people in Asia were engaged in informal sector. In India, the eighties was characterised with jobless growth since employment in the organised sector has grown at less than one percentage per annum while the labour force in the country grew at 2.5 per cent per annum. As per the Labour and Employment Ministry, in the organised sector, which includes both public and private sector, the number of workers employed was 277.89 lakhs on March 2001. This figure came down to 277.06 in March 2002.<sup>10</sup>

### Trade Unions

Trade Unions are on the decline. This is a worldwide phenomenon. In southern countries, too, the situation is adverse— there is a decline in trade union membership, though the decline is not uniform. In South Asia, links between the trade unions and political parties are weakening

<sup>8</sup> William R. Long, <http://www.drwilllong.com/CurrentEventsVI/Disempower.html>.

<sup>9</sup> The definition of Disempowerment in the free online dictionary, available on [www.thefreedictionary.com/disempowerment](http://www.thefreedictionary.com/disempowerment).

<sup>10</sup> Fair Labor Association. [www.fairlabor.org](http://www.fairlabor.org).

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which is reducing their economic strength and political influence. The Chinese constitution guarantees Freedom of Association (FOA); however, the Trade Union Act prevents the establishment of trade unions independent of the sole official trade union– the All China Federation of Trade Unions (ACFTU). According to the ILO, many provisions of the Chinese Trade Union Act are contrary to the fundamental principles of FOA, including the non-recognition of the right to strike.<sup>11</sup> As a consequence, all factories in China fall short of the ILO standards on the right to organise and bargain collectively. However, the government has introduced new regulations that could improve the functioning of the labour relations mechanisms. The Amended Trade Union Act of October 2001 stipulates that union committees have to be democratically elected at members' assemblies and trade unions must be accountable to their members. The trade union has the responsibility to consult with management on key issues of importance to their members and to sign collective agreements. But the picture in practice is different.

There is a lot of pressure on the Indian trade unions as well. The power and influence of the trade unions is declining due to reduction in membership, weakening of political support, threat of closure. Also with the increase in migrant labour and contractual labour, the workers do not see the benefit of being associated with any trade union as their stay is of temporary nature and there is a threat of dismissal from work from the factory management. According to the estimate of a former Secretary of the Central Ministry of Labour, the number of members covered by collective agreements in the country is barely one percentage of the total workforce.<sup>12</sup>

### Wages and Employment

The increase in international competition and rapid changes in the technology has led to a fall in real wages of unskilled workers and increased inequalities in the developed countries. New labour saving technologies have increased the woes of the workers. Growing income inequality, job security and unemployment have resulted due to globalisation. Global competition has forced restructuring of many units. This involves labour restructuring leading to loss of jobs and increased unemployment in different forms. The most vulnerable section of the society– the poor, women, children and old suffer the most. In the age of globalisation, the recent fall in dollar-rates has expectedly created fluctuations in the export trade of Asian countries. Managements have had to play it very safe, while in a few

factories some jobs were handed over to smaller and home-based units. Work goes on briskly despite the dollar-fall crisis that has reduced the number of workers in other factories.

Thus globalisation and liberalisation have created an enabling environment for cutting down regular, salaried jobs and given way to contractual employment, sub-contracting, outsourcing, feminisation and weakening of trade unions. In the industries of India, China, Bangladesh and Sri Lanka– workers do not have job security, regular salary, wage revisions and other benefits. They have to work for long hours, get low wages and are not covered by insurance.



Source: [www.google.com/images](http://www.google.com/images)

### Emerging Trends– Case Study of Garment Industry

Responding to the emerging trend of globalisation, we can take an industry example of the garment business and trade in Asia. Garment industry is among the most globalised sectors in the world today and South Asia has emerged as the powerhouse of production. Production has taken place in countries like India, China, Vietnam, Indonesia, Sri Lanka, Bangladesh and Pakistan over the past few decades as the industry relocated production in waves to different parts of the world in a quest for cheaper labour costs. South Asia has major export shares for the markets of US and UK and dominates world trade in garments having the largest share, 44.9 per cent (in 2000), of world exports.<sup>13</sup> The labour disempowerment experienced in this sector is the result of globalisation. In the past decade the garment industry has been subjected to extensive media exposes resulting to the findings of sweatshops and the pathetic labour conditions in the countries of Asia and Latin America which manufactured for high profile apparel giants like Nike, Reebok, GAP, Kathie Lee Gifford etc. This resulted in politics of labour and protest within an industry that has come to define the possibilities and abuses of globalisation and its feminised labour. The period of 1995-96 has been described as the 'Year of Sweatshop' in the US as activists campaigned around these issues and highlighted the practices of the market leaders.

The findings in this industry explain the plight of the workers which theorises the

11 Debi S. Saini, "Dynamics of New Industrial Relations and Postulates of Industrial Justice", *The Indian Journal of Labour Economics*, 46, 4, 2003, p. 651.

12 Ibid.

13 Sujana Krishnamoorthy, *Garment Industry and Labour Rights in India: The Post MFA Context*, Centre for Education and Communication, New Delhi, 2006.

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disempowerment of labour in the export generated industry. The findings represent the conditions of workers across countries in South Asia: Ø Most of the garment factories are small-scale. The factory acts are not applied in most of them and the owners ignore the labour welfare regulations. Rampant bribery helps them to exploit the workers.

Ø In all the garment units, labour is highly exploited there is no job security. Social security benefits are non-existent. The garment sector recruits women aged between fourteen to thirty years. There is forced overtime. If it is refused, it leads to unjust dismissal. The minimum wage requirements are flouted (workers are not paid the minimum wage fixed by the government for the industry, leave alone the living wage) and working hours are at least twelve to fourteen hours a day with no rest breaks in between at times.

Ø The economically backward conditions of the families push women to take jobs in these garment factories. But once they are in, they have to face all kinds of sexual harassment. Indirect and direct sexual advances, insults, vulgar verbal abuse are all common in these sweatshops. There have been many cases of suicides pertaining from the harassment in the industry. Women workers are also discriminated while paying wages where they are paid less than what their male counterparts get. Married women are often not employed fearing that they might take maternity leave after marriage. If a woman worker gets pregnant while working in the factory, she is asked to resign.

Ø Basic facilities such as toilets, ventilation and even drinking water are not provided in these factories. There are restrictions for using the toilets. Women are not allowed to sit to do their work. Lunch breaks are a mere thirty minutes (in a twelve to fourteen hour shift) and are often supervised. The supervisors' body-search the women garment workers when they leave factory premises— another humiliating practice along with all the other harassment they endure. Many women in these factories have also been forced into prostitution.

Ø The supervisors and production managing staff are paid huge sums to maintain profits for the bosses. Among the workers of the upper rungs of the ladder, tailors get a maximum of Rs. 140/- (\$ 3) per day, which is way below the wage fixed by the government for skilled workers.

Ø There are no measures taken to maintain industrial safety. Machines have faulty and obsolete technology, which results in accidents. Many garment workers have damaged or lost their fingers in such conditions. As there is no proper ventilation, dust from the textile waste

gets into the lungs of the workers. Many suffer from throat cancer due to these unhealthy working conditions. Anaemia, sleeplessness, miscarriages, leg and back pain are widespread among women garment workers.

Ø Due to the high advent of migrant labour (another outcome of globalisation), the workers are engaged as contract workers or on piece-rate basis. This set-up does not allow the workers to form unions and combine for collective bargaining at the workplace. This results in the disempowerment of labour that is practically left with no rights to exercise.

It is against this background that the voluntary code of conduct in the 1990s has emerged. The emergence of voluntary corporate codes is both a manifestation of and a response to the process of globalisation. During the first three post-war decades, developing countries were involved in the world economy primarily as producers of raw materials and as markets for manufactured goods. TNCs' activities were mainly in the extractive sector (mining and oil) and increasingly in manufacturing production for the local market. The post-independence period in many developing countries saw the state play an active role in the economy and the promotion of import substituting industrialisation. After an initial period when FDI (Foreign Direct Investment) was welcomed, many countries became increasingly critical of the activities of the TNCs. Because the prevailing climate was generally favourable towards state intervention and because TNC activity was largely nationally based, the main response to the problems created by TNCs was national state regulation. In the late 1960s and 1970s, some 22 developing countries passed numerous cases of nationalisation of foreign corporations, which reached a peak in the mid-1970s.<sup>14</sup> It was then when a number of international efforts to establish codes of conduct for the activities of TNCs emerged in the 1970s. The most comprehensive of these was the UN Draft Code of Conduct on TNCs which was developed by the UN Centre on TNCs (UNCTC) set in 1974. Several specialised UN agencies also developed codes covering particular aspects of TNC behaviour. These included the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in 1977 and the UN Conference on Trade and Development (UNCTAD) proposed codes on Restrictive Business practices and on the Transfer of Technology. Today, there are five hundred examples of such codes. It is clear that they best represent a sincere attempt to raise standards for workers in the production process and others represent no more than a glossy piece of public relations where such codes emanate almost exclusively from large MNCs. And some

14 Rhys Jenkins, Ruth Pearson and Gill Seyfang(eds.), *Corporate Responsibility and Labour Rights: Codes of Conduct in the Global Economy*, Earthscan Publications Ltd., London, 2002.

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companies have begun to see ethical trade not in a defensive manner, but as a source of competitive advantage to be plastered across websites, annual meetings and international conferences.

In an era when reputation began to exceed all other factors in determining company sales and values, executives could not afford to wait for a change in the political wind. The more enlightened ones began to admit to the problem and say only they could do something about it. The Company code of conduct was born. A number of changes in the global economy contributed to the growing interest in CSR (Corporate Social Responsibility) and COC (Code of Conduct). The growth of global 'value chains' in which Northern buyers control a web of suppliers in the South has led to calls for them also for working conditions and environmental impacts. At the same time the increased significance of brands and corporate reputation makes leading companies particularly vulnerable to bad publicity. Changing public attitudes are also an important part of the context in which corporate COC have been adopted. The developments in global communications which have enabled corporations to control production activities on an ever widening scale have also facilitated the international transmission of information about working conditions in their overseas suppliers, contributing to increased public awareness and facilitating campaigning activities.

Given the range of motives, the positive view is that codes represent the positive multi-dimensional aspects of globalisations which provide access to information allowing the global consumer and political subject to connect with issues and individuals previously too remote to feature on their horizon. Moreover, it has breathed new life into international organisations such as the ILO, which were founded on models of work rooted in single nations and assuring formal workforces, which were becoming ineffective in an increasingly informalised and unregulated workforce. Moreover, the articulation of universal labour standards for the whole of a globalised production system chimes harmoniously with the current political practice of utilising human rights treaties and discourse to argue for social and economic as well as political and civil rights— that is to couch development aspirations in human rights discourse. Critics raise the objection that voluntary regulation serves as a substitute for statutory regulation (by governments and international bodies) and at the same time legitimises the absence of statutory regulations by governments and international bodies.

Today neo-liberalism and globalisation have helped the rich to massively increase their assets. This system of the 'haves' and 'have-nots' has seen them using the police to protect themselves and their private property. They

have used stooges within our own class to intimidate us. The working class must raise its voice against all these injustices. Trade unions and organised workers must support the garment workers and unionise them. The economic situation of many countries like India is pushing peasants as well as workers to commit suicide. There has not been a victory for any workers' struggle in the last two and a half decades. All these factors are an obstacle to the workers' struggles. The 'left' parties, unions and workers must realise this. In the foreseeable future, private industry will be on the increase, which will increase the employment of women in these exploitation centres. The trade unions have to build a strong movement against the lack of workers' rights, price rises, and harassment at the workplace including sexual harassment.

### Conclusion

In order to remain competitive in the present phase of globalisation it has become imperative to restructure the economies. The capacity of governments to regulate labour markets is weakening in the face of heightened international economic competition. Informal sector is on the rise. Trade unions have been adversely affected. Bargaining position of workers is decreasing. What is required is a holistic and long-term framework to cope with the challenges posed by globalisation. These indicators suggest that the globalisation process is affecting the workers— contractualisation, casualisation, informalisation are the present forms which define labour; and those engaged in outsourced activities in contract and casual work have less secure forms of employment and get lower wages. More government intervention is necessary— in the form of revisions of out-dated labour laws; strict implementation body which can regulate different aspects of labour markets; empowerment of institutions that can bargain on behalf of different interest groups; creating infrastructure especially at the village level to ensure less influx of people into cities for work— rather sustainable growth at the rural level, with more infrastructural development to regulate child labour, discrimination and harassment; to seek a process of globalisation with a strong dimension based on universally shared values and respect for human rights and individual dignity, one that is fair, inclusive, democratically governed and provides opportunities and tangible benefits for all countries. A globalised world should ideally involve— a focus on people; a democratic state; sustainable development; productive and equitable markets; fair rules; globalisation with solidarity (to help to overcome inequality both within and between countries); greater accountability to people (democratically accountable for the policies they pursue and the actions they take); deeper partnerships (international organisation, governments and parliaments, business, labour, civil society); an effective UN.

## Globalisation and Contemporary Nigerian Women



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### Abstract

The gendering of cultural values is related to ascribed social roles of men and women, in Nigeria as in other countries. The social roles ascribed to women in most sub-Sahara African societies often include, procreating and household chores such as cooking, cleaning, caring of infants, sick and the aged. In some sections of society, a belief persisted that women had no role to play in the public sphere, even though there were notable exceptions to such (dominant) trends in some local economic and political contexts. With the advent of globalisation, there have been greater social differentiation and new challenges have come to the fore. The article argues that some of these changes have led to the widening of the hitherto limited levels of women's involvement. This paper explores some of the effects of globalisation on contemporary Nigerian women's daily lives. The paper reports in a brief sketch the findings of a study based on observation and secondary analysis, and concludes that globalisation has enhanced the socio-economic status of Nigerian women.

### Introduction

As it is with every process of social change, globalisation as a phenomenon has had a mixed reception. While some talk of it as a 'borderless world' where every known impediment is obliterated, many critics— especially, of the post-modernist orientation— have condemned it for its imperialist cultural agenda, because of which people lose their traditional values, and begin associating with the value system of dominant peoples or nations. Meanwhile, within the Nigerian social configuration, globalisation has had a significant impact on the situation of women, who have had some new avenues opened up for them in terms of social, economic and political opportunities.

Some of the major determinants of gender difference are unequal access to productive resources and employment and disparity in control over income. On these counts, the disempowerment of women has been so great in some cultures— as in the case in parts of sub-Saharan Africa— that women cannot even negotiate sexual or marital relations, child bearing and rearing responsibilities without the fear of dire consequences. Many feminist scholars have predicted that given the extent of men's sustained dominance over productive resources, the disparity between men and women will persist, even in this globalising era. Of course, some recent literature has actually drawn attention to gender differences in access to and gains from economic endeavours.<sup>1</sup> In the brief purview of this paper, such general questions cannot be answered and I will confine my focus to the state of women's socio-economic empowerment

in contemporary Nigeria.

### Objectives of Study

This work basically focuses on *analysing the impact(s) of globalising culture on women's socio-economic empowerment in Nigeria*. Equally, it strives to *understand the effectiveness of specific attributes of globalising culture in relation to women's emancipation*.

### Significance of the Study

This study primarily attempts to investigate the nature of changes that globalisation— which serves to dilute the distinctive aspects of a society's culture— has brought to bear on the socio-economic status of women in Nigeria. Essentially, the research is relevant to understand better the phenomenon of globalisation and also to analyse how it may serve better our journey to social justice in Nigeria.

### Conceptual Clarifications for the Study

The various terms and concepts used in the study are indicated and defined in brief below. Cultural imperialism: Indicates the imposition of a dominant culture on other weaker cultures.

Gender: The social fact of maleness or femaleness; the depiction of identities of masculinity and femininity in relation to patterns of human existence.

Globalisation: The idea of a 'borderless world' where culture, language, space and expertise would no longer be barriers to human interaction and emancipation. It is a process of pervasive social change in which virtually everything is transformed.

*Globalised* culture: Situationally used in this study to depict the process of globalisation, which may not necessarily be utopian. Rather,

<sup>1</sup> F. D. Oyekanmi, "Gender Issues in Globalization: An Overview of the Situation in Africa", in Oyekanmi (ed.), *Development Crisis and Social Change*, University of Lagos, Lagos, 2005, p. 149.

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the process seeks to link nations, communities, and individuals closer through the social, economic and technological changes.

*Housewifisation*: A colonial system of domesticating married women who work at home, doing cooking, cleaning *et cetera* but do not have any job outside the house.<sup>2</sup>

### Contextualising the Phenomenon of Globalisation

The late 1980s/early 1990s era of structural adjustment in parts of the developing world was the precursor of a steady process of integration of some factor such as markets, and the development, though a technological transformation in media and communication, of a globalising culture, which crept into the socio-economic fabric of many societies. Conceptually, globalisation entails "external opening and increased role of markets domestically."<sup>3</sup> In other words, globalisation brings closer together previously separated societies, politics and economies.<sup>4</sup> In concrete terms, globalisation focuses on external liberation, market-oriented system of government, export-led strategy and the stabilisation of the economy. These trends have been particularly noticeable in developing countries, including Nigeria. The governments in the developing world believe that it is more profitable to globalise, which means simply opening up the economy and allowing the penetration of and into international markets.<sup>5</sup>

Adopting a different approach, Giddens suggests that globalisation concerns the intersection of presence and absence, the interlinking of social events and social relations "at a distance" from local contextualities.<sup>6</sup> As such, it describes our changing experience of time and space and moves towards a "time-space-compression". According to Keily, a positioning of globalisation as a "borderless phenomenon" would have implications for dual aspects of human existence. First, more and more parts of the world are drawn into a global system and so are affected by what happens elsewhere. Second, people now know what is happening elsewhere more quickly, which in turn affect their sense of space and place. This development in human life is linked to the production of new communication technologies, particularly, the development of

satellite television and information technology.<sup>7</sup> An important question then, is why is there so much talk of 'globalisation' just now?

a) While people, countries and even continents have always been connected through exchanges of goods, literature, ideas and fantasies, the recent communications revolution makes this interconnectivity more intense than ever before.

b) Through the communications revolution, we gain access to and share knowledge of other cultures. This gives us the tools to evaluate different political cultures and their treatment of various subgroups especially the marginalized one, such as children, women, subsistence dwellers, prisoners, homosexuals and indigenous people.

c) In the late twentieth century, globalisation gained primacy over development both as the subject of discourse and replaced development as a serious discourse and project of political and business elites.

d) The increasingly finite world has become the object of powerful countries and corporations concerned with improving their competitive advantage by "capturing" world resources.

e) The limits of development have made itself known to us through a rising consciousness of the degradation of the environment.

f) Tourism is currently one of the world's largest industry, especially cultural tourism, in which "otherness" is packaged as a cultural export to earn foreign currency.

g) As the world and its natural and cultural resources are subjected to commercial speculation, media images prompt us to imagine its diversity as a source of wealth, simultaneously reducing it to a single global entity.<sup>8</sup>

Moreover, Berger indicates that there are tensions and convergences between different sectors of cultural globalisation, both at elite and popular levels.<sup>9</sup> He argues that one common theme is that of individuation- the global culture enhances the independence of the individual over and against tradition and collectivity. Cultural globalisation is likened to a cultural earthquake, affecting virtually every part of the world. As in the case of an earthquake, different people are responding differently to the situation. The idea of a mindless global

2 The term was coined by Maria Mies in her influential work, *Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour*, Zed Press, London, 1986.

3 K. S. Jomo, *Globalization, Liberalization. Poverty and Inequality in Southeast Asia*, OECD Development Center Technical Papers 185, Paris, 2001, p. 4.

4 R. Kiely, "Globalization, (Post-) modernity and the Third World", in R. Kiely and P. Marflect (eds.), *Globalization and the Third World*, Routledge, London and New York, 1998.

5 Morley Gunderson, "North American Economic Integration and Globalization", in Patrick Grady and Andrew Sharpe (eds.), *The State of Economics in Canada: Festschrift in Honour of David Slater*, Centre for the Study of Living Standards, Ottawa, Canada, 2001, pp. 355-377.

6 Anthony Giddens, *Modernity and Self-Identity*, Polity, Cambridge, 1991.

7 A. Babalola, *Globalization, Neo-liberalism and Human Development in Twenty-first Century Africa*, Obafemi Awolowo University, Ile-Ife, 2009, pp. 3-4.

8 P. McMichael, *Development and Social Change*, Sage, London, 2004.

9 P. Berger, *Many Globalizations*, Oxford University Press, New York, 2002.

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homogenisation underestimates the capacity of human beings to be creative and innovative in the face of cultural change. As Berger further demonstrated, the impact of cultural globalisation on indigenous culture and human development is indeed complicated. According to him, cultural globalisation is neither a single great promise nor a single great threat. Globalisation suggests a continuation, *albeit* in an intensified and accelerated form, of the processes of modernisation.

However, discourses on a global culture are more likely to generate a mix of analyses centring on its promises and threats. Therefore, the most significant issue to be clear about is that globalisation is not in itself the emergence of a *globalised culture*. Rather, it connotes a complex pattern of interdependences that have arisen in the late-modern world.<sup>10</sup> Tomlinson observed that globalisation is heavy with implications for all spheres of social existence— the economic, the political, the environmental, the educational, the technological, as well as the cultural. In all these realms, it has the effect of tying 'local life' to 'global structures, processes and events', that is, the *globalised culture*. For instance, while the restiveness of the youth in the oil-rich Niger Delta region in Nigeria would have implications for socio-economic life in the 'West'; so also, feminist activism in the 'West' does impact on the drive for women's empowerment in Nigeria.

### Women in Nigerian Society

Nigerian society was a highly fragmented one with numerous ethnic configurations. There were significant variations in gender roles and practices among these ethnic groups. While women from the predominantly Hausa/Fulani North had limited freedom according to their ethno-religious codes in terms of independent decision-making, women from the predominantly Yoruba South enjoyed considerable measure of socio-economic freedom, even though they too were subjected to the authority of their husbands.<sup>11</sup> In the Igbo-dominated Eastern region, of course, women were allowed to farm, but their husbands took care of the proceeds from their efforts. Generally, there was no uniform or even common pattern of women's socio-economic and political activities across ethnic groups. There was nevertheless a lowest common denominator of gender imbalance— all ethnic groups were organised on patriarchal lines and women's access to social, economic and political

resources was unequal.

In Yourubaland in Western Nigeria, agriculture, which served as the mainstay of the traditional economy, was a male dominated profession. Unlike the societies in the Central and South-eastern part of Nigeria, such as Tivland, Igalaland, and Iboland, where women cultivated and maintained large farms, Yoruba women were not directly involved in agricultural cultivation. Women mainly participated during the harvest season as harvesters of farm produce or marketing.<sup>12</sup> Women and their daughters sometimes supported agricultural production by taking food to their husbands and sons on the farm. It has been variously argued that it was this supportive role which women offered that led to the belief that the more wives a farmer had, the easier and faster his work on the farm would be. Conspicuously, the welfare of the wives usually took a back seat in such situations. As a consequence, farmers sometimes married many wives primarily to buttress their economic situation. The wives were forced into a situation where they had to compete for the favour of a single husband. Each prepared special delicacies to court his goodwill. This is reflected in proverb popular in Yorubaland that *Olobe lo l'oko* i.e. the wife with the best delicacy owns the husband. Unlike the situation in agriculture, Yoruba women were more involved in the industrial sector, such as, textile weaving, dyeing, local brewing and trading. The same was true of women among the Ibo in the Southeast and the Hausa/Fulani in the North. In the case of the latter too, however, most of the income from all these business engagements was appropriated by their respective husbands. On another note, within the Yoruba setting, where women were conferred traditional titles, they were often constrained by the same system from influencing communal decisions. As such, they were often appointed as ceremonial "Chiefs" like *Iyalode*, *Lobinrin*, but were commissioned to coordinate women's affairs within the society, with little or no impact on general social decisions.<sup>13</sup> Even such quasi-political powers and recognitions were denied to women among the Hausa/Fulani, Igbo, Tiv, Kanuri, etc.

It may be argued that women in Nigeria were subjected to varying forms of institutional discriminations as a result of the simple fact of their *femaleness*, that is to say that they were the victims of gender inequality.<sup>14</sup> The existing social structures in the country offered limited opportunity to challenge the skewed distribution

10 Tomlinson, "Global and Globalized Culture", in T. Skelton and T. Allen (eds.), *Culture and Global Change*, Routledge, London, 1999, p. 25.

11 A. O. Y. Raji and H. O. Danmole, "Traditional Government" in N. S. Lawal, M. N. O. Sadiku, and P. A. Dopamu (eds.), *Understanding Yoruba Life and Culture*, Africa World Press, Asmara, 2004, p. 25.

12 A. Banwo, "Women in the Traditional Economy", in *Ibid*, pp. 314-316.

13 A. I. Adeniran, "A Non-dependent Framework for Development", *Thisday*, 23 August 2006, p. 4.

14 E. Obbo, "Gender Equality, Human Rights and Development", in *Re-thinking African Development: Beyond Impasse, Towards Alternatives*, CODESRIA, Maputo, 2005, p. 22.

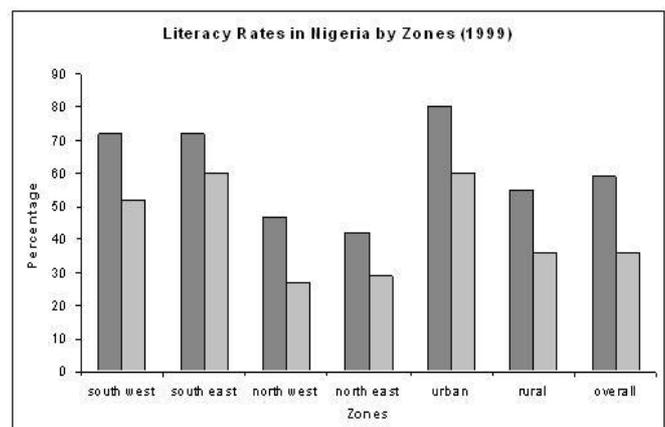
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of power between men and women. Social and cultural practices, such as early/forced marriage, wife-inheritance, patriliney, and various widowhood practices were impediments to the development of any entrepreneurial spirit among women.<sup>15</sup> The coming of colonial rule widened the gender gap in Nigeria, as it did in many other parts of Africa and Asia. Especially, colonialism sought to institutionalise the ideology of domesticity (*housewifisation*), which focused primarily on the provision of domestic education for women. While the men were given the opportunity of formal education, entry into the colonial administration as store keepers, interpreters and church administrators, women were pushed further into the 'private' domain of housewifery and childcare. There can be little doubt that formal education was the chief empowering tool in colonial and even perhaps in post colonial Nigeria. Women, denied access to formal educational training, were constrained in their aspiration towards self-emancipation. This was the situation until the advent of the phenomenon of globalisation in parts of Africa.

### Modernisation and the Nigerian Globalised Woman

The period of immediate post-independence in the 1960s provided the much-needed impetus of a new wave of modernity, which was perceived as emancipatory for some sections of women in Nigeria. Modernisation and western education provided a new sense of awareness among the women.<sup>16</sup> After the attainment of independence, many newly educated women became brokers or commissioned agents of many European trading companies, endeavours that were previously believed to be the preserve of men. Some of the women also began to emerge as corporate executives, participating in policy and decision making processes of multi-national corporations and banks. A feature of the post-independence economy was the emergence of women as business executives and captains of industry. Some of them competed with men very successfully and even overshadowed the men in some of these organisations.<sup>17</sup> By this period, women also began to venture into the construction industry, a sphere hitherto dominated by men. Indeed, a significant feature of the era of oil boom in Nigeria was the emergence of a considerable number of women contractors, who began to rival their male counterparts in the procurement and execution of government projects.

The coming of globalisation into Nigeria during the tail end of the twentieth century marked a remarkable turn around in the existence of women in the country. As observed by Mabogunje, the status of Nigerian women, especially in the South, has improved greatly as a result of globalisation. He argues that Nigerian women are now more economically and socially emancipated. The Nigerian *globalised* woman is seen as an 'empowered being'. Empowerment in this regard basically connotes the expansion of freedom of choice to shape one's own life.<sup>18</sup> It indicates the possession of significant degrees of control over resources and decisions. Such women's empowerment should entail not only their gaining new individual capabilities, but also the emergence of new beliefs about their right to exercise these capabilities, and take advantage of opportunities in their community. In Nigeria of today, some believe that issues like gender stereotyping and pervasive sexism are fast giving way to more meaningful socio-economic and political participation by women. The number of women going to schools in Nigeria has been increasing conspicuously since the advent of the phenomenon of globalisation in the country. According to the Africa Atlases, 41 per cent of the female population in Nigeria is now being educated compared with below twenty per cent in the early 1980s.<sup>19</sup> Among notable women who are products of this era are Prof. Joy Ogwu, the current Nigerian Permanent Representative to the United Nations, Dr. Ngosi Okonjo-Iweala, the current Managing Director of the World Bank and Dr. Oby Ezekwesili, the current Vice-President of the World Bank in charge of African Affairs.



Source: Africa Atlases, Nigeria, p. 118  
 Shaded Bars represent figures for MALE  
 Unshaded Bars represent figures for FEMALE

15 A. I. Adeniran, *A Non-dependent Framework for Development*, p. 4.

16 A. Banwo, "Women in the Traditional Economy", p. 4.

17 A. Mabogunje, *The Development Process: A Spatial Perspective*, Amazon, London, 1989, pp. 14-17.

18 D. Narayan, "Conceptual Framework and Methodological Challenges", in D. Narayan (ed.), *Measuring Empowerment: Cross-disciplinary Perspectives*, IBRD/World Bank, Washington DC, 2005, p. 4.

19 Africa Atlases, Nigeria, Les Editions J. A., Paris, 2002, p. 118.

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Spencer observed that social development (or change) essentially entails a process of evolutionary transition; often from a homogeneous condition that was innately unstable to a heterogeneous and stable one, emphasising the importance of 'organic analogy'. He premised this perspective on four main concepts: Growth, Differentiation, Integration and Adaptation, ideas commonly present in developmental biology, and which can be used to understand a developing society in the throes of transition, such as Nigeria.<sup>20</sup>

From the mid-twentieth century, the dominant developmental perspective has been the *modernisation* theory, which essentially repositions Spencer's developmental proposition. According to mainstream modernisation theories, underdeveloped countries to become developed must follow the trajectory of the developed nations by identifying with their culture and social peculiarities. A well-known exponent of the modernisation perspective, W. W. Rostow, identified five stages that are entailed in such a process of social transformation: The traditional society, the preconditions for take-off, the take off, the drive for maturity and the age of high mass consumption.<sup>21</sup> However, since culture has always played a significant role in the study of global change, it is worth reaffirming that the origins of the phenomenon of 'development' in respect of enhancing societal progress lie in the same set of nineteenth century ideas which were associated with the origins of the concept of culture. It is important to note that an offshoot of the globalising modernity has been the popularisation of the ideologies of *feminism*. Even though some groups believe feminism to have its roots in 'western' culture, it has had a profound impact on women in Nigeria. The fundamental ideas of equality and gender equity underlying feminist ideologies has had widespread appeal and has helped Nigerian women to challenge some of the patriarchal practices which hindered women's socio-economic, and even, political participation.

### Conceptual framework for the Study

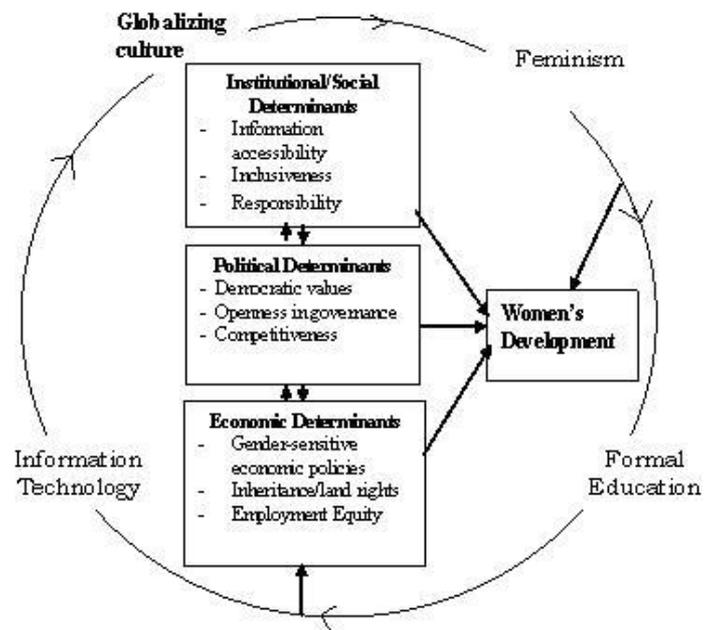
In order to determine the specific impact(s) of the globalising culture on women's socio-economic empowerment in Nigeria, it is imperative to have a concise definition of the concept and to depict a framework that links women's socio-economic empowerment to improvements (changes) brought by the prevalent globalising culture, and identify determinants of such changes.

In this study we define women's empowerment as the enhancement of the assets and activities of women, which influence decisions or actions and help them shape (or influence) their

existence. Advancing from this general definition, which prioritises institutions and interaction between women and men, fig I explicates a conceptual analysis that is useful in understanding such tangible determinants that engender women's efforts to improve their socio-economic status in this era of globalisation, and also, impact the attainment of overall human development in Nigeria.

The conceptual analysis consists of one 'super-empowering axis' and three distinct empowerment determinants; that is:

- The 'globalising culture' (or globalisation)- the super-empowering axis;
- Institutional/social determinants;
- Political determinants; and
- Economic determinants.



**Fig. II: Comprehensive Overview of the Conceptual Framework**

The unilateral 'super-empowering axis' is defined by vagaries of the 'globalising culture', that is, factors facilitating enhanced level of self-consciousness. The empowerment determinants are defined by broader institutional/social, political and economic context of formal and informal rules and norms within which women pursue their interests and their capacity to take purposeful action. While the 'super-empowering axis' provides the necessary platform for adequate functioning of the identified determinants, related determinants functionally impact each other, and collectively they effect women's emancipation.

Two components of the conceptual framework call for emphasis. First, socio-economic change is basically an interactive issue, emanating from exchanges across gender categories. This takes place through rules, regulations, rights and

<sup>20</sup> Herbert Spencer, "The Development Hypothesis", *The Leader*, 20 March 1852.

<sup>21</sup> W. W. Rostow, *The Stages of Economic Growth: A Non-Communist Manifesto*, Cambridge University Press, Cambridge, 1960.

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privileges, as well as, the norms, behaviours and processes governing the interactions between women and men within Nigerian society.

Second, women's empowerment courtesy of the 'globalising culture' requires both top-down changes in institutions and organisational processes and bottom-up changes in women's organisation and networks and their individual assets.

To broaden our understanding of this conceptual framework, an enhanced depiction of its specificities has become expedient. However, for the 'globalising culture' to really improve on socio-economic conditions of women, tangible changes among the distinct empowerment determinants are deemed necessary. This will entail the removal of formal and informal institutional/social impediments that prevent women from taking effective action to enhance their socio-economic well-being, individually or collectively. It equally implies the need for changes in economic and political components that perpetuate unevenness in social relations.

### **Observed Women's Development and Implications of the Framework**

Productive relationships among vagaries of the 'globalising culture', that is, the 'super-empowering axis' and relevant empowerment determinants often provide the imperative platforms for women's socio-economic emancipation. Such relationships have been evidenced by:

- Enhanced level of incomes;
- Improved social opportunities;
- Economic empowerment;
- Enhanced access to basic services; and
- Enhanced level of women's advocacy and enlightenment;

### **The Methods**

The method of *systemic observation* was applied in determining the level of involvement of Nigerian women in formal educational training. Equally, their changing social status as a result of their enhanced involvement in the economic life of the country was studied through this method. It was observed that such economic empowerment has led to an increased level of

women's engagement in the public and political realm in Nigeria.

Government data and related texts were also studied. When juxtaposed with recent Nigerian histories, greater numbers of Nigerian women were observed to be playing prominent roles in virtually every sector of the society— be it economy, education, politics ( including diplomatic and related issues) and, even religious.

### **Specific Findings**

From the study, it was discovered that:

i. Cogent attributes of the traditional social system (wife inheritance, denial of inheritance rights, unfair household workload etc) are potent barriers to women's socio-economic empowerment; and

ii. In spite of the lackadaisical disposition of contemporary Nigerian political leadership towards women's changing socio-economic status, the globalising culture has contributed immensely to the process of women's socio-economic development in the country.

### **The Recommendations**

- Biased institutional and religious myths impeding women's education should continue to be de-emphasised within Nigerian society;
- An empowering method, incorporating women as invaluable partners for socio-economic development should be encouraged in policy planning and implementation in Nigeria; and
- Essentially, the basic tenets of contemporary platform to achieve socio-economic development, that is, globalisation should be utilised in a more effective and practical way so as to make the drive towards attainment of women's empowerment realisable in Nigeria.

### **Conclusion**

In this study, the attainment of overall human development in Nigeria has been predicated upon the reality of the liberty and empowerment of Nigerian women, and the best hope for peace and progress lies in the improvement of gender relations and greater opportunity for women. The phenomenon of globalisation, I argue, has contributed greatly towards the social improvement within the contemporary Nigerian context.

## Law and Homosexuality in the South: A Sketch<sup>1</sup>



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When not in the thick of political fray, he is an aesthete, lover of book and music, old things and this city of joy.

In between all these activities, he manages to hold down the job of Editorial Assistant in Global South.

It is very difficult to write a global history, or even one of the South, of the legal status of homosexuality. The claims and counter-claims on both sides, equally vehement, have further obscured the positions. While one can understand the need for a history of oppression on grounds of sexual preference and the various nuances of power, culture, sexuality, (re-)production etc. that can be gleaned out of an exploration of these histories (and I use the plural deliberately), it is difficult to understand (for this writer) how the antiquity of such practices adds or deters from the right or wrong of the matter when it comes to fight the polemical battle. But then, I have always had such bouts of naiveté. So, here goes.

The first recorded anti-homosexual law was that of the Middle Assyrian Law (1075 B.C.), which banned sodomy among soldiers and made it punishable by castration. The *Lex Scantinia* of the Romans also put certain restrictions on homosexuality, without banning it. Male slaves, thus, were considered fair game, and it was quite legal, as long as they were on the 'receiving end'. Later western traditions, however, claimed their origins for anti-homosexual laws from Judeo-Christian world-view as ensconced in the Bible, particularly the book of Leviticus, or, to give him his (proper?) Hebrew name, Vayikra.

In the South, homosexuality has often been treated as a Western malaise, brought along with other evils by the colonial demons. And it might well be true. But before you crucify me, let me clarify. *Homosexuality* is colonial only in the sense that as the legal category, which we know it to be today, it can be traced to the anti-sodomy laws our colonial masters brought from their own metropolitan homelands. Thus, in the countries that once belonged to the empire where the sun never set, laws banning homosexuality, or more specifically sodomy can be traced to a law promulgated by Henry VIII– the Buggery Act of 1553, and its various descendants. Of course, in some of the colonies, like Sri Lanka, the colonised (and the coloniser) proved to be more civilised than their metropoli-

tan counterparts, and these laws were never enforced.

In fact, it seems that homosexuality is the one area where women are more free than men. Thus, of the seventy (out of 195) countries where consensual homosexual acts between adults are illegal, in forty, only male-male sexual intercourse is outlawed. These countries are Kenya, Swaziland, Seychelles (Africa); Grenada, Jamaica, St. Kitts & Nevis, St. Lucia (in the Caribbean); Guyana (the only blot on an otherwise liberal South America); Turkmenistan, Uzbekistan (Asia); Fiji and several small island states in the Pacific. This makes Turkmenistan and Uzbekistan the only two former Soviet Republics to have anti-homosexuality laws (including the other Central Asian republics). But the histories of the Communist-ruled states are also chequered by the situation in DPR Korea, where any sort of homosexuality is not considered to be in accordance with the socialist lifestyle. Prison camps for dissidents, though East Germany legalised it before the Western part of Germany managed it.

But, as noted above, this has not stopped homosexuality being made a target for misguided (anti-colonial) radicalism. Mugabe, for one, has been a firm opponent of homosexuality for quite some time, arguing that before colonisation Zimbabweans did not engage in homosexual acts. His first major public condemnation of homosexuality came in 1995 during the Zimbabwe International Book Fair in August 1995. He told the audience that homosexuality

degrades human dignity. It's unnatural and there is no question ever of allowing these people to behave worse than dogs and pigs. If dogs and pigs do not do it, why must human beings? We have our own culture, and we must re-dedicate ourselves to our traditional values that make us human beings.... What we are being persuaded to accept is sub-animal behaviour and we will never allow it here. If you see people parading themselves as lesbians and gays, arrest them and hand them over to the police!

In some cases, these acts have forced the

<sup>1</sup> The information, including the rare quotes in this can be verified quite easily from online sources, namely [wikipedia.org](http://wikipedia.org), [afrol.com](http://afrol.com), and the websites of the BBC and Amnesty International.

## Across the south

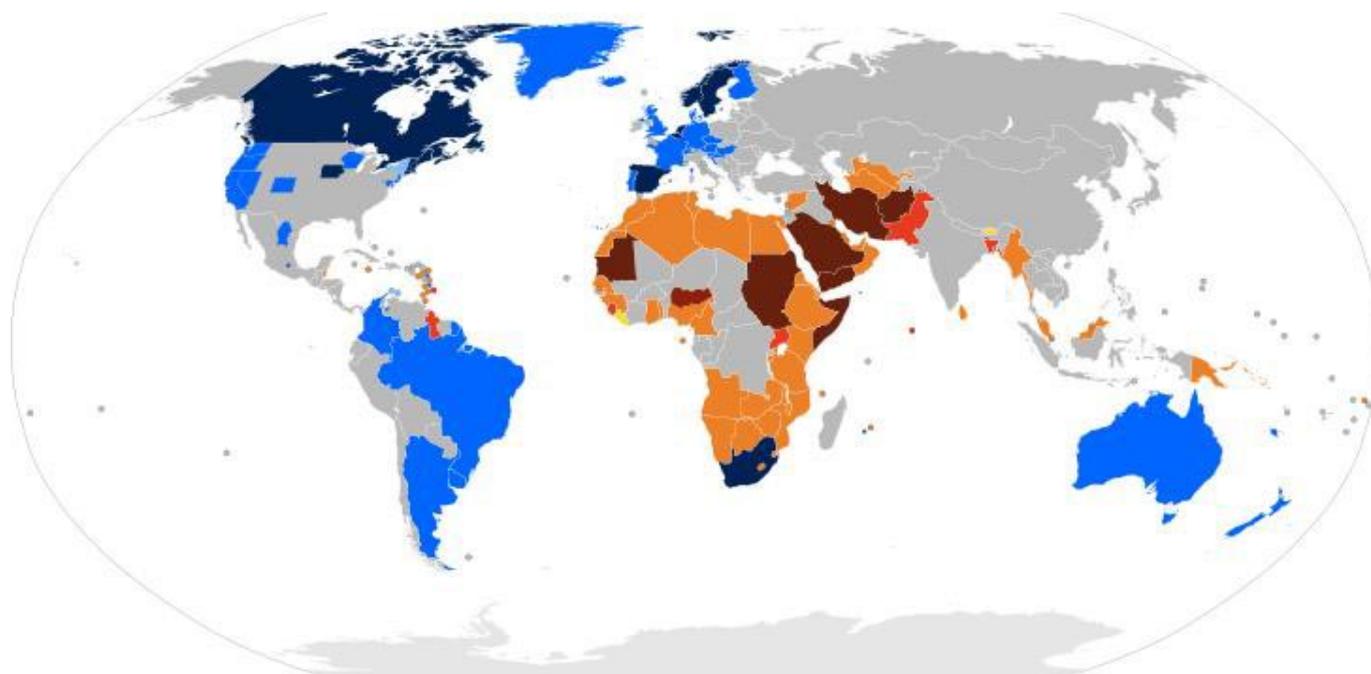
international agencies to step in. One such was in Cameroon, where same sex acts are banned by article 347 of the penal code, laying down a maximum of five years jail term plus a fine of 20,000-200,000 Cameroonian Francs. In May 2005, eleven men were arrested from a gay bar, and held in custody for over a year. Finally, the verdict came out in June 2006, sentencing eight of them to ten month jail terms on charges of sodomy. One of them, Alim Mongoche died in prison shortly of AIDS related complications exacerbated by harsh jail conditions. Shortly thereafter, in October, the United Nations Human Rights Commission condemned the gay laws, holding them against the International Covenant on Civil and Political Rights and asked Cameroon to review them. This led to a renewal of hope in Cameroon where on 7 June 2006, four Cameroonian women were also convicted of sodomy and sentenced to three years probation and threatened with six months imprisonment "if they continue their lesbianism".

Much of Africa does have a very chequered record on homosexuality. According to the International Gay and Lesbian Association, homosexuality is outlawed in 38 African countries, while the law lets them be (either by omission or commission) in merely thirteen. Even in South Africa, which is the most liberal of African countries in this regard, has its problems.

While its constitution bans any discrimination on grounds of sexual preference and its government legalised same-sex marriage in 2006, activists say, openly gay and lesbian people have been threatened, detained and arrested. In another African country, Senegal, the recent publication of the photographs of a same-sex marriage led to violent demonstrations. But, the penalty is even more severe in some countries, where homosexuality is punishable by death. They are: Sudan, Mauritania, parts of Nigeria; Saudi Arabia, the United Arab Emirates, Yemen and Iran.

There has been, of course, growing international pressure and pressure from the movements in these and other countries from LGBTI movements to repeal such laws that would have put Draco to shame. One notable example is that of India, where on 2 July of this year, the High Court declared the anti-homosexual law (Article 377 of the Indian Penal Code) to be against the Fundamental Right of Equality as enshrined in the Constitution. But before I join the cheering brigade for such achieved success and the prospective ones in others, including Iran and Cameroon, I would like to add a note of caution that must complicate any chronological notion of progress in this regard as it must do with others.

St. Martinique has had no laws against homosexuality since 1792 and Burundi banned it this year.



LGBT Rights Across the Globe

■ Status Uncertain

Homosexuality legal

■ Same-sex marriage

■ Other type of partnership (or unregistered cohabitation)

■ Foreign same sex marriages red ognid ed

■ No recognition of same-sex couples

Homosexuality illegal

■ Minimal penalty

■ Large penalty

■ Life in prison

■ Death penalty

## Homosexuality in Islam: A View from South Africa



Scott Kugle

Scott Kugle received his Ph. D. in religious studies and Islam from Duke University. He has been a senior research fellow at The Institute for The Study of Islam in the Modern World in Leiden. He has taught University courses in the USA, South Africa and India on Islam, the Quran, Islamic mysticism and ethics.

His current research project explores how contemporary Muslims who identify as lesbian, gay and transgendered advocate for supportive communities within the Islamic tradition.

*Gay and Muslim....* Do those two words belong together? They belong together because they form the basic identity of actual people in Muslim communities throughout the world. As one can imagine, such lives are a struggle— a queer jihad. “Queer ” is broader than the more technical term “homosexual” and has been used in academic and advocacy discourse to denote lesbian, gay, and trans-gendered people who draw together into an alliance, each questioning patriarchal assumptions about what is normal, natural, and moral in human society.

South Africa has a long-standing Muslim minority community living under a new secular democracy. The South African constitution is decidedly progressive, and specifically protects citizens from discrimination based on sexual orientation and gender. The constitution was adopted in 1996, and by 1998 a group of Muslims in Cape Town organised the first queer Muslim support and advocacy organisation, Al-Fitra Foundation. This organisation has matured into The Inner Circle and has expanded to include branches in the major cities in South Africa. At their second annual Islamic retreat in March 2005, I was privileged to meet thirty members of the organisation and conduct interviews with some of them. Their stories place the legal and theological issues pertaining to queer communities in a much-needed depth of human experience.

The constitution of South Africa protects the right of citizens to practice their religion. It might appear that South African Muslims who are gay, lesbian, or trans-gendered are empowered by their new constitution to assert their identity and rights. Yet most members of the Muslim community interpret religious freedom as the right to regulate internal and community affairs according to Islamic custom. For most queer Muslims in Cape Town this has meant that when they “come out” voluntarily or are “outed” by force, they concomitantly leave their families and Muslim community. They find little scope to play roles and live with dignity and honesty with their sexual orientation or gender identity within their religious community.

### **Muslim youth activism**

Queer Muslim activists are notably young (from

20-35) and have tended to clash with most of the elders of their communities and established institutions such as the Muslim Judicial Council that speak for “orthodoxy” in Cape Town. Many of them have endured censure, abuse, and sometimes violence or its threat, often without recourse to protection from the state despite its progressive constitution.

Most pre-modern Muslim religious authorities asserted that homosexual sex (whether between two men or between two women) is prohibited by Islamic law. In the modern context, most go further to declare that homosexual orientation (as a personal understanding of one’s self through emotional and psychological forces) is sinful and reprehensible.

Support groups like Al-Fitra Foundation and The Inner Circle contend that this condemnation is based more on patriarchal presuppositions than upon a clear reading of scriptural texts, especially the Quran. They, along with feminist and pro-democracy activists, are contributing to an alternative vision of Islam that is not based on patriarchal values.

This project is made even more urgent by two forces for social change that are pulling the Muslim communities in South Africa in contrary directions: The AIDS pandemic and the push for Muslim Personal Law. The organisation, Positive Muslims, calls for an Islamic “Theology of Compassion” that refuses to stigmatise people, such as those suffering from HIV and AIDS, with conventional moralism (see the Positive Muslims website [www.positivemuslims.org.za](http://www.positivemuslims.org.za)). Queer Muslims join them in defining what an Islamic theology of compassion might be, especially in regard to sexuality, sex education and health, and sexual ethics. They raise the possibility of Islamic same-sex marriages (with great disagreement of whether this would be called *nikah* the Islamic legal permissibility of “civil partnerships” (for South African law treats homosexual and heterosexual partners with no distinction), and the risks of promiscuity. Such controversial topics are threatened by the push to have the South African state officially recognise Muslim Personal Law, based upon the classical *sharia* governing family, marriage, divorce, and inheritance, as the defining feature of the Islamic

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community.<sup>1</sup>

Queer Muslim support groups function at many levels. While members of such activist groups may be small in number, this does not mean their impact is small. Even as they grapple with what a non-patriarchal Islam might be like, activist Muslims who are lesbian, gay, or trans-gendered are certain that it can exist. They faithfully assert that it will be a recovery of true Islam, or at least a progressive Islam and join a long tradition of liberation theology centered upon the Quran which has been especially strong in post-Apartheid South Africa.

### Reinterpreting religious texts

Muhsin Hendricks of the first Lesbian, Gay, Bisexual, Transgendered, Queer and Questioning Muslims (LGBTQ) support group in Cape Town in 1998 was one of the founders of Al-Fitra. The name Al-Fitra, an Arabic term meaning one's "original and essential nature," points to the core philosophy of the group. *Fitra* is used in the Quran to describe how God created all things, distinct in their individuality yet making up a harmonious whole. *So set your face toward the moral obligation in a true way, according to the original nature granted by God, upon which God fashioned people, for there is no changing the creation of God! That is the original and steadfast moral obligation, but most of the people do not understand.*<sup>2</sup> Traditional theologians read such a verse dogmatically, to assert that Islam is the "original and steadfast" religion, *al-din al-qayyim*, which uniquely conforms to the requirements of human nature that is the same for all people. However, LGBT Muslims read it differently (though just as literally!) to assert that God creates each being with an original nature that cannot be changed, and that the "original and steadfast" religion is to return to God in harmony with one's inner nature. They hear the Quran affirm this, even if living and worshipping in accord with their inner nature is in contradiction with the surrounding society, as *most of the people do not understand*.

Muhsin serves as spiritual advisor and organiser, saying, "Homosexuality is not just about sex. We have very spiritual people among us. I pray five times a day, read the Quran, fast, and attend mosque regularly." Along these lines the group employs certain organisational practices of the Muslim Youth Movement (MYM) founded in 1970. It organises lectures on sexuality and spirituality, weekly *halaqat* or small-group discussions, and *dhikr* sessions of meditative chanting (a Sufi practice that is central to Islamic practice among Cape Town's Muslims). It also makes full use of the internet to provide

spiritual and social counseling while protecting anonymity in an unprecedented manner.

Most LGBT Muslims assert that their sexual orientation and gender identity are essential components of their personality: Either an innate quality they were born with, or an unalterable character from childhood before rational cognition. Muhsin affirms that he was born with a same-sex sexual orientation, knew he was different from the age of five, though "was sixteen before I realized they called it gay, and came out of the closet years later, at twenty-nine." His story confirms a common pattern of a disturbing feeling of difference that sets one apart in childhood long before it can be recognised in concepts, articulated in language, or accepted in one's heart.

For LGBT Muslims like Muhsin, spiritual growth is a process of stripping away the sense of having a "false self" that is imposed by family, society, and religion, in order to free a "true self" through which they can sincerely turn to God.

### Coming out

Nur, a member of Al-Fitra, recollects the internal struggle and liberation that accompanied his decision to "come out". He recalls, "I came out to my mother when I was twenty-eight, which for me was like a rebirth.... I was born into my truth, whereas before I was living someone else's truth, their truth." Nur's comment captures a paradox: His search for truth is driven by religious belief yet appears to be in conflict with conventional religious morality. He continues, explaining, "I had in my 24-27 year period a great turmoil within myself, between my homosexuality versus me wanting to be God-fearing, or perceiving myself to be God-fearing.... But before I could sit [my mother] down, I had to sit myself down! In front of the Creator. Not for Islam, not for my family, but for me. For my internal health." The Quran rises above conventional Islamic mores and speaks to the existential search for a path toward living sincerely according to one's own inner disposition: *Say, 'O Lord, allow me to enter in sincerity and to leave with sincerity, and make me draw close to you with the authority of divine aid. And say, 'Truth has come and falsehood melts away- truly falsehood is insubstantial!' We reveal with the Quran that which provides healing and compassion to those who believe, but this only increases the oppressors in loss... Say, 'Each lives by his own disposition, thus your Lord knows who is guided along a right path.'*<sup>3</sup>

This is exactly what Nur implied when he spoke of sitting himself down in front of the Creator in sincere honesty. "It's like looking in

1 Abdulkader Tayob, "The Function of Islam in the South African Political Process: defining a community in a nation," in Tayob and Wolfram Weisse (eds.), *Religion and Politics in South Africa: from Apartheid to Democracy*, Waxmann Verlag, Munster and New York, 1999.

2 The Quran, *Sura al-Rum* 30:30

3 The Quran, *Sura al-Isra* 17:80-84

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the mirror and coming clean– no lies. Truth. I only have one life.... I always felt that if I should die or my mother should die, I would never forgive myself if I hadn't have told her, and come clean with my Creator and with her." While some keep this search for a true self hidden out of fear, others face the difficulty of a bewildered family and often hostile community. Muhsin relates that by age twenty-eight, "It was very hard, but the conflict within me was so great that I had to tell them the truth." Others come out at a much earlier age. Nafeesa, a transgendered person who was raised as a boy but now considers herself a woman, wears *hijab* to the mosque and prays in the women's section. She calls herself a typical coloured girl raised in the Cape Flats, but in the body of a boy. She was in denial until fourteen, accepted her sexual attraction to men at sixteen, and came out to her parents as "gay" at eighteen, soon after which she began to wear women's clothes and changed her self-assessment to transgendered rather than simply gay. "When I was eighteen and coming out my mother just didn't know how to handle it. She wanted to get me an arranged marriage. I said, 'Hell no, darling! Over this dead body! I would rather kill myself.' I'd rather lower my *iman* [faith] and kill myself than do something like that. I said, 'you wouldn't like your daughter to be embarrassed, hurt, crushed every second night by her husband who behaves like a *moffie* [an effeminate gay man in Cape Town slang]... or catch her husband in her own wedding dress!" Not everyone in the support organisation is as brash as Nafeesa or as bold as Muhsin; lesbian women, in particular, face hurdles asserting themselves as independent women above and beyond struggling for dignity with their sexual orientation.

### Gay Muslim outreach

Al-Fitra Foundation has merged with a separate organisation based in Johannesburg, Gay Muslim Outreach, which had been more social in orientation and less spiritual, and has emerged as The Inner Circle, with branches in Cape Town and Johannesburg, and with plans to open a branch in Durban. It joins an international network of queer Muslim support organisations including Al-Fatiha in the USA, Salam Queer Community in Canada, Imaan in the UK, the Yoesuf Foundation in the Netherlands, and Helem in Lebanon. They focus on building confidence, creating support groups, raising consciousness, and encouraging *ijtihad* in the interpretation of religion and law. The Inner Circle believes that being a South African based organisation with a Muslim constituency, it is uniquely placed to advance the international debate harnessed by South Africa when it became the first country to safeguard the freedom from discrimination based on sexual orientation in its Bill of Rights. Accordingly, The Inner Circle is an advocate for a minority within minorities along a three-dimensional plane– gay and Muslim, while simultaneously offering the world the "unique South African experience".<sup>4</sup>

It is not certain whether lesbian, transgendered, and gay Muslims can help create a more open and accepting atmosphere in Cape Town or wider South Africa. However, they will certainly create for themselves a social niche in which they can practice Islam in ways that grant them dignity. Whether or not they are recognised by other Muslims as equal partners in faith, they will highlight the need for Muslim communities towards placing an ethical focus on sexuality.



[http://4.bp.blogspot.com/\\_WPjZST8SC40/SnDLVIdBerI/AAAAAAAAAt\\_o/LcIwhAZqjjw/s400/IslamHomosexuality.gif](http://4.bp.blogspot.com/_WPjZST8SC40/SnDLVIdBerI/AAAAAAAAAt_o/LcIwhAZqjjw/s400/IslamHomosexuality.gif)

<sup>4</sup> [www.theinnercircle-za.org](http://www.theinnercircle-za.org)

## Muxes: A Socially Accepted Third Gender in Oaxaca, Mexico



**Ingrid Suarez**

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The construction of homosexuality as unnatural and psychologically aberrant is a product of the Western world. The Western notion of homosexuality since the eighteenth and nineteenth centuries conceptualises human sexuality in rigid and arbitrary ways. However, despite the assumption that homosexuality pertains to Western modernity there are many examples worldwide that suggest that in many cultures sexual preferences are more flexible and adaptable, just like the Hijra community of India and Pakistan and the Mahu of Polynesia. In this article I will focus on the Muxes of Mexico, an indigenous Zapotec group that accepts the existence of a third gender from Pre-Columbian times.

### **Mexican homosexuality**

The social construction of gender tends to designate what behaviours of men and women can be accepted as normal and natural in every culture. The gender order is a structure of social and power relations that defines masculinity and femininity as historically specific features of social life. It has been well documented that there is no one pattern of being men and women. Different cultures in different periods of history construct gender in different ways.<sup>1</sup> Generally sexual preferences towards the same sex are widely rejected due to the embodiment of cultural norms and social pressures that help to determine the roles imposed upon men and women. Over time, many researchers have argued convincingly that homosexuality is neither a pathology nor a mental illness.<sup>2</sup> Instead they believe that heterosexuality is a restriction imposed culturally and that bisexuality could be the biological norm.

In traditional macho societies like Mexico, where patriarchy privileges men over women, the dominance of a hegemonic masculinity over others may be quite violent. In Mexico, the level

of homophobia is intense and Mexican homosexuals are generally subjected to discrimination and rejection. In this country, the term homosexual is used to denote a man who performs a woman's role and who has sex with a *masculine* man, playing a passive role in that relation.<sup>3</sup> Despite the fact that some laws do not detract from rights of people on account of their sexual preferences, it is usual for the lesbian, gay, bisexual, transsexuals, transvestites and transgenders to experience intolerance and violence in their lives and also suffer from poor access to basic services such as health, education and employment opportunities because of this very sexual orientation. In fact, Marinella Miano found that several surveys conducted by the National Committee for the Advancement of Human Rights indicate that 66 per cent of the people interviewed said that they would not like to share a roof with a homosexual, 39.4 per cent felt that homosexuals should not participate in politics and finally that 25 per cent of the working class believe that homosexuals are the cause of the spread of AIDS in Mexico.<sup>4</sup> However, and contrary to what we might think, there are still traditional societies in which homosexuality is quite accepted and socially permitted as is the case of the Muxes of Oaxaca, Mexico.

### **Muxes: A socially accepted third gender**

On the Isthmus of Tehuantepec in Oaxaca, Mexico, lies the town of Juchitan, whose population of indigenous Zapotec has accepted for centuries and integrated into their society the existence of people called Muxes, who are men who assume female roles in the community. Since pre-Columbian times the Zapotec have considered the Muxes as part of a third gender that is neither better nor worse than men and women but *merely* different. It is believed that

- 1 R. Connell, "The social construction of masculinity", in Carlos Lomas (compiler), *Are all men equal? Male identities and social changes*, Paidós Contextos, Barcelona, 2003, pp. 31-54.
- 2 P. Nardi, D. Sanders and J. Marmor, *Growing Up before Stone Wall. Life Stories of Some Gay Men*, Routledge, London, 1994.
- 3 A. Prieur, "Domination and Desire: Male Homosexuality and The Construction of Masculinity in Mexico", in Marit Melhuus and Kristi Stolen (eds.), *Machos, Mistresses, Madonnas, Contesting the Power of Latin America Gender Imagery*, Verso, London, 1996, pp. 83-107.
- 4 M. Miano, "Gender and Homosexuality Among the Zapotec of the Tehuantepec Isthmus". *The Muxe Case*, 2001. See <http://isisweb.com.ar/muxe.htm> accessed on

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the word Muxe has its origins in the sixteenth century Spanish usage of the word *mujer* (woman). Back in those days some Zapotec Muxes used to establish long term relationships with other men, some lived together in groups and some others used to get married with women and had children.<sup>5</sup>



**Map of the Isthmus of Tehuantepec**

Among the Zapotec, there is an unusual degree of social and cultural acceptance of homosexuality, which is in sharp contrast with the national standard. In this region of the country, homosexuality is institutionalised and the Muxes adopt socially recognised roles as chefs, salon-owners, housekeepers and teachers which give them prestige both in the family as in the community. According to researchers like Collins and Miano, the son of a traditional family who turns out to be a Muxe is still considered to be "the best of her children" by the mother. He is seen as a blessing; as it is assumed that he will never abandon his parents in moments of illness or when they become old. In addition, the Muxe takes care of children, cleans the house, cooks for the family, etc. In other words he acts as the breadwinner when the father dies, performs domestic chores usually reserved to women in Mexican society and provides moral support to the family.

In her research Marinella Miano found that during the first half of the 1970s approximately six per cent of the male population of the Isthmus of Tehuantepec was Muxe. Furthermore, it was very common to see ten year old Muxe children walking with their mother to the market or learning embroidery. I think it is worth mentioning here that this permissive attitude does not pertain to women. Among the Zapotec, women homosexuality is considered a sexual pathology and a mental illness, which leads to

lesbians being stigmatised.

### **The social construction of male sexuality**

Muxes have an important role in the construction of male sexuality since, in many cases, they are responsible for the sexual initiation of males in a society where women losing their virginity before marriage is not considered acceptable. According to Miano, while Zapotec women are not allowed to have premarital sex, boys have the possibility and opportunity to learn and practice everything related to sex through encounters with Muxes, which have a learning function for the young boys. Furthermore, homosexual practices in adult males are not considered signs of homosexuality but rather as an affirmation of their masculinity as long as they perform the active (male) part in the relationship. In this regard Priour indicates that importance and prestige is the lot of the male who penetrates women or other males, and never lets himself be penetrated and therefore will never be labeled homosexual.

### **Some final thoughts**

The Spanish Conquest of Mexico, as in many parts of the World, accounted for the imposition of a new political, social, cultural and religious system which established homosexuality as a deviant behaviour and a mental illness and brought about homophobia. Although most homosexuals in Mexico experience social ostracism and discrimination there are some traditions rooted in the indigenous culture that still survive, despite globalisation, and allow other forms of sexual orientation, as in the case of the Muxes. However, it is important to note that because of economic constraints the Muxes today face problems such as prostitution and also young homosexuals find strong opposition and rejection, especially from their fathers and brothers. In many cases the rejection is accompanied by violence and even isolation.

Nevertheless and despite all the social rejection they go through, Zapotec society still confers on them a degree of social acceptance and legitimacy that, while not free of contradictions, allows them to find forms of expression of their sexual orientation and an affirmation of their identity in spaces otherwise designated by the culture as female and male.



[www.travelandleisure.com/  
images](http://www.travelandleisure.com/images)

<sup>5</sup> Ibid.

## Same-sex Marriage is African



**Marc Eprecht**

Marc Eprecht is an Associate Professor in the Department of Global Development Studies at Queen's University, Kingston, Canada. He has published extensively on the history of gender and sexuality in southern Africa, including *Hungochani: The history of a dissident sexuality in southern Africa* (2004), winner of the Joel Gregory Prize in 2006. His latest book, *Heterosexual Africa?* (2008) explores the history of ideas about African sexualities through various professional and literary discourses.

In 2005 Uganda became the first African country to explicitly criminalise same-sex marriage (homosexual acts, or "carnal knowledge against the order of nature" as the penal code puts it, were already illegal). Since 2006 Nigerian politicians and religious leaders have also debated a proposed "Same Gender Marriage (Prohibition) Bill". Malawi was the latest to join the anti-gay marriage club when its parliament passed an amendment to the constitution to that effect in August 2009.

These developments, together with inflammatory rhetoric against homosexuals used by many African politicians and religious leaders, may create the impression that Africa is somehow uniquely, perniciously homophobic. In fact, the rhetoric is not so different from India, Iran, Malaysia and many other places in the Global South. Wherever culture-brokers aspire to assert a national identity distinct from—and culturally superior to—a presumed decadent and immoral West, and wherever socio-economic strains intensify pressure on government, gay-bashing often rears its head as a politically easy tactic. Also as in India, contemporary laws in Africa to protect so-called traditional values from Western immorality are in most cases word for word inherited from colonial rule. Africa's most vocal homophobes, in other words, borrow much of their logic and law from an older generation of prudish Europeans.

The "homosexuality is unAfrican" rhetoric meanwhile obscures some impressive movement in the other direction, that is, towards recognition of sexual orientation as a human right. South Africa was the first country to embrace that principle back in 1996, well ahead of most countries in the West. This eventually led to the Civil Unions Bill (2008) giving homosexuals the right to marry and receive the same benefits from the state as heterosexuals. That same year, six African countries supported a (non-binding) declaration by the UN General Assembly that put sexual orientation on an equal footing with other aspects of human dignity to be respected (Central African Republic, Gabon, Guinea-Bissau, Sao Tome and Principe, Cape Verde and Mauritius). Meanwhile, numerous African countries have quietly adopted UNAIDS

and WHO guidelines on best practices to promote sexual health, tacitly acknowledging the imperative of non-discrimination. Civil society groups that promote sexual rights now exist, and often vocally challenge official homophobia, in the majority of African countries, including Uganda and Nigeria.

Another promising development has been the growth of research on same-sex relationships in African history. This has established that at least four general types of same-sex marriages were practiced in societies throughout Africa quite independent of supposed Western corruption. No one doubts that the dominant practice was heterosexual marriage leading to procreation if possible. Nonetheless, alternative sexual arrangements did exist, were known about and in some cases were publicly celebrated, in Africa. These are worth considering whenever "African traditions" are invoked to justify discrimination.

First, and long pre-dating colonialism, is the practice of woman-woman marriage to protect inheritance and family lineage. A typical scenario here involved a widow who did not wish to remarry a man, but who still desired more children. In such a case she could marry a woman. By paying the bride-price, and fulfilling the other ritual requirements, the widow legitimately assumed the role of husband with all the rights and entitlements that that implied. By mutual agreement, another man would impregnate the wife but would have no claims on the child or household.

Possession by ancestral spirits was another reason for same-sex marriage. If a woman were possessed by the spirit of a male ancestor, that ancestor could not abide her sleeping with a man. Often she would simply remain celibate, but it was not uncommon for women diviners or traditional healers to take female wives. Similarly, a female ancestor inhabiting a male body could demand that he take a male wife. To respect the ancestor's orientation in this way would enhance the ability of the person so possessed to divine the future or gain insight into social problems in the community. This type of diviner has been compared to the shaman role in Native American communities.

"Mine-marriage" was the term given to male-

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male relationships that developed with the advent of industrial capitalism and commercial agriculture. The model for these in much of colonial Africa was that men migrated long distances to work while women stayed behind in the villages. Rather than risk entanglement with female prostitutes in town or the labour camps, the men would often take "wives" from among other workers, usually younger. The "boy wives" would eventually acquire the means and maturity to become husbands in turn. With some important differences, similar "situational" homosexual relationships also developed in other colonial-era institutions such as prisons and boarding schools.

Finally, there were companionate "marriages" in recognisably Western or modern gay lines. Why do people so often assume that Africans do not, or should not, change with the times? The times in the 1960s in the West allowed for increasing openness and public acceptance of loving same-sex relationships. A small number of

Africans also began coming out in this way, leaving a significant profile in fiction and memoirs from Africa in the late 1960s and early 1970s. Malinwa, for example, has a short story of a bickering but still clearly affectionate couple of men in Dar es Salaam. The Pan-African Congress hotly debated a case of two proudly loving men imprisoned on Robben Island.

Whether these relationships were "truly homosexual" or not is a debate that largely hinges upon how one defines the term. Many would also dispute that they were "marriages," based on a narrow definition of that term. Moreover, as with heterosexual marriages, homosexual marriages were often temporary, polygamous, and could be abusive or exploitative. My point is not to romanticise them. Rather, it is simply to show that intimate and enduring same-sex relationships were not alien to Africa. Same-sex marriage is as African as African people are African.



[www.afrol.com/images/symbols/gay\\_men\\_irin.jpg](http://www.afrol.com/images/symbols/gay_men_irin.jpg)

## Homosexuality: An Uncertain Social Status in Cultural Diversity and Legal Frameworks in Mexico



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She is involved with youth and cultures, sexuality and reproductive health in adolescents, social and cultural analysis of pregnancy in adolescents, adolescent motherhood, abortion and violence, along with gender issues and identities.

Homosexuality has always been present in all societies and groups and it has also always been seen as a 'conflict' for the moral and ethical norms which ruled these societies. The attitudes towards homosexuality— as a social and psychological category— are culturally specific and vary enormously across different groups and historical periods. The reasons are multiple, ranging, among others, from the criminalisation of the sexual activity between people of the same sex, the sanction that this sexual behaviour has no reproductive intentions, that it is a dangerous message for other members such as children, and that it can even induce and promote this non-accepted behaviour in the healthy and non-sexualised childhood, 'perverting' the basis of society. Within the capitalist world, male homosexuality represented a threat to the assumptions about male sexuality and has been— and still is— perceived and even conceived as challenge to the heterosexual males' roles within capitalism, which might erode the whole bases of society affecting the traditional family and the productive system as a whole.

Despite the need of a careful and deep analysis of the concepts developed above, it is possible to say that in Mexico all these elements are present in different sectors of society, formal and informal: Institutions, the media and the general public, that is, the stigmatisation of homosexuality is part of Mexican culture and is expressed in different ways. These forms range from cruel murders to permeating discriminatory jokes in all social parties or meetings. Like in many other societies, male homosexuality has more visibility than female homosexual groups, and these gay groups have fought for about a decade now for their rights in different social spaces. Today, there are gay and lesbian civil organisations which daily develop a quite intense activity and are becoming recognised as important members of society which have to be included in political decisions.

One of the main changes in legislation has been to recognise the 'legal union' of homosexual couples. However, there are some necessary considerations: While in many countries this change in the law is nation-wide, in Mexico it is only valid for Mexico City. The law avoids the

use of the term 'marriage', and it only recognises common living if the couple goes to ask for the legal status to a judge. Some civil rights like that of inheritance of the partner are recognised, but there are many other rights which are not clear or absent.

In fact, the law is regarded by gay and lesbian groups as not protective of full rights, equivalent to heterosexual unions.

In a conservative and traditional culture like the Mexican, it is important to explore the opinions of the young people involved in civil groups that promote the equality of sexual rights for male and female homosexuals. Therefore, I explored different areas taking part in and initiating separate discussion groups with gays and lesbian students at the university, where we discussed different topics, like language, social problems within the University and society in general, HIV-AIDS problems, attitude and practices linked to their sexual practices and the use of condoms, and ethical problems concerning homosexuality and Mexican culture. The findings, enumerated below, shed light on many important facts:

- a) In both groups (young women and men students alike) to explore the language was a key issue to fully understand the values, representations and social constructions of this 'sub-culture'.
- b) Gay students found out, while discussing the wording they address other gay populations' practices, that they *also were seriously discriminating against and stigmatising* other male homosexuals, reproducing the culture of prevailing heterosexual values. This finding was extremely important for them and for me, as a researcher, because this issue shows the power of the conservative culture and the need to develop other strategies to change the current status.
- c) Only while the discussion on the topic advanced into the second session, three out of seven gay students could express in the group that they were HIV positive. They said that before this experience, they kept it secret even from their peers in the group with whom a close friendship had developed during seven years of working together promoting sexual rights and

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reproductive health. They also said that they never had such an experience in an environment that gave them confidence and they bemoaned not having had this experience earlier in their life.

d) All students in the discussion groups, females and males, considered that the official information disseminated by the government, whether through the media or in printed material of an official health institution concerned with prevention of STDs, did not interest them, that the language used in these materials and spots were distant from them and their life experience.

e) All of them considered that *fear* was the main reason why they did not have the HIV diagnostic test, and therefore they have not had this test at all.

### Reflections and Conclusions

Homosexuality has no nationality: There does not exist a Mexican homosexuality, or an Indian, or Australian homosexuality. Homosexuality is part of human nature and it is strongly constructed, as sexuality in general, by culture, which differs enormously in different societies. Legal frameworks allowing homosexual unions, or

even marriages, do not guarantee freedom from sexual discrimination, inequities and sexual violence. In Mexico, I would also say that the fact that homosexual couples living together are legally recognised only in Mexico City also means that the same law discriminates territorially against the homosexual population, privileging the inhabitants of the capital over the rest. This is an undesirable effect of a law, which intends to be *avant garde*.

Unless the conservative official policies concerning condom use and other aspects related to sexuality and sexual health change, it should be expected that the problems of rejection, inequities and crimes against homosexual individuals will continue to be present in Mexican society. The problems derived from prejudices against homosexuals are not only the result of conservative or restrictive policies; they are deeply rooted in cultures and in my opinion, culture is the only and best resource to work for a more equal society and world for women and men, homo or heterosexual.



**A Gay Pride Parade in Mexico**

<http://cache.daylife.com/imageserve/08DW6yi8P44Zs/610x.jpg>

## Diversity in Uruguay: Legal Conquests and Social Discrimination



**Diego Sempol**

Diego Sempol is doctoral fellow in Social Sciences at the Universidad Nacional General Sarmiento-IDES (Argentina). His thesis does a comparative analysis of the history of gay-lesbian-trans movements in the Southern Cone. He has been applying a qualitative methodology, especially addressing issues of memory and history, political violence and the emergence of human rights movements in the region.

Uruguay is a small country between Brazil and Argentina, with a population of around 3,509,373<sup>1</sup>, which was born to independent life in 1830. Most of its population is descended from Spanish, Italian and other European immigrants, while there are some of American Indian descent. However, the cultures of indigenous peoples were exterminated during the early years of independent life. Another important section of Uruguayan society now is that of the African-Americans, who are estimated to form around eight per cent of the total population and maintain important syncretic cultural traits.<sup>2</sup>

The first Criminal Code of Uruguay (1889) considered sodomy a crime punishable by four to six years in prison. The transformations introduced by the social and economic modernisation, and the emergence of social homophobia in the form of social panic of child abuse<sup>3</sup> brought about a strengthening of the penalties for rape and the removal of the concept of sodomy from the new Code of 1934. Since then, neither homosexuality nor transvestism has been considered a crime. Nevertheless, throughout the course of Uruguayan history, the homosexual and transvestite communities have been illegally repressed by the police, using measures like arbitrary arrests. In spite of all this and unlike the rest of the region, Uruguay has not seen the creation of contraventional codes allowing police repression in urban spaces.

The absence of repressive legislation did not however prevent the persistence of a strong social stigma against gays, lesbians and transvestites— groups that were the favourite targets of jokes in graphic humour or mass events like the carnival.

To address this discriminatory culture, Grupo Escorpio, the first Uruguayan LGBT organisation, was founded in September 1984, largely thanks to the influence of LGBT transnational networks and the strong social mobilisation that existed at that time against the military dictatorship (1973-1985). However, in the nineteen eighties, this first wave of LGBT organisations lost its ability to

mobilise the community and fell into a heavy demobilisation during the nineteen nineties. This demobilisation occurred within the context of a general crisis of participation due to the impact of neo-liberal measures on the local economy and society. Despite this dispiriting context, the first LGBT Pride demonstration was held in 1992 and has continued to be an annual fixture in the capital city of Montevideo ever since.

A new frame of opportunities could only emerge after the electoral growth and victory of Frente Amplio in the 2004 presidential elections.<sup>4</sup> The emergence of new organisations (Colectivo Ovejas Negras, 19 y Lilitana, Área Académica Queer, and several other such organisations in the provinces) allowed the realisation of a strategic alliance with various parties of the Frente Amplio coalition, which ultimately resulted in significant legal victories.

Uruguay became the first country in Latin America to legislate the union of homosexual couples at national level. The bill to regulate the civil union of heterosexual and homosexual couples was finally passed on 18 December 2007 in Parliament, with the votes of Frente Amplio and some representatives of the centre-right wing parties. The law regulates the rights of couples with five years of uninterrupted cohabitation and establishes a marital partnership with the same property rights as marriage. But the law does not mention adoption rights— a major outstanding issue. This feature has been criticised by organisations fighting for the rights of sexual diversity.

The Uruguayan Parliament is currently discussing two bills: One that allows homosexual couples to adopt children and another related to the change of legal identity and sex for the transgender population. The passing of both projects is considered a litmus test for the strategic alliance between Frente Amplio and the LGBT movement, as well as an issue that divides them regarding how radical a democracy the allies intend to build.

1 Instituto Nacional de Estadística, *Encuesta Continua de Hogares 2006*, INE, Montevideo, 2007.

2 *Guía del Tercer Mundo Instituto del Tercer Mundo*, 2007, <http://www.guiadelmundo.org.uy/cd/>, retrieved on 01.03.2007

3 José Pedro Barrán, *Amor y transgresión en Montevideo: 1919-1931*, EBO, Montevideo, 2002, p. 167.

4 Frente Amplio is a coalition of leftist parties founded in 1971, and is currently the biggest political force in Uruguay. For the new opportunities that emerged with its rise, see Doug McAdam, John McCarthy and Mayer Zald, *Movimientos sociales: perspectivas comparadas. Oportunidades políticas, estructura de movilización y marcos interpretativos culturales*, Istmo, Madrid, 1999.

## Is Homosexuality Latin American?



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The argument that homosexual acts are “against the order of nature” took a winding path in Latin American societies since the early 1800s.

Although in the newly independent nations criminal laws, modelled after the Napoleonic Code, tended to abolish all references to sodomy, homosexuality and— particularly— deviant gender performance, they have since been the targets of public anxiety and State repression, indeed connected with nationalistic concerns. However, current claims of national morality can hardly be framed in terms of resistance against exogenous values, for their emphasis is— in fact— universalistic. Equally the dismissal of homosexuality as a construct alien to local systems of classification has been hard to uphold.

Whether we consider ethnographic evidence, or historical sources from the colonial period, same-sex intercourse took (and still takes) place among indigenous peoples, as well as along the contact between them and the European colonisers, and with the population that were brought from Africa as slaves.

Since the beginning of the colonial occupation, there was great dispute over whether sexual practices that were forbidden by European (Christian) conventions were autochthonous or brought by the colonisers. The matter at issue was the conflict between colonisers and missionaries over the control of the native population. European missionaries, interested in exercising their domain, saw the indigenous population as child-like, pure and innocent beings, whose moral decay and depravity was brought about by contact with the European coloniser. Colonisers and many colonial administrators, interested in their enslavement,

saw the natives as seized by all sexual vices. They could only be purified by being submitted to colonial power.

Such argument would be reflected in the social thinking of the first half of the twentieth century, related to the elaboration of nationalist ideologies, often based on racial theories. In Brazil, for example, an idea that took hold was that sexual immorality— of which same sex intercourse was but one modality— had been brought by the European colonisers. However, it had become part of the Brazilian national character as the colonisers had mixed (miscegenated) with the Amerindian and African populations.

More recently, it was discussed whether local modalities of same-sex relations should be classified as “homosexual”, as they were construed in the countries where that category had emerged, since the term had been coined in the European medical milieu in the second half of the nineteenth century. What was considered exogenous was not the practice itself, but the attribution of a homosexual identity to certain individuals. It was the model that classified individuals among three groups (homo, hetero, and bisexual) that was regarded as foreign. It was argued that, “traditionally”, only those male individuals who adopted a passive role in sexual intercourse were treated as different, while the masculinity of those who performed the active role remained unchallenged. While the former were liable for their loss of honour, the latter were free from social reproach. It is only after the diffusion of the concept of homosexuality that all individuals involved in same-sex relations, regardless of the coital position they assume, become uniformly treated as homosexuals.

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It is thus argued that Latin America is characterised, like other regions of the globe considered non-Western, for preserving a hierarchical sex/gender structure, which would tend to dissolve in the more egalitarian and democratic contexts where the theories of homosexuality emerged. Such dichotomous view takes for granted the debatable fact that contexts such as that of Latin American are not part of the Western milieu, and that ideas are conceived in Europe or North America (indisputable part of the West), and then imposed on the rest of the world. Such interpretation seems hard to uphold. On the one hand, unlike other colonial contexts, the colonisation of Latin America involved the massive settlement of European immigrants and the substitution of native social organisations by institutions of European origin. The sub-continent became a

peripheral West, but nonetheless Western. On the other hand, even if Western ideological categories had been imported, they would not have become rooted without being reinterpreted and conforming to local values, becoming native in a certain way.

It can be said that homosexuality, either as a practice or as a category forged by medical thought, is as Latin American, or as "imported," as cuisine or religion. Likewise, over the past decades, the timing and conquests of LGBT movements in many Latin American countries, pioneers in causes such as universal access to HIV treatment, anti discrimination, and recognition of gender of choice, tell a different story from the symbolic geopolitics that places the source of (sexual) enlightenment and democratic values in the nations conventionally conceived as the West.



A pictorial depiction of Uruguayan attitude towards homosexuality.  
<http://cache.daylife.com/imageserve/08DW6yi8P44Zs/610x.jpg>



A Gay Pride Parade in Bengaluru, India  
<http://www.rnw.nl/data/files/images/lead/homo%20demo%20in%20Bangalore.jpg>

## Homosexuality: Secretly Nigerian



**Eno Blankson Ikpe**

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Homosexuality, a sexual preference of people for the same sex, is a contested issue in Africa. In Nigeria, attempt to introduce "A Bill for an Act to Make Provisions for the Prohibition of Sexual Relationship Between Persons of the Same Sex, Celebration of Marriage by Them and for other Matters Connected Therewith", led to a major public debate and condemnation of homosexuality by the Christian and Islamic Communities as well as ethnic organisations. Homosexuality has been labelled an aberration, a sin, an unnatural act, sexual perversion, an abomination, an act of sabotage against the society, un-Nigerian, a Western import and a result of modernity. It is true that Nigerian society has always been extremely hostile to homosexuality, which was rare and well-concealed. Where it was tolerated, its practitioners were held in contempt. However, certain practices associated with homosexuality were not so constrained. Finally, even if there has been a spread of homosexuality in modern times, instead of draconian laws to prohibit, the fundamental rights of the individual to live his or her private life should be considered.

### Homosexuality– A Taboo in Pre-colonial Nigeria

Murray, using old ethnographic data, has shown that there was homosexuality among many African peoples including the Hausa of Nigeria.<sup>1</sup> The hostility which the cultures of Nigerian peoples exhibit towards homosexuality suggests that homosexual tendencies were not totally absent in the society, since there could be no taboo against a non-existent practice.

Nigerian cultures show that homosexuality as sexual orientation was very rare. Homosexual tendencies, whenever they existed, were well concealed. Nigerian societies were communal societies where norms were maintained and people's behaviours were easily controlled. The entire socialisation process was geared to prepare people for heterosexual relationships.

**Igbo** culture did not tolerate effeminate behaviours among men. Men who behaved as

women were so described because of their physical appearance and their inability to perform tasks which were associated with strength but such appellations were not necessarily linked to their sexual orientation. Igbo culture however recognised the existence of *umu nwoke ndi na edina ibe han*– men who sleep with men. Among the **Ibibio**, homosexuality was rare as people with such tendencies were sold into slavery. Although it has been claimed that homosexuality was not found in **Yoruba** culture, the culture acknowledges the existence of people of homosexual tendencies known by description as *awon okunrin ti n ba arawon lopo*– men who sleep with men, who were despised and ostracised. Though some cultures recognised the existence of men who sleep with men, such men were rare and their practices shrouded in secrecy. Among the **Hausa**, however, homosexuality developed into a well-known subculture after the Islamic revolutions of the nineteenth century which resulted in a gendered division of spheres making access to women difficult. Known as *dan daudu*, these men, generally poor people, provided female services to men including sexual services. In all Nigerian ethnic groups, all those who displayed homosexual tendencies were disdained, punished, ostracised, sold into slavery and put to death as the case may be. Lesbianism, though this exists in contemporary time, seems not to have been prevalent as there is no description of this in Nigerian cultures.<sup>2</sup>

### Homosexual Experiences

In traditional society there were possibilities of homosexual experiences. The monopolisation of women by older men who married multiple wives, the demand for virginity of girls at marriage, the scarcity of pre-marital sex for young men, the division of society along gender lines, all created conditions where homosexual experiences could have taken place. However, such experiences were suppressed and repressed with draconian taboos. Hence, homosexual activities were

1 Stephen O. Murray, "Homosexuality in "Traditional" Sub-Saharan Africa and Contemporary South Africa", available on [http://semgai.free.fr/doc\\_et\\_pdf/africa\\_A4.pdf](http://semgai.free.fr/doc_et_pdf/africa_A4.pdf), accessed on 20.08.2009.

2 Carol Vance, "Social Construction Theory: Problems in the History of Sexuality", in Theo van der Meer and Anja van Kooten Niekerk (eds.), *Homosexuality, Which Homosexuality?*, An Daker and Gay Men's Press, Amsterdam, 1989.

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carried out under the cover of secrecy; discovery could carry a great penalty including ridicule, death, ostracism and slavery. What seems to have been more rampant was sexual self-indulgence, on which the cultures were silent with no explicit taboo against it.

Homosexual experiences were also associated with ritual purposes associated with magical medicine for strength, power, long life and wealth.

### **Youth, Friendship and Self-Exploration**

There were practices and experiences which today would be termed homosexual. Deep friendship with members of the same sex was an important part of growing up and it was normal to walk around putting hands around each other's neck or holding hands and sending a "this is my best friend message" to all. This sort of friendship took place without explicit sexual entanglements. Friends, boys and girls in separate groups played together, danced together, held and touched each other, compared each other's anatomy including their genitalia and made fun of each other's physiognomy. Emecheta refers to these as 'play communication' and 'natural gestures' with no sexual meanings read into them.<sup>3</sup>

Youths engaged in self exploration of their erotic parts among the same sex or across sexes, thereby deriving sensual pleasures. They were however liable to receive thorough beating to stop them engaging in such an 'abominable' act if caught.<sup>4</sup> This self exploration did not necessarily result in sexual preference for the same sex.

### **Colonialism and homosexuality**

Colonialism is said to have encouraged homosexuality. Some of the colonisers are believed to have exploited their houseboys homosexually, thus introducing them to homosexual pleasures. The liberalisation of traditional society due to colonialism led to the breakdown of traditional taboos. Migration to cities, mines and plantations, which initially was predominantly male, encouraged homosexual practices. The return of demobilised World War II soldiers is said to have increased homosexuality as many of the soldiers are said to have learnt such practices during their military sojourn. Hence, homosexuality is sometimes seen as a colonial legacy.

### **Homosexuality in Nigeria Today**

Homosexuality and lesbianism are rampant in Nigeria today due to several factors including the breakdown of cultural deterrents such as taboos. The concentration of boys and girls in school dormitories and university hostels, peer pressure,

cultism on university campuses where cult members use the threat of violence to force others into homosexual experiences, unemployment and poverty are important factors in the spread of homosexuality and lesbianism. Urbanisation, with its attendant anonymity, provides the scope for this. Influences of western culture spread through physical contacts, electronic and print media also play an important role. The culture of 'get rich quick' has also intensified the use of homosexuality in magical medicine for wealth and encourages the youths to become sexual partners of the wealthy. Homosexuality and homosexual networks are attractive to some youths who perceive it as a new form of modernity.

Nigerian society is very hostile to homosexuality, so many practitioners keep their sexual preference secret. It is punishable in the Nigerian penal code with fourteen years imprisonment and by stoning to death in the Islamic North. The new bill against homosexuality, if passed, will prohibit homosexuality and the right to freedom of sexual expression and association. The adoption of Sharia laws in Northern Islamic states has driven homosexuality underground<sup>5</sup> especially after the mob-killing of a gay university student in Jigawa State in 2002. Families routinely ostracise homosexual members.

Nevertheless, Nigerian homosexuals are beginning to unite in associations to fight for their sexual rights as exemplified by the All Alliance Rights Nigeria. A group of them broke into the National Assembly when the bill against homosexuality was being debated to demand their rights. The opening up of a Gay Church-House of Rainbow MCC Lagos Nigeria- is another bold step by homosexuals and lesbians to claim their rights.<sup>6</sup> Nigeria is still very far from granting sexual rights to homosexuals and lesbians as the recent debates surrounding the proposed bill and repressions depict.

### **Conclusion**

It would seem that homosexual and lesbian tendencies must have been present in different Nigerian cultures and this was why a taboo was generally placed on them and suppressed in the past. In recent years, despite societal taboo, hostility and disapproval, homosexuality seems to be spreading. The initiation of a bill to prohibit homosexuality can be understood in the context of this spread. Experiences in other parts of the world show that prohibition and repression strengthened the movement, so Nigerian lawmakers should not discountenance this.

3 Buchi Emecheta, "Natural Gestures", in *New Internationalist*, 20, available on <http://www.newint.org/issue201/gestures.htm>, accessed on 20.08.2009.

4 Eno Blankson Ikpe, "Human Sexuality in Nigeria: A Historical Perspective", in *Understanding Human Sexuality Seminar Series No. 1*, Africa Regional Sexuality Resource Centre, Lagos, 2004, p. 25.

5 Godwin Haruna, "Nigeria: Homosexuals- Chasing the 'Outcasts' out of Town", *This Day*, 09 August 2006. Available on <http://afrika.no/noop/page.php> accessed 10 August 2009.

6 Jide Roland Macaulay, "Homosexuality Does Exist in Nigeria", <http://rovrowlandjidemacaulay.blogspot.com/2007/10/homosexuality-does-exist-in-nigeria.html> accessed 10 August 2009.

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## Decriminalisation is an Achievement, but Jacobinism and Reification Haunt the Debate on Sexual Liberties in India



Martin Aranguren

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The High Court of Delhi declared on 2 July 2009 that section 377 of the Indian Penal Code, which criminalises homosexual intercourse, is unconstitutional as far as same-sex relations between consenting adults are concerned. The decision represents an important milestone in the struggle for the enlargement of civil liberties and the destigmatisation of Lesbian, Gay, Bisexual, and Transgender (LGBT) people. I congratulate the activists for this much-longed achievement and personally salute this change in legal doctrine.

While fully supporting the High Court's decision, I would like to draw attention to some potential dangers entailed in the way the issue is being debated. The following discussion presupposes endorsement of the verdict, and aims to bring out certain tricky issues internal to the progressive camp.

Advocacy for the decriminalisation of homosexual acts between consenting adults in India has developed in three usually associated but analytically distinct directions. The first one, which I shall not further discuss, regards the right to equal treatment. Drawing on the terminology of the High Court, let me call the second one "privacy politics". Following the contemporary trend in radical social critique, let me call the third one "recognition politics". Privacy politics is about limiting the right of the state to control the life of individuals (i.e. the scope of the notion of "state interest"). Put positively, it is about defining the matters of individual life about which the person should be "let alone" to determine herself as she pleases, without interference from any public authority. Recognition politics, on the other hand, is concerned with the public esteem of (classes of) individuals in civil society (or more precisely, their lifestyles). Its fundamental assumption is that public esteem is a social good indispensable for the conduct of an undistorted autonomous life, akin to the

material conditions addressed by classic social rights<sup>1</sup>.

Advocacy against section 377 of the IPC proceeds as privacy politics when it dismisses the prerogative of the state to treat same-sex relations between consenting individuals as a crime to be punished by the public powers. It develops as recognition politics when it calls for the destigmatisation of LGBT lifestyles by civil society.

I wish to suggest that privacy politics and recognition politics, given the way they have oriented the debate on section 377, entail some risky implications that should be taken into account. But let me first make explicit my own standpoint (not my opinion, which I have expressed at the outset) so that you can criticise what I am about to say in its own terms— or simply know why we cannot agree. This standpoint is a sociologically-informed cultural relativism: I regard the hallmarks of modernity (e.g. the citizen, organisational efficiency, scientific objectivity) as social institutions backed by enforceable norms and beliefs. The establishment of modern institutions is not a necessity of history: It is the replacement of a worldview by another, whatever the means for doing so.

So what are those tricky implications? First, privacy politics does not make sense unless you assume that there is something like a "self" that commands respect<sup>2</sup>. Now, as classical social science has taught us, the self is a (sacred) social institution, a way of dealing with people in public, before being an "inner" voice. This social institution is as provincial as any other, and in its full-blown expression (universal civil rights) the province of this social institution is modern Western Europe. The tricky implication here is that by defending the right to privacy you are defending the institution of the self, whose "source", as Charles Taylor puts it, is modern

1 To the extent that the modern state's legitimacy is based on the idea of a contract freely agreed upon by autonomous parties, it is committed to ensuring the conditions that will allow people to become autonomous persons (under the fiction of the political contract, if citizens could not be presumed to be autonomous persons the authority of the state would be illegitimate). This is the normative basis of social rights, which recognition politics seeks to make extensive to public esteem as a social good. See Honneth Axel, *The struggle for recognition: the moral grammar of social conflicts*, MIT Press, Cambridge, Massachusetts, 1996

2 Charles Taylor, *Sources of the Self: The Making of the Modern Identity*, Harvard University Press, Cambridge, Massachusetts, 1994.

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Western Europe. This is implicitly acknowledged in Ambedkar's dichotomy between "public morality" (the institutions practiced by common Indian people) and "constitutional morality" (the institutions of the Constitution imported by the enlightened elite)<sup>3</sup>.

Second, recognition politics aimed at destigmatising LGBT people presupposes that Lesbian, Gay, Bisexual and Transgender represent classes of people. In any society, the distribution of individuals into types of person operates on the basis of an institutionalised epistemology, that is, a method for determining who belongs to which category, whatever the nature of this procedure. The tricky implication is that in advocating the right to public esteem of LGBT lifestyles, you are committing yourself to the folk epistemology (the method) that ascribes people to these categories. How does this epistemology work? Let the High Court tell us: The "sexual acts which are criminalised [same-sex relations between consenting adults, MA] are associated more closely with one class of persons, namely, the homosexuals as a class"<sup>4</sup>. Simply put: People who practice same-sex relations are homosexuals. Now, as Queer Studies in social anthropology have taught us,<sup>5</sup> equivalents of the homosexual type of person are not to be found in all cultures (for instance, the well-known example of "semen practices" in Melanesia<sup>6</sup>). Further, the social groups that display an equivalent of the homosexual type of person do not ascribe people to this class on the basis of the same epistemology across cultures (like the example of "competitive masculinity" in popular Latin America<sup>7</sup>).

These implications are tricky because they presuppose commitments that their proponents may not be willing to endorse. Ambedkar's dichotomy between "public morality" and "constitutional morality" has been explicitly invoked by the High Court to reaffirm the primacy of the latter. The possible undesired commitment here is Jacobinism, the belief that the enlightened elite knows what must be done, and the ignorant masses must follow. To prevent misunderstandings: I am not suggesting that the institution of privacy should not be cultivated in India. What I am trying to say is that privacy "is not a natural sentiment", as Ambedkar puts it, which implies that decisions are to be made regarding its scope and the manner of its inculcation and enforce-

ment. The risk of Jacobinism means that these decisions may be monopolised by an enlightened elite, to the exclusion of the majority.

On the other hand, the folk epistemology on the basis of which the ascription of the gay, lesbian, bisexual or transgender type is operated risks to reify these categories and the methods of their attribution. Reification means that these constructs are treated as objective things on their own (e.g. "sexual orientation"), instead of being regarded as the human historical products they are. Reifying these queer identities and their procedures of attribution may limit the emancipatory potential of the development triggered by the decriminalisation of same-sex relations between consenting adults. Same-sex relations are acts, while queer types are identities, this is a widely accepted distinction. By keeping the link between acts and identities, these newly acquired liberties are made to operate as the special minority rights of the LGBT. The problem with this consequence is that it forecloses the possibility of disassociating acts and types of person, a necessary condition for moving towards more innovative sexual identities and epistemologies— or abolishing them altogether.

In short, in the debate on section 377 of the IPC privacy politics implies the risk of Jacobinism, recognition politics the danger of reification (or "essentialism"). Both have in common the fact of creating a risk of exclusion: In the case of privacy, exclusion of the views of common people regarding its scope and cultivation; in the case of recognition politics, exclusion of the non-LGBT from the emancipatory benefits of decriminalisation. These issues are particularly difficult because they touch upon fundamental problems in contemporary debates: Nothing less than the relationship between modernity and Indianness, and the nature (congenital/constructed; episodic/dispositional; etc.) of same-sex desire. I do not claim to have the last word.

The aim of this comment has been not to criticise privacy politics and recognition politics, but to make explicit the commitments they may imply in sexual liberties advocacy. It is up to the reader, if she finds this analysis relevant, to judge whether she assumes these commitments or not.

3 Constitutional Assembly Debates in *Official Reports Vol.VII*: November 4, 1948, page 38, quoted in High Court of Delhi at New Delhi, *WP(C) No.7455/2001*, 2 July 2009, p. 64.

4 High Court of Delhi at New Delhi, *WP(C) No.7455/2001*, p. 80

5 For a review, see Weston Kath, "Lesbian/Gay Studies in the House of Anthropology", *Annual Review of Anthropology*, 22, 1993, pp. 339-367.

6 See Elliston Deborah, "Erotic Anthropology: 'Ritualized Homosexuality' in Melanesia and beyond", *American Ethnologist*, 22, 4, November 1995, pp. 848-867; Herdt Gilbert, *Ritualized Homosexuality in Melanesia*, University of California Press, Berkeley, 1984.

7 In popular perception in Latin America, anal intercourse between males may be taken as a proof of the homosexuality of the "sodomized", without putting into question the masculinity of the "sodomizer". See Lancaster Roger, "Subject Honor and Object Shame: The Construction of Male Homosexuality and Stigma in Nicaragua", *Ethnology*, 27, 2, 1998, pp. 111-125.

## Symposia South

## Wrestling with Authenticity

**Bishan Samaddar**

Bishan Samaddar (born 1979) works for the Seagull Foundation for the Arts in Calcutta, and is an aspiring photographer. He specialises in capturing homosociality among Indian men through his lens.

**Vaibhav Saria**

Vaibhav Saria (born 1986), originally from Calcutta, studies and teaches Medical Anthropology at the Johns Hopkins University in Baltimore, Maryland, USA. He writes on queer issues and is a regular contributor to various newspapers and journals.

I have been watching the current hysterical debates around the reading down of Article 377 of the Indian Penal Code with some alarm. They are usually around the question whether homosexuality is authentic to India or not; and it usually results in the progressive, liberal party citing the same old names from history and literature to say, "yes, homosexuality is authentic to India" and this is refuted by some poor hapless religious figure. They usually say that homosexuality was tolerated, even celebrated before the British came- some say before the Islamic sultanate. They excavate from the archives certain well-known examples by now to say that they were all same-sex loving/desiring subjects. These debates over authenticity have not only erased the plurality of the same-sex desire but have also rendered it ahistorical.



There is no "Indian" way of being homosexual that remains intact, unchanged over the years; there was no ideal past which was then spoilt. The debate needs to move away from 'authen-

ticity and homosexuality' to the 'plurality of the same-sex desire.' The photographs of Bishan Samaddar can be interpreted to see how the question of authenticity does not hold true in the face of anthropological realities but also flattens the topography of same sex desire.



Bishan places himself in the long history of photographers that have had men and their beauty as their subjects, most noticeably William Gedney. Gedney, who was in India during the late sixties and early seventies and again ten years later, took photographs of wrestlers in Benares, men celebrating Holi, random men in the market place, labourers. One of Gedney's photographs titled, "Wet men pushing and pulling loaded carts" has for its central point the stunning, broad back of one of the men pulling one of the carts. Another interesting point is that the photograph only shows one face- an old face of a man who is also staring, with us, at the broad back of the man. All the other men have their backs to us; some of them are bare or partly covered. The man in question is wearing a white *ganji* that is drenched with water. The sensuality

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of that broad back, rippling with muscles, is hard to miss. And the viewer with the old man cannot put their finger so easily on what is it that he is feeling in viewing it. Is it lust? Admiration? What one does realise is one's attraction to the back. This ambiguity takes a new form in Bishan's photographs, which have been taken in 2007. (Gedney's photograph can be viewed through Duke University's library's digital collection).



I want to trace the ambiguity in the photographs that are accompanying this piece. I use the word ambiguity very carefully and only because the narrative that rises from the photographs is not linear, heteronormative or orientalist, but is fractured, momentary and guised. We need to first understand how the interaction is taking place amongst the wrestlers and then between Bishan and the wrestlers. In one of the photographs the camera is placed very close, the camera becomes an excuse or a reason to come very close, to peer over the shoulder of one of the wrestlers as he flips through his little notebook, or, in other words, the closeness is allowed because of the camera's presence. The bodies are not in display in the same way as they are in contemporary western gay culture; they are not lusted after but are admired with the pride (not vanity) that comes from being the owner and the creator of a piece of art (one that is achieved through discipline and rigour). The men are gladly performing for the camera. This performance allows for an interaction between the photographer and his subject to take place. Bishan's photographs captures the faces of these men— he doesn't even pretend to be the invisible viewer (a lot of Gedney's subject do not interact with him or

the camera but are caught in the middle of mundane everyday interactions— the titles are a reflection of this— "Woman looking out over the city from a rooftop" or Man "working on bicycles"). Bishan is using the camera as a way to articulate his/its desire for the men. He has them pose, flex, make eye contact with the camera, all of which make it impossible to notice the sensuality that is captured in the photographs.

Bishan says that when he was photographing them they would come up to him and say, "oh take his photograph he has a very beautiful body or oh take his photograph he is very beautiful." We can see in the photographs that there is a certain unabashed, unashamed admiration for the beautiful body amongst these men as well, one of them is grabbing the other guy's biceps and showing them off to the camera. He tells Bishan, "*Iska photo li jiye.*" The man whose arm is being grabbed is the most respected in the *akhara* because he is the most dedicated. Thus the interaction between the wrestlers is also ambiguous. It is done through tropes of respect, dedication and admiration. These narratives do not lend themselves to be read through same-sex lenses because the subjects are not desirous of each other in a sexual manner. Yet the way they share the space with each other and the photographer is very erotically charged.



One needs to understand this form of desiring men, this form of interaction between men, and not try and justify its existence, which is the premise of the question of authenticity.

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The *Hindu Nationalist* Bharatiya Janata Party were the most expected political opponents of the liberating judgement. BJP leader and former Home Minister Murali Manohar Joshi said the High Court was wrong in giving legal validity to it legalising gay sex among consenting adults. He added, "Parliament is above it (judiciary). Country, society are also above it. One or two judges only cannot decide everything", indicating that he wanted a legislative reversal of the verdict and also hinting at the possibility of social-political action against it. <http://www.indiatvnews.com/main/newsdetails.php?id=1850> accessed on 28 August 2009

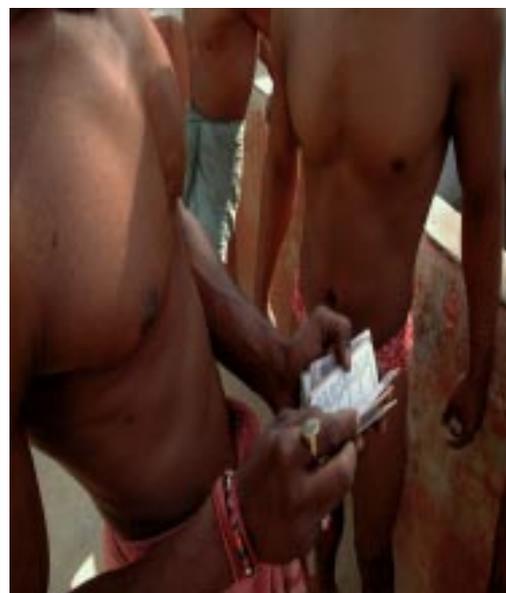
Similarly, R. P. Dhir, president of the BJP legal cell, said by legalising homosexuality, the government had sent a wrong message to the countrymen and posed a threat to society. <http://www.tribuneindia.com/2009/20090810/lhd1.htm> accessed on 28 August 2009



In contrast, the expelled ideologue of the BJP, KN Govindacharya, and former RSS hardliner, was more accommodating. He opined, "India has always lived with it (homosexuality). It had neither sanctioned nor promoted it. No legal sanction was required". <http://www.indianexpress.com/news/homosexuality-was-always-there-in-india-gov/488050/>

The Catholic Church in India too, has been opposing the Judgement. A spokesperson for the Catholic Church, Fr Paul Thelakkattu has said that homosexuality is intrinsically immoral and the Church will not accept the move to legalise it. "Homosexuality is against the teachings of the Catholic Church, and gay marriages and sexual relation between persons of the same gender could not be allowed", he added. He asserted that the Church had always been sympathetic towards homosexuals and that they should be nursed back to *normalcy* through proper treatment and counselling. He said the Government move would mean giving license to the *sexual perversions* of a section of the society and asserted that the rights of homosexuals is in itself a misnomer, said the Church spokesperson. <http://www.indianexpress.com/news/Church-against-legalising-homosexuality/483404> accessed on 28 August 2009

At the same time, Bishop Sahu, the General Secretary of the National Council of Churches in India, the ecumenical organisation of the protestant and Orthodox Churches in India, said candidly that homosexuality "is against our religion and is forbidden in the Bible." <http://www.christianpost.com/article/20090630/church-to-oppose-legalization-of-homosexuality-in-india/index.html> accessed on 28 August 2009



## Between Hope and Despair: Canada and Torture



**Eglá Martínez Salazar**

Eglá is Assistant Professor, Pauline Jewett Institute of Women's and Gender Studies and the Institute of Interdisciplinary Studies, Human Rights Program, Carleton University, Canada.

Monia Mazigh, *Hope and Despair: My Struggle to Free my Husband, Maher Arar*, (Translated by Patricia Claxton and Fred A. Reed) McClelland & Stewart Ltd, Toronto, Canada, 2008.

Monia Mazigh's dense analytical reflection on the deep human and socio-political impacts of political harassment, imprisonment, false accusations, and torture explains extraordinarily well the complex linkage of today's everyday world and the larger forces of power that can be invisible, yet remain as powerful as ever. These powerful forces can appear even perhaps more so during those times when, as Mazigh acutely observes there are "...the erosion of our rights in the name of an illusory and restrictive sense of security" (p.83).

The title *Hope and Despair* is an encapsulated mirror to what Mazigh, a Canadian Muslim woman with a doctoral degree in finance experienced after her husband, Maher Arar, was arrested in the United States in 2002. He was returning from a vacation with his family when he was arrested and deported to Syria where he was tortured and kept in highly secured confinement with the knowledge of Canadian security and intelligence agencies and other State agents.

Maher Arar is a Canadian citizen, a telecommunications engineer and entrepreneur; he is also a husband, son, and father who, as clearly demonstrated through a public enquiry, was targeted simply because he was a Muslim living in a dangerous climate where Islamophobia and colonial racial classifications have been revived. As Canadian scholar, Sherene Razack, so aptly observes, this climate is charged with sophisticated race thinking through which social hierarchies are re-founded through the lens of "descent." Razack adds that it is this renewed process of race thinking that explains how "a relatively innocent category (like colour) can become virulent and how politically defined characteristics (like nationality) can so easily become inheritable traits" (p. 8).

I cite Razack's insights here because they are vividly demonstrated throughout the daily and very often "hidden" impacts of the experiences expressed in Mazigh's book. A book that shows the unquantifiable, everyday, individual and familiar human impacts of deeply racialised policies too often used to accuse individuals and

entire communities of national treason, unpatriotism, and an ill-defined terrorism. Such policies seemingly justify the suspension of rights and the negation of one of the most celebrated traits of liberal capitalist democracies, namely, the presumption of innocence and the inalienable rights granted to all humans for simply being human.

With fresh and creative humbleness and erudition, Mazigh clearly demonstrates how the institutionalised state practices of false accusation, imprisonment, and torture are more common events today that many are willing to accept, perhaps because these actions are too often perpetrated against non-Western and non-White populations. These populations have already been construed as being pre-modern and uncivilised through the use of extremely complex legal and political language.

Mazigh's "story" as she defines it, keeps the reader engaged and interested because it is not self-absorbed or merely one individual's heroic account. Instead, as she so rightly puts it, "This book is by no means a glorification of what I accomplished in the space of a year, or a dry recitation of facts. It's just a story, but a true story, for which I have done my best to remember dates, names and words spoken." (p. xiii). She adds that the notebook in which she documented dates, state communications, and archived newspaper clips, emails, and other data supports the careful documentation of her writing. It is that precise documentation that gives this book both its creative structure and its remarkable rigorosity.

As a researcher and educator, but also someone who has witnessed the human and socially immediate, longstanding effects of state terror and genocide, I share Mazigh's words when she writes in the foreword that the decision to write her book was indeed enormously difficult. That difficulty derived not only from reliving her hidden and outer pain, but also from recognising the consequences for her children's lives when she allowed a harsh excerpt of their family life to become public Canadian and world history. Inter-

## Special Feature

estingly enough, I suggest that her honest sharing of these dilemmas is a powerful magnet that invites readers to accompany Mazigh, a devoted Muslim woman who is also an intellectual, mother-daughter-wife, on a reflective journey to the far-reaching tentacles of a "first-world" state power and into a world of unexpected entanglements of power as domination. That world is also a world where Mazigh encountered expressions of human, social, and political solidarity.

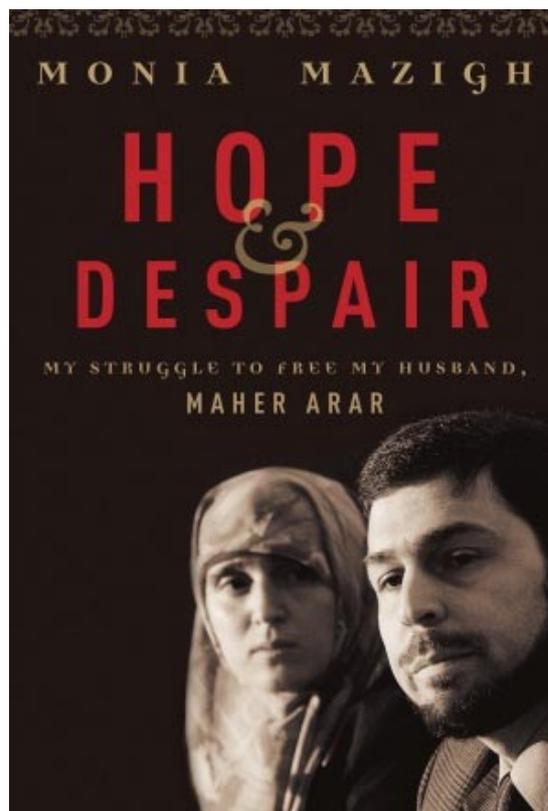
Mazigh's makes writing a book similar to that of assembling a family album because this analogy allows the author to combine journal entries, her own, with letters that she wrote to her husband, and his responses. The titles of the chapters are also inviting, particularly Chapter Three, *The Battle Begins*. This title shows how the everyday world of racialised and politically harassed peoples is shaped by ruling relationships that are almost invisible to most "national citizens." These relations of ruling are constituted not only by state powers, but also by corporate media who decide whose lives deserve attention in positive ways and whose do not and, therefore, become easy to distort and criminalise. Amidst the despair as Mazigh reflects, however, she is able to remain strong for her children, her mother and her in-laws, and continue the struggle to free her husband.

Yet what is really captivating about this story is that Mazigh's struggles were not just for her individual family, but also for what Hanna Arendt signaled decades ago is the "right to have rights." Mazigh shows how easy it is for entire communities of peoples, already construed as

more inferior than the White, middle- and upper-classes, and Euro-North American descendant people, to lose their fundamental entitlements. She also demonstrates how easy it is to be stripped of one's Euro-North American citizenship if one belongs to communities, as Razack notes, that are defined and treated as incapable of self-determination, reason, and sound governance.

Mazigh shares with fresh views how amidst despair there is hope, and it is indeed that hope that gradually matures and is cultivated by demonstrations of solidarity among some racially and otherwise privileged citizens. These citizens understand that behind nice declarations of formal equality in capitalist democracies, there is often deep injustice and inequality. Thus, solidarity of hope means that there are possibilities to forge alliances among progressive peoples from all religions, professional backgrounds, cultures, genders, and sexualities and confront the transnational politics of fear that still does affect countless communities, their families, and their children.

This creative perspective is needed, I believe, in places where extreme individualism, together with social and political cynicism, is rampant, for example, on many university campuses and in high schools, courts, and similar venues. It is this environment that causes me to recommend books like *Hope & Despair* as excellent companions for teaching about the issues of world politics, the structures of power and their impact on the concrete, everyday lives of women, men, and sadly, children.



## Reviews

Reviewing Golinger's Bush Vs Chavez<sup>1</sup>

**Stephen Lendman**

Stephen Lendman lives in Chicago and can be reached at [lendmanstephen@sbcglobal.net](mailto:lendmanstephen@sbcglobal.net).

Eva Golinger, *Bush vs. Chavez– Washington's War Against Venezuela*, Monthly Review Press, Caracas, 2007, pp. 160, ISBN 9781583671658.

Eva Golinger's eagerly awaited new book is now out– but only for those able to read and understand Spanish as it is not yet available in English. It is appropriately called *Bush vs. Chavez– Washington's War Against Venezuela*, and was published by Monte Avila Editores in Caracas. Hopefully it will soon be available in English as well.

Golinger is a Venezuelan-American attorney specialising in international human rights and immigration law. She wrote her first blockbuster book published in 2005 called *The Chavez Code– Cracking US Intervention in Venezuela* that documented the events surrounding the 2002 US-directed failed coup against Hugo Chavez that ousted him for two days and that the people of Venezuela reversed through their mass outrage. In her first book, Golinger obtained top-secret documents from the CIA and the State Department through Freedom of Information Act (FOIA) requests showing the Bush administration had prior knowledge of and was complicit in the 2002 coup against President Chavez and had provided over \$ 30 million in funding aid to opposition groups to help pull it off. It failed because they had not expected the kind of people-power that is likely to arise again in the face of trouble and support the president they love and will not give up without a fight.

Golinger also showed how the US government funded the so-called National Endowment for Democracy (NED) that functions to subvert the democratic process to help oust leaders more concerned with serving their own people than the interests of wealth and power. Also involved in the coup plot was the international arm of the Republican party, the International Republican Institute (IRI), the National Democratic Institute, the US Agency for International Development (USAID) and the AFL-CIO that has a long and disturbing record of acting as an instrument of US foreign policy instead of sticking to what it is

mandated to do– representing the interests of American working people. It falls far short of much too often in its policy of selling out to the interests of capital for the personal gain of the union's leadership.

In *Chavez Code*, Golinger showed how these agencies funded and worked with the Chavez opposition beginning in 2001, cooking up schemes that led to mass-staged street protests leading up to the day of the coup. It was done with the full knowledge and approval of the Bush White House that mounted a full-scale effort post-9/11 to oust Hugo Chavez and has now tried and failed three times to do it.

In her new book, Golinger picks up from her first one chronicling the Bush administration's focused efforts at illegal intervention in Venezuelan affairs attempting to destabilise the Chavez government leading up to another scheme to overthrow it that may be only days away following the 3 December presidential election Chavez is virtually certain to win impressively. The book documents the usual kinds of mischief directed out of Washington:

- A demonisation campaign conducted through the complicit US corporate-controlled media that is likely to reach a crescendo in early December.
- Financing 132 anti-Chavez groups. Golinger explains "...the US is funding these organisations in civil society... to obtain control in all different parts of the country." She goes on to say "The US government has censored the names of organisations, but they've left the descriptions of what the funding is for... what they are proposing to do with the money; we just don't know if they're actually doing it."
- The Bush administration is making a determined effort at subversion in the run-up to the 3 December election

<sup>1</sup> This is a reprint, with minor changes, of a review published on the author's blog of the book written prior to the 2006 elections. Some of the predictions in this piece did not come true, partly because of the campaign this piece was part of. The original is available at <http://sjlendman.blogspot.com/>, 22 November 2006.

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- "bringing down their best experts... political strategists, communications experts, to help them craft the entire (opposition) campaign"— of Zulia state governor Manuel Rosales who was the only governor in the country to sign the infamous Carmona Decree after the 2002 coup that dissolved the elected National Assembly and Supreme Court and effectively ended the Bolivarian Revolution and all the benefits it gave the Venezuelan people (for two days).
- The Bush administration is conducting "diplomatic terrorism" against the Chavez government. Golinger explains "This includes sanctions against Venezuela for made-up things... claiming Venezuela is not collaborating on (curbing) drug trafficking, which is not true (as a US State Department report shows by having documented that from 1998-2004 Venezuela's drug seizures rose from 8.6 to 19.1 tons and Caracas claims the tonnage rose dramatically in 2005)." It also includes a "second sanction... for trafficking in persons. But there is not a shred of evidence that Venezuela is not doing everything in its power to prevent trafficking in persons."
  - Most important of all, the US created a new classification in May, 2006 "and Venezuela is the only country (under it)- which is for not cooperating with the war on terrorism." Venezuela is now sanctioned and "prohibited from buying arms that have been manufactured in the US or use US parts." The Bush administration is hard-pressed explaining what this new classification means, why Venezuela in the only country accused under it, and what the Chavez government is doing. It can only say (fraudulently): "All the countries on the list are state sponsors of terrorism" even though the US has never classified Venezuela as a terrorist nation as the world community would never go along with that kind of outrage.
  - A campaign of hostile rhetoric coming out of Washington has been ongoing for some time and is part of the Chavez-demonisation project attempting to justify whatever schemes the Bush administration has cooked up trying for the fourth time to oust him. It comes in the harshest language and from the highest levels in the administration like Secretary of State Rice referring to Chavez as "a negative force in the region" and now fired and discredited former Secretary of Defense Donald Rumsfeld calling Chavez another Hitler and one of the most dangerous and destabilising forces in the region.
  - Golinger also explains the US Congress issued a report on border issues mentioning Venezuela and incredibly saying: "President Chavez is engaged in smuggling Islamic radicals from out of the Middle East to Margarita Island (off the Venezuelan coast) where they are training them in Spanish and giving them ID documents and sending them to Mexico, where they are crossing the border to the US."
  - Golinger also covers Washington's "military front" attack directed against Venezuela including "an increased presence in the region." She explains that she investigated the Pentagon's presence on the tourist island of Curacao in the Caribbean, close enough to Venezuela to see the coastline, where a US base is located. She calls this an "alarming" development, and it is being supported by the government of The Netherlands.
  - Golinger also cites the Pentagon's use of anti-Chavez directed psychological warfare including the use of ugly agit-prop directed against the Chavez government.
  - She also explains "The use of Colombian paramilitaries by the US (as part of the 'military front').... And the intervention of US Special Forces... as well." US Special Forces handle the command-and-control function directing the intruding paramilitaries who are "actors... sent over to try to assassinate Chavez."
  - Further, the book covers the US "building up a secret base near the border with Venezuela, next to Apure state... a small base, but the US is building airplane hangars for spy planes (to be used as a) launching point for espionage operations and monitoring of Venezuela. They also have large amounts of high-ranking US Special Forces there" along with high and low-ranking Colombian forces all controlled by US Special Forces.
- Golinger shows how once again the Bush administration is funding and directing the above-mentioned agencies like NED to subvert and overthrow democracy in Venezuela as well as one other one— Sumate— a nominally non-governmental organisation (NGO) founded in 2002 by a group of Venezuelans led by Maria Corina Machado functioning as an anti-governmental organisation dedicated to the overthrow of Hugo Chavez and the return of the country to its ugly past ruled by the former oligarchy and the interests of capital.
- The book also covers possible Bush administration plans to invade the country outlined in Plan Balboa. It "was created as a military exercise jointly simulated with NATO (an arm of

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US interventionism) forces, supposedly realised during the month of May, 2001... but contains real satellite images, of the US institutions and precise coordinates of Venezuelan airstrips and strategic points within the territory of the country." The idea is to "come in from Colombia, Panama and from bases in Curacao... take over (oil-rich) Zulia (state) and the border area and declare it an international zone"— in other words, divide the country and steal the oil-rich part of it by force, then deal with the rest of the country.

She also discusses the possibility of Colombian right wing paramilitary intervention, and she believes their mission is to assassinate Hugo Chavez. She interviewed a paramilitary leader who told her there are already more than 3000 paramilitaries in the region around Caracas alone.

If paramilitaries intervene, it won't be the first time as this tactic has been used before and was foiled by Venezuelan police when a paramilitary plot was uncovered and arrests were made. Chavez has also had to combat years of paramilitary infiltration across the border conducting a wave of kidnappings and assassinations, especially in areas bordering the two countries like in Tachina state where the number of killings rose from 81 in 1999 to 566 in 2005.

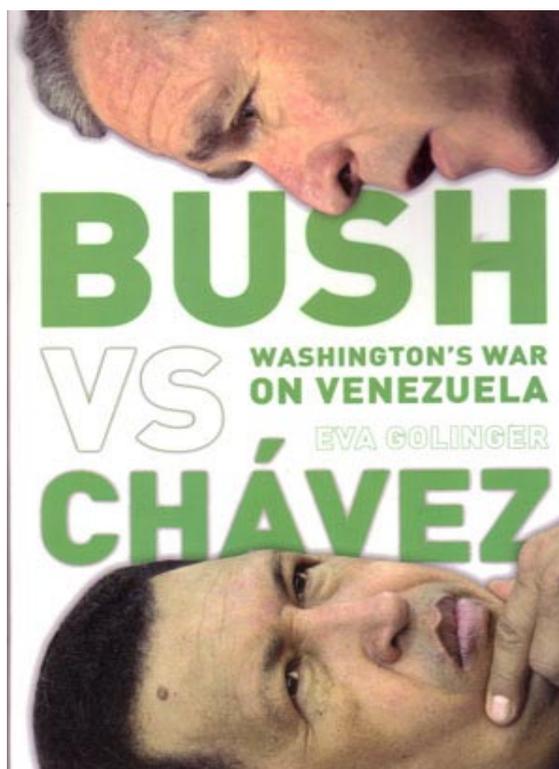
There is also considerable evidence that Colombian right wing president and close Bush ally Alvaro Uribe had a hand in these activities as well as the present destabilisation efforts to oust Hugo Chavez and possibly try to assassinate him. He has a long and ugly record supporting the interests of wealth and power in his own country and has used his paramilitary assassins to leave

a long trail of blood in displacing three million peasants from their land as well as having one of the worst records of state-sponsored terrorism in the world and a well-known contempt for democracy and human rights.

Golinger believes there are plans in place to overthrow the Chavez government and recently said Washington is "trying to implement regime change (in Venezuela). There's no doubt about it (even though it) tries to mask it saying it's a noble mission."

Many longtime Venezuelan observers and this writer believe the next attempt at regime change will unfold around the time of the 3 December election and likely begin the day after its conclusion when Hugo Chavez is virtually certain to be declared the winner with an impressive margin of victory. Expect it to include mass-opposition street protests claiming fraud and demanding Chavez not be allowed to claim victory and another term in office. Whatever happens next, only the coup-plotters know for sure, but it's almost certain to be ugly and may include US-behind-the-scenes-directed violence, possibly extreme in a determined effort to succeed this time unlike previous attempts to oust Chavez that failed.

We will soon learn whether the coup-plotters will be any more successful this time than before. Chavez knows something is up and is prepared to act against it when it comes. It will not be long before the fireworks begin, and it now remains to be seen how the latest chapter in the saga of the Bush administration vs. Hugo Chavez will play out. Stay closely tuned.



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